

Review Panel Orientation Session

Roberts Bank Terminal 2 Project

June 28, 2016

Segal Building, Simon Fraser University, Vancouver, B.C

Review Panel:

Jocelyne Beaudet, Chair;

Dr. Diana Valiela;

Dr. Dave Levy.

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**TRANSCRIPTION/TRANSCRIPTION
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PRINCIPAL(S)/PRINCIPAUX: Debra Myles, Panel Manager, Canadian Environmental Assessment Agency Roberts Bank Terminal 2 Project Review;
Panellists:
Jocelyne Beaudet, Chair;
Dr. Diana Valiela;
Dr. Dave Levy.

SUBJECT/SUJET: "Orientation Session: Review Panel for the Roberts Bank Terminal 2 Project" that took place at 9 a.m. on Tuesday, June 28, 2016 in the Segal Building 1200 - 1500, of Simon Fraser University in Vancouver, B.C.

Opening Remarks

Debra Myles: Good morning, everyone. My name's Debra Myles. I'm the Manager of the Review Panel that is conducting the environmental assessment for the proposed Roberts Bank Terminal 2 Project. I'd like to introduce the other members of the Secretariat that are here today. We have Joseph Ronzio, Natasha Anderson at the back, Brenna Belland. Shelley Rolland-Poruks has just stepped in. She's the Panel's Communications Advisor.

If you have any questions about the session or about the environmental assessment process, please feel free to speak to any one of us now or send a message through the panel mailbox at panel.rbt2@ceaa.gc.ca

Just a few other things before we proceed. So the washrooms are at the back of the lobby on either side of the stairs. In case of an emergency, you're asked to leave the building immediately through the closest exit, either the front entrance on to Granville or the emergency exit back behind us in the stair.

The muster station in case of an evacuation of the building is right across the – Granville here, in front of the Tip Top Tailor windows. Please take a moment to silence your cell phones if you haven't done that already.

If anyone wants to take photographs during the session, please just do it without obstructing the proceedings and turn your flash off. If you have any questions about recording or photography, you can speak with Shelley.

If there's any presenters here who haven't identified themselves to the Secretariat yet, can you please make sure that you do so, so that we know that the next presenters are here and available.

So as you know, the session is being webcast. The link to the webcast is on the home page of the Canadian Environmental Assessment Agency under "Featured." Last I looked it was at the top of the Featured, so I think it's still there.

The archived webcast is going to be available through that same link for the duration of the environmental assessment. As well, a transcript will be produced, and it will be posted to the Canadian Environmental Assessment Registry for this project. So you probably know the registry holds all of the records generated or submitted in relation to the environmental assessment, and it is available through the Canadian Environmental Assessment Agency home page, or you can see one of us for a direct link.

Thank you very much for everyone who's joining us either here in the room or webcast.

Jocelyne Beaudet: Thank you, Mrs. Myles. Good morning, everyone. And welcome to this orientation session. My name is Jocelyne Beaudet, and I'm the Panel Chair for this Review Panel that is responsible for conducting the environmental impact assessment of the proposed project Roberts Bank Terminal 2. I would like to introduce my colleagues, member of the Review Panel. On my right is Dr. Diana Valiela who is a biologist, a zoologist and a lawyer. And to my left is Dr. Dave Levy who is a biologist who specializes in fishery management and ecology.

The purpose of this orientation session is to lay out the legislative framework for the Environmental Assessment and it's for the panel and for the public at large and for all the wishing participants in this review. The regulatory framework is described in the EIS, but I think because it is quite vast and to some extent complicated for the layman, we thought we would ask the different departments and the federal departments and the ministries of the province to come and tell us a little bit more about the legislative policy directives that they have that could relate to the analysis of this project.

The Panel has also asked them to provide their expertise, so it will be more apparent as to whom we should address our questions and requests for more information. We also asked to identify in each department and provincial ministry who are the persons that would be responsible to send us comments or questions during this period now that we do the sufficiency analysis of the project.

There'll also be at the end of this session a presentation by the proponent, the Vancouver Fraser Port Authority, on its responsibilities. And I would like to take this

opportunity to thank everyone with such a short notice to prepare all these documents and to make the trip to come and visit us. It's very much appreciated.

I'd like also to make a small point of clarification before we begin. People often refer to Roberts Bank Terminal 2 Project, and the Panel will also use this phrase, but the project is a proposed project, although we may shorten it to project, but it is still a proposed project, and it's according to the Canadian Environmental Assessment Act of 2012 a designated project.

