



TSAWOUT FIRST NATION

7728 Tetayut Rd.

SAANICHTON, BC V8M 2E4

Reference: 389139

May 31, 2022

Environmental Assessment Office

Mailing Address:

PO Box 9426 Stn Prov Govt

Victoria BC V8W 9V1

RE: : Fraser River Tunnel Project: Correspondence from the EAO

SXÁUTW has reviewed the proposed project description and wishes to take part in the EA process as a participating Indigenous nation. Please see the below required information for our involvement:

- a) Tsawout First Nations designates Chief Harvey Underwood, Casey Dick-Wyatt, Lands Manager, Chrissy Chen, Fisheries Manager, and Neesha Nandhra, Referrals Coordinator, as the representatives for the EA process and decision-making in relation to the FRT Project
- b) SXÁUTW, as a signatory to the Douglas Treaty 1852, has maintained aboriginal rights to “hunt and fish as formerly”, to retain existing village sites, and to carry on ĆELÁNEN (way of life) into perpetuity as guaranteed under the provisions of the treaty. These rights have been affirmed in several court cases, such as R v. White and Bob [1960]; R v. Bartleman (1984); and Claxton v. Saanichton Bay Marina (1989). More recent court cases, such as Mikesew Cree v Canada (2005) and R v Roger Williams (2007), have set the precedence even further for extending the protection of aboriginal rights to the protection of habitat where Treaty rights can be exercised.
- c) The proposed development will have direct impacts on SXÁUTW’s traditional trading routes and marine environments. The project area resides within SXÁUTW’s traditional marine use boundary which is protected under the SXÁUTW Marine Use Law.

Kind Regards,

Neesha Nandhra

Referrals Coordinator

Tsawout First Nation

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