So we have a draft schedule for the session that has been posted on the registry last week. There's an updated schedule that have now been posted, and there's some copies outside, I believe, and the different member of the staff can direct you where you can find the updated one.

I'd like to remind everyone also, although Mrs. Myles mentioned it earlier, that everything said here will be in a transcript. All the presentations and the submissions are on the registry.

So since we have quite a very busy day, I think we'll start. We'll allow, generally, a 10 minute of presentation followed by 10 minutes of question by the panel. And our first presenter is with the Canadian Environmental Assessment Agency, Mrs. Saely. Please go ahead.

Canadian Environmental Assessment Agency

Presenters: Analise Saely, Crown Consultation Coordinator, Canadian Environmental Assessment Agency;
Heather Smith, Vice President, Operations, Canadian Environmental Assessment Agency (via telephone).

Analise Saely: Thank you very much for inviting me here today and for the opportunity to talk to you about what the Canadian Environmental Assessment Agency does. I'd like to start by acknowledging that we're on the traditional territory of the Musqueam, Squamish and Tsleil-Waututh Nations. And yeah, I'm going to jump into the presentation.

So this first slide just sort of outlines the role of the Agency and our following services in support of environmental assessment. And as my presentation goes on, I will speak to each of these points in my presentation.

So the Canadian Environmental Assessment Agency:

- Provides secretariat support to the review panel.

- We coordinate the whole-of-government approach to Crown consultation with Indigenous peoples.
- We coordinate the participation of federal departments in the environmental assessment.
- For projects under CEAA 2012, we undertake the activities relating to compliance, promotion and enforcement of CEAA 2012 decision statement conditions.
- We administer the Participant Funding Program.
- And we provide guidance to facilitate the conduct of environmental assessments.

The Canadian Environmental Assessment Agency is a federal body that is accountable to the Minister of Environment and Climate Change. We are responsible for the overall administration of federal environmental assessment process. Our goal is to provide high quality environmental assessments that contribute to informed decision-making in support of sustainable development, and we provide leadership and strive to serve as a centre of expertise for federal environmental assessment.

So the Review Panel Secretariat is required under the Canadian Environmental Assessment Act 2012, and this is to support the Review Panel. We supply a Secretariat, which provides administrative, technical and procedural support to the Review Panel. The Secretariat is structured to protect the deliberative privilege of the Review Panel. The Canadian Environmental Assessment Agency maintains an ethical wall, so that members of the Secretariat do not discuss substantive issues associated with the environmental assessment with agency staff or senior management or any other individuals who are not part of the Secretariat and the Review Panel.

Canada uses an integration model through which the Crown consultation activities are integrated, to the extent possible, into environmental assessment and regulatory approval process. The Canadian Environmental Assessment Agency coordinates the whole-of-government approach to Crown consultation with Indigenous peoples. Canada is relying on the Review Panel to collect information relating to Aboriginal rights and interests and Canada will then use this information to inform our understanding of how the proposed project could impact Aboriginal and treaty rights and for our consideration of potential accommodation measures.

The Review Panel terms of reference has been mandated to receive information regarding potential or established Aboriginal or treaty rights that may be affected by the project as well as the potential impacts of the project on those rights. We've also asked the Panel to collect information around the seriousness of the potential impacts and any proposed approaches to assess the seriousness of the impacts, and finally, to collect information about potential measures to mitigate or avoid any identified adverse impacts on Aboriginal or treaty rights.

For example, if Aboriginal groups come forward with suggestions on how to avoid or mitigate any potential adverse impacts on the exercise of their rights, they can present this information to the Panel, and if those suggestions are tied to environmental effects,

the Panel has the option to incorporate those recommendations into their report to the Minister of Environment and Climate Change.

The Agency is also implementing the Environmental Assessment chapters of the Tsawwassen and Maa-Nulth Final Agreements for this EA process as part of the whole-of-government approach to modern treaty implementation.

Other roles that the Agency plays for this particular project include:

- Federal participation coordinator, and that is to facilitate and coordinate the participation of the federal departments in this review panel process.
- We have the responsibility to enforce CEAA 2012 for those designated projects for which the Agency is a responsible authority for, and that would include Roberts Bank Terminal 2.
- And then we have a funding – a Participant Funding Program. And that is meant to assist individuals, nonprofit organizations and Indigenous groups who are interested in participating in the environmental assessment.

Part of the coordination role is also working with the B.C. Environmental Assessment Office, both for the environmental assessment and Indigenous consultation on the project.

For the compliance, promotion and enforcement, based on the conclusions and recommendations that you develop in your report, the Agency will then strive to develop clear, measurable and enforceable conditions, including mitigation measures and follow-up program requirements for inclusion in the environmental assessment decision statement of the Minister of the Environment and Climate Change, should the project be allowed to proceed.

Finally, the Agency has produced a number of guidance documents. These documents are available on our website, and some of the highlights include: Cumulative Environmental Effects, Guidance on the Purpose of and Alternative Means under CEAA 2012; Determining Whether the Designated Project is Likely to Cause Significant Adverse Environmental Effects under CEAA 2012; Guidance on Information Requests and Timelines; Technical Guidance for Assessing Cumulative Environmental Effects Under CEAA 2012; Technical Guidance for Assessing Physical and Cultural Heritage; and Technical Guidance on Assessing the Current Use of Lands and Resources for Traditional Purposes under CEAA 2012.

There is additional guidance created under the former Act that still may be of interest for those undertaking environmental assessments under the Canadian Environmental Assessment Act 2012, provided such guidance has not been replaced by an updated version that we have provided here in this list.

That's all for my presentation, so I'm in your hands for questions.

Jocelyne Beaudet: Thank you, Mrs. Saely. I believe you also – we also have on the phone Ms. Heather Smith who is Vice-President of Operations. I was just wondering if the link has been made yet.

Heather Smith: Yes, it is. I can hear you and I've been listening to the presentation and the introduction.

Jocelyne Beaudet: Good morning, Mrs. Smith.

Heather Smith: Good morning.

Jocelyne Beaudet: So there's one point I find interesting in the evolution of what we have to look at. We used to refer to effects on the environment as impacts before we started doing Crown consultation according to the order from the Supreme Court of Canada. And I think for a lot of people it's always confusing because it's a fine line between an environmental effect and an impact on a right. But I believe now in the literature—and correct me if I'm wrong—we, the panel, will look at the environmental effect and you look at the impact of the environmental effect.

Analise Saely: Yes, that is correct. So the Crown is using the environmental assessment process, which includes environmental effects, to inform the assessment of how the proposed project could impact the exercise of Aboriginal and treaty rights.

Jocelyne Beaudet: And the fine line now is just in the difference of words.

Analise Saely: It's —

Jocelyne Beaudet: Because it's a fine line. We always had a little bit of confusion where it stops and where it begins, but now, I think it's very clear if we use those two words appropriately.

Analise Saely: Yes, I think – I think that's correct.

Jocelyne Beaudet: It is?

Analise Saely: Yeah, the CEAA 2012 legislation is the environmental effect, so yeah, we encourage sort of consistency of terminology. Thank you for pointing that out.

Jocelyne Beaudet: Would CEAA 2012 also – I think you – the Agency has acquired new duties, and I'm referring here to compliance. And very often when we do a review, the public always wonder what's going to happen afterwards. We propose all kinds of things. How do we make sure that it will be followed if the project is accepted? So you have here a compliance role, and maybe you should elaborate a little bit more or maybe Mrs. Smith could do that, how it's all done in an operational fashion. I mean it's a

big word. We'd like to have a little bit more details of how you do the compliance, please.

Analise Saely: Heather, can I turn that one over to you, please?

Heather Smith: Sure.

Analise Saely: Thanks.

Heather Smith: So there are different components to the compliance and enforcement program at the Agency. We have already been doing some compliance promotion in the context of this project through the early stages of the environmental assessment and the conformity review that we did of the materials prepared by the proponent to make sure that it complies with the information requirement that respect. So that's an example of early compliance promotion type of activities that we do. And making sure that the proponent and federal authorities remain in compliance with the assessment during the environmental assessment process. I think most of us, when we think about compliance and enforcement, we're thinking about what happens after the decision if the decision is to enable the project to proceed.

Analise described that we prepare draft conditions for the consideration of the Minister. We do that for every project, whether we recommend the project for approval or not because we have to be prepared for the contingency that the government will support a project, so we always prepare draft conditions for the Minister's consideration, but she establishes the conditions.

Once she has established the conditions, then we become responsible at the Agency for ensuring compliance from the proponent. A key characteristic of the enforcement program of the Agency is that the Minister has authority to impose conditions of the proponent of the project. So if there are activities or environmental effects that are outside of the control of the proponent, we're unlikely to deal with them in a decision statement. We will look for other means to deal with it, either through actions that the province could take if it's a matter within provincial jurisdiction, or other actions that can be taken under other pieces of legislation within federal jurisdiction.

So within the conditions that the Minister sets that applies to the proponent, the Agency has a small compliance and enforcement team that does site inspections, receives information on monitoring that the proponent is required to do and also commissions typically that reporting requirement that the proponent must report on at regular intervals, a construction schedule, when milestones are met, for example. There'll be elements of environmental management plans that will require the proponent to report information on a regular basis about their activities.

So the decision statement that's issued by the Minister is the start of a long-term relationship between the proponent and the Agency regarding the conditions that she's

established for the project.

Jocelyne Beaudet: Thank you, Mrs. Smith. Dr. Levy.

Dr. Dave Levy: Thank you, Ms. Saely, for your presentation. I've got two questions, and I don't know whether you would like to answer them or whether Ms. Smith would, but I would like to know more about the whole-of-government consultation approach, just the principles that underlie it and how it works in practice.

Analise Saely: Sure. Yeah, I can – I can answer, and then, Heather, if you have anything to add, please feel free. So the whole-of-government approach came about and is articulated in our written submission. There's a link to the updated consultation principles put out by Indigenous and Northern Affairs. That's a very good reference document, and that sort of leads the way to bring the government – the federal government as a whole to discuss for any action, any Crown conduct that there may be, that the Crown conduct could then impact the exercise of Aboriginal and treaty rights. So there's a whole sort of step-by-step process that is undertaken.

So it starts with analysis, identifying which groups could be impacted by Crown conduct, and in this case we're talking about the Roberts Bank Terminal 2 proposed project, what those impacts could be, which rights could be impacted by the Crown conduct, understanding from the groups what their concerns are, what their interests are, what potential solutions they may have to any impacts, entering into dialogue and understanding with those groups to make sure that the Crown fully understands what's going on, and then accommodation, if appropriate. So if there is going to be an impact on a right, looking at what are the accommodation measures.

So how that plays out on the ground is that we have a federal review team and the federal review team has representatives from most government departments, so we have – I will take a look at my list. We have Transport Canada on the federal review team, the Canadian Coast Guard, Fisheries and Oceans Canada, Environment and Climate Change Canada, Indigenous and Northern Affairs Canada, Parks Canada, Health Canada and Natural Resources Canada on the federal review team.

And we work together, depending on what types of issues that nations bring forward through the environmental assessment process, we work together to make sure we understand what the issue is, undertake analysis on how serious the potential impact could be on groups' rights and then talk about solutions, so both solutions that are proposed by the groups and then any solutions that we may – may have available through other legislative tools or other policy or other programs that the government may have.

So it's an iterative process. We learn as the environmental assessment continues more and more about the concerns that groups are raising and get a better understanding of it and what are some of the options to address those concerns.

Does that help answer your question?

Dr. Dave Levy: Yes, it does.

Analise Saely: Heather, do you have anything to add?

Heather Smith: No, I think you gave a very thorough response.

Analise Saely: Okay.

Dr. Dave Levy: Okay. The second question is I'm interested in knowing the Agency's approach for projects that have transboundary environmental impacts.

Analise Saely: I will turn that over to Heather, please.

Heather Smith: Well, transboundary impacts are part of the environmental effects that we're required to look at in an environmental assessment. And what we do about transboundary effects once we know what those potential impacts are depends on the nature of the effect and which boundary they cross, but the same process that I described earlier of looking to is this something we can address within federal jurisdiction, is this something that it would be more appropriate for a province to address, is this something that we would need to engage with another jurisdiction like the United States to address will depend on the nature of the effect that's identified.

Dr. Dave Levy: Thank you.

Jocelyne Beaudet: Thank you, Mrs. Saely. Thank you, Mrs. Smith. I'd like to ask now Transport Canada to come forward with their presentation, please.

Heather Smith: I'd like to thank the Panel for the opportunity to present the mandate of the Agency, and I wish you good luck and a very fruitful assessment process. And thank you all, each of you, for all of the work that you have already put into the process and the work that you will do throughout this process. It's very important work.

Jocelyne Beaudet: Thank you, Mrs. Smith.

Heather Smith: Thank you. Bye.

Jocelyne Beaudet: Bye bye. Good morning.

Transport Canada

Presenters: Lori Young, Regional Director of Programs, Pacific Region, Transport Canada;
Danielle Wensauer, Marine Policy, Transport Canada.

Lori Young: (Off microphone.) Good morning, Madam Chair, members of the Review Panel.

Jocelyne Beaudet: You don't have the microphone on. Once again, please. Are you Mrs. Lori Young?

Lori Young: Testing, testing. Check, check. Thank you. Good morning, Madam Chair, members of Review Panel. For the record, my name is Lori Young. I am the Regional Director of Program Branch for Pacific Region of Transport Canada. I will be presenting along today with my colleague Danielle Wensauer, and we're very pleased to be here today at your request to present to you Transport Canada's mandate and the expertise we may provide in relationship to the proposed project.

Jocelyne Beaudet: Thank you.

Lori Young: First, to provide you with an overview of our brief presentation, we'll turn to slide 3. We will begin with an overview of Transport Canada's mandate, and when I refer to Transport Canada, I'll use the acronym TC. I will then turn the presentation over to Danielle Wensauer who will provide you with an overview of our marine safety and security system. Following that, I will touch upon the other areas where Transport Canada can provide information for the panel's consideration throughout the process. These are enumerated on this slide.

As an overview, Transport Canada is responsible for federal transportation policies and programs. It seeks to ensure that air, marine, road and rail transportation are safe, secure, efficient and environmentally responsible. The proposed Roberts Bank Terminal 2 project will not require regulatory permits or approvals from TC.

I will now turn the floor over to Danielle Wensaeur to outline the next few slides for you on our marine safety and security regime.

Danielle Wensauer: Good morning. Transport Canada regulates marine shipping in Canada. The system is comprehensive and is based on three pillars: preventing incidents from happening in the first place; preparing for and responding to incidents if they do happen; and in the case of spills, making sure it's the polluter who pays.

But Canada cannot govern alone. International shipping can only operate effectively if the rules and standards are agreed to, adopted and implemented on an international

basis. This is done at the International Maritime Organization and Transport Canada is our country's representative at that table.

Canada is signatory to over 50 international conventions, and here on this slide are listed a few of the key ones. In the interest of time, I'll point you to two in particular.

Safety of Life At Sea, or SOLAS, is one of the oldest conventions, and it was created in response to the sinking of the Titanic. It sets out how a ship is built, and not surprisingly, the safety equipment onboard.

MARPOL, or Marine Pollution, sets out limits on discharges such as air emissions, sewage and bilge water, for example.

Next slide. Canada adopts these conventions domestically through the Canada Shipping Act, which is our key marine safety legislation in Canada. With nearly 60 regulations under the Canada Shipping Act, it addresses most of the issues that fall under the three pillars that I mentioned at the beginning, together with some of these other key pieces of legislation listed on the slide here.

Next slide. While Transport Canada is the overarching regulator for marine shipping, we rely on our partners to help us deliver the operational side of the safety system. And I know that these departments are going to describe their mandates shortly, but I want to highlight them here because of their importance to the marine safety system. The Canadian Coast Guard is the eyes and ears on the water. While Transport Canada administers the regulations, it's the Canadian Coast Guard who delivers them on the water.

The Pilotage Authority places marine pilots with local waterway expertise on every ship that comes to the port – every international ship that comes to the port to guide those ships through our unique coastal waters.

And the science departments, Environment and Climate Change Canada, and Fisheries and Oceans Canada provide us with the scientific expertise to help inform evidence-based regulations.

And with that, I'm going to turn the mic back to Lori Young to describe the rest of Transport Canada's mandate.

Lori Young: Thank you, Danielle. With respect to Canada port authorities, it's the Canada Marine Act that is the principal governing legislation for all port authorities in Canada, including the Vancouver Fraser Port Authority. Under the Act, port authorities maintain safe navigation and environmental protection within port boundaries, including the direction and control of vessel traffic. Port authorities are statutory, not-for-profit corporations incorporated by the Minister of Transport through letters patent.

Port authorities are intended to operate commercially in a financially self-sufficient manner and independent of the federal government within the confines of the legislative framework and the regulatory framework as well as their letters patent. Each Canada port authority is managed by a board of directors. Under the Act, port authorities may only undertake activities that are set out in their respective letters patent.

With respect to navigation protection, the Navigation Protection Program within TC is what – is where we administer the Navigation Protection Act through the review and authorization of works in navigable waters. The majority of work in this area involves evaluating impacts to navigation and acting to minimize risks to that navigation from any proposed works.

The Act does not apply to the proposed project since the Vancouver Fraser Port authority is the proponent of the project and is a Canada port authority. Therefore, an approval under the Navigation Protect Act will not be required for the proposed project.

With respect to the transportation of dangerous goods, Transport Canada develops regulations, safety standards and provides oversight as well as gives expert advice on the transportation of dangerous goods in order to promote public safety by all modes of transport in Canada. Dangerous goods must be handled, offered for transport, and transported in accordance with the Act.

The Act and its regulations apply to dangerous goods that may be transported for the construction of the proposed project. It's useful to note that the Act excludes dangerous goods carried by marine vessels as these come under the Canada Shipping Act 2001 and regulations thereunder.

With respect to railway safety, under the authority of the Rail Safety Act, TC is responsible to oversee the continued safety of federally-regulated rail line systems through regulations, outreach and oversight. However, TC notes that the project rail infrastructure may be provincially regulated. TC will have regulatory powers under the Act over the federally-regulated railway company, operating crews and equipment that use the railway infrastructure. Proposed locomotive emissions regulations under the Act would regulate air pollution emissions from locomotives associated with the proposed project. Lastly, federally-regulated railway companies operating on the proposed rail infrastructure would also be subject to air contaminant emission standards.

With respect to civil aviation, TC is responsible to advance the safety of all aspects of civil aviation in Canada by ensuring compliance with the Canadian Aviation Regulations and the Aeronautics Act. As part of the regulatory framework, we develop policies, guidelines, regulations, standards and education materials to advance civil aviation safety in Canada. In the context of civil aviation for this proposed project, TC will review the project prior to construction for potential obstacles to air navigation that may require marking or lighting.

Lastly, with respect to environmental assessment, TC's role includes participation in the federal review team, supporting the whole-of-government consultations with Indigenous groups and playing the project issue coordination role for this proposed project.

To conclude our presentation, I'd like to thank you very much for the opportunity of providing you with a brief overview of TC's mandate. We'd be happy to answer any questions you may have.

We'd like to ask or suggest that you consider combining the marine-related questions with those related to Coast Guard's mandate, as we work very closely together and responses to those questions will – for many of which will require a joint answer.

Jocelyne Beaudet: Thank you, Mrs. Young. Yes, we will do that after the presentation of the Coast Guard, but we have some questions that are addressed for you. I'd like to start first by confirming our interest in doing the one to two-hour session at some point that you propose, the presentation of the voyage of a vessel.

Lori Young: Absolutely.

Jocelyne Beaudet: I think that would be quite interesting. We'll do that at – not today, but Mrs. Myles will contact you and you can discuss the dates and we'll have a similar arrangement as what we have today, so the public also can profit from that presentation.

I'd like to learn a little bit more about what you have done in terms of coordinating the federal departments. Some of the presentations say that it's because of the major project rules. I'd like to know if the umbrella is that. For me, it seems to be a high level steering committee. Can you elaborate a little bit on that, please?

Lori Young: Certainly. So when the Major Projects Management Office was created under Natural Resources Canada to coordinate and bring some rigour to the reviews of major – major natural resource-related projects, projects associated with Canadian port authorities were not included because they're not resource-related projects. And in considering the interest to bring the same kind of rigour, structure, timeline adherence, for example, Transport Canada with the support of its federal colleagues established what we call an Assistant Deputy Minister Level Steering Committee for ports projects. So it's that Steering Committee that has adopted the same principles and structures including the establishment of a project agreement with our federal counterparts for this project.

And that – the role of that committee is principally to, in the event that there are significant issues that cannot be resolved at the working group level, for example. That's a senior level of officials that would then be able to make decisions to help ensure that the environmental assessment proceeds in a timely and effective manner.

Jocelyne Beaudet: Thank you. I think Dr. Valiela has some questions.

Dr. Diana Valiela: I have some questions, which I'm going to hold for the Coast Guard. Am I on? But I do have one small question for you, and that is you mentioned, I think, that the pilotage authorities guide international ships, vessels. What is the situation with respect to pilotage for non-international, domestic ships?

Danielle Wensauer: I think that's an answer for – that's a question for me. The Pilotage Act sets out the criteria for the types of vessels that require pilots onboard, and I don't have those criteria off the top of my head, but it is – sorry, can you repeat your question? For non-international vessels?

Dr. Diana Valiela: Yeah, for domestic vessels.

Danielle Wensauer: Well, it's based on the gross tonnage, and I'm – unfortunately, there's not a representative from the pilotage authority here, but there will be for the voyage of a vessel, so we can —

Dr. Diana Valiela: Okay, I'll hold that question.

Danielle Wensauer: — we can save that question for the pilot – for Kevin Obermeyer himself.

Dr. Diana Valiela: Okay.

Jocelyne Beaudet: Thank you. I have one last point. You are participating in the government consultation with Indigenous people. When it's a project that, for instance, needs a permit for the protection of navigation, I believe you usually have consultation if there are impacts on Indigenous people. Now I'd like to understand a little bit your role because you don't need such a permit. So where would you be role in the consultation of Indigenous people?

Lori Young: Our role would be as a member of the review team to deal with the issues related to TC's mandate. That is quite vast. Issues that may be raised by Indigenous groups, really whether or not – whether or not we have a permit role because – because we're really – we really need to be able to consider the potential impacts to rights related to marine use by Indigenous groups and any mitigation to – that could be found to mitigate those impacts, as Analise kind of provided in her overview presentation. Our role really is to support the whole-of-government approach. We know from many marine-related projects that there are issues raised by Indigenous groups with respect to marine traffic increases, for example. That's something that fits within our mandate whether or not we are required to issue a permit.

Jocelyne Beaudet: Thank you very much. Thank you for your presentation. And I would like now to call the Canadian Coast Guard people, please. So I think, Mr. Evans,

you're the representative. If you would like to present your partner, please.

Canadian Coast Guard

Presenters: Clay Evans, Superintendent, Marine Search and Rescue, Western Region and Acting Regional Director, Programs, Western Region, Canadian Coast Guard;
Lindsay Funk, Manager, Marine Safety Initiatives, Canadian Coast Guard.

Clay Evans: I will. This is my colleague Lindsay Funk. He's the Manager of Marine Safety Initiatives for Coast Guard, and he'll be my wingman today.

Jocelyne Beaudet: Could you repeat?

Clay Evans: Lindsay Funk, F-u-n-k.

Jocelyne Beaudet: Thank you. Please go ahead.

Clay Evans: You're welcome. My name is Clay Evans, and I'm the Superintendent of Marine Search and Rescue for Coast Guard's Western Region, and today I'm also the Acting Director, Programs for Coast Guard Western Region.

Thank you very much for inviting the Coast Guard here today to participate in this environmental assessment process.

So we're just going to provide a brief overview of what the Canadian Coast Guard does. The Coast Guard is a Special Operating Agency within the Department of Fisheries and Oceans. Canadian Coast Guard services support government priorities and economic prosperity and contribute to the safety, accessibility and security of Canadian waters.

In terms of legislation, the Canada Shipping Act, Oceans Act, and Arctic Waters Pollution Prevention Act are the basis for providing these services.

So who we serve. The CCG doesn't decide what type of shipping occurs in our waters, but we have to respond to any type of incident involving any type of vessel, as you can see from the photos. We also help other government departments such as Environment Canada, Department of Fisheries and Oceans of which we are part of, the Royal Canadian Mounted Police, and Transport Canada. Some examples of joint programs with other government departments include the weather buoys for Environment Canada offshore, the ODAS buoys. We work with DFO, certain of our platforms, for fisheries enforcement. We also assist and work with the Royal Canadian Mounter Police and other – other agencies.

So regional boundaries, as of 2012, the Canadian Coast Guard was five regions, and at that time we reduced to three regions, so the yellow region is Canadian Coast Guard Western. As you can see, it's rather large. In fact, in a week or so I'm in Gimli, Manitoba where we have a Search and Rescue Base there.

Our Western Region extends to the Ontario border and to three miles from the Arctic Sea and from a search and rescue perspective, we go 600 miles out into the Pacific Ocean.

So our programs—and I'll run through these in the deck—Aids to Navigation, Marine Communications and Traffic Services, Search and Rescue, Environmental Response, and we added Fleet Operations and Maritime Security. Those weren't in the original proposal, but they are programs that we do, so just thought we'd touch on those as well. So the Coast Guard's very much the operational – we are the civilian maritime fleet of the federal government. We're an operational organization.

So Aids to Navigation. The Coast Guard Aids to Navigation Program provides services to all mariners where the volume of traffic and degree of navigational risk warrants these services. CCG provides corrective measures, responses to outages and preventive planned service maintenance to ensure reliability of aid systems is greater than 99 percent calculated over a three-year period. In order to maintain reliability, the Canadian Coast Guard relies on mariners to report when an aid to navigation is not functioning properly or is off position.

So just a map of primary aids. But just to give you an idea, the Coast Guard is responsible for 3,827 navigational aids, primarily in British Columbia, but also on some of the inland lakes like Lake Winnipeg, and these include 1,483 unlit buoys, 235 lit buoys, 859 fixed beacons or aids, and 1,250 lighted fixed aids. We also still have 27 staffed lighthouses in British Columbia.

Marine Communications and Traffic Services, eyes and ears of the coast. We now have two centres. They essentially operate from the primary centres and then they have a network of repeaters on mountain top sites, and that's how they cover the large geographical area. Provide real time vessel traffic information, safety and weather broadcast services and marine communications assistance to public and commercial users. And from a safety perspective, they're also for vessels in distress, they're their primary means of contact.

This photo shows a communications officer working the radar screen at the Victoria Marine Communications and Traffic Services Centre at Patricia Bay in Victoria. So any containerships bound for Roberts Bank Terminal would be communicating through this centre. It's similar to air traffic control for aircraft without the responsibility of positive control. Conduct of the vessels always lies with the master. These shore-based centres provide important navigational information to help the bridge crew make informed

decisions.

The Search and Rescue Program. Safety of life is the number one priority for all programs, no matter what work is being done during the day. So essentially, if it's – we have primary SAR platforms and stations and of course we have secondary vessels as well, but obviously, they'll respond to a search and rescue incident as a priority.

The second mandate of search and rescue is to minimize injuries and incidents and protect the marine environment. I mean we'll, through search and rescue, mitigate any risks to the environment. If we can keep the vessel off the beach, we'll keep the vessel off the beach. Often, the Canadian Coast Guard provides medical evacuations in remote communities by ship and helicopter. We do about – this region in all of Canada does the most what we call humanitarian medivacs. We do over 400 a year; it's just the nature of the British Columbia coast.

We have a close partnership with the Department of National Defence. As you can see by the yellow helicopter, essentially air side of search and rescue is the Royal Canadian Air Force and the marine side is the Canadian Coast Guard. That's one of our self-righting motor lifeboats, and they work jointly through the Joint Rescue Coordination Centre. It's joint air and marine in Esquimalt.

Another important program for Coast Guard is environmental response. Canadian Coast Guard maintains a level of its own preparedness capacity, monitors and investigates all reports of marine pollution incidents and ensures an appropriate response to all marine pollution incidents in waters under Canadian jurisdiction. In this region, we average more than 600 pollution reports a year. We respond to all types of situations from damaged deep sea vessels to sunken vessels and polluting vessels. We have extensive experience in identifying, analysing and developing the preparedness and response activities essential to an efficient and dependable response system.

This picture is an example of an ER incident. These things do happen, and we have to be able to respond to assist and clean up any pollution to minimize environmental damage. At our smaller stations, we have environmental response kits, and then of course obviously we work in close conjunction with response organizations and other federal departments and agencies on this particular program.

Fleet Operations. This is one of the ones we included as an FYI. It is a very large portion of the Coast Guard, as you can very well imagine, being an operational organization. We have over 600 employees in this region work in the fleet. Just under half of them are on at any given time. In addition to the Coast Guard programs described, the fleet provides services to other government departments that are involved in on-water activities that don't necessarily have their own vessels, so a lot of the assistance to the other government departments that I talked about at the beginning of the presentation.

We also assist Canadian interests with humanitarian efforts such as floods, tsunamis, earthquakes and remote communities, so we're there for large-scale events as well.

And just a – just a quick photo of some of the resources, the large-scale resources on this coast. We have 11 large vessels, a hundred feet or great, 13 lifeboat stations, which are the shore-based units like the earlier photo with the DND helicopter, and we have the two hovercraft based as Sea Island at the airport, Vancouver Airport. We also have six helicopters—two in Prince Rupert and four in Victoria.

So last, but not least, we added this as well, maritime security seems to be a growing role for Coast Guard. We don't have a direct mandate for maritime security, but we support the Government of Canada's maritime security priorities by providing on-water vessel capacity and maritime expertise to national security and law enforcement agencies as well as maritime traffic information, and that's coordinated through what's called the MSOC, or Marine Security Operations Centre, and that's in Esquimalt. And there's various partners. DND, TC, CBSA, DFO and Coast Guard are all in that – in that centre.

So hopefully I didn't go too fast. I know it was a lot of information. And yeah.

Jocelyne Beaudet: Thank you, Mr. Evans. I was just wondering would Mrs. Wensauer and Mrs. Young join your colleagues here for questions, please? Thank you. Now Dr. Valiela has some questions.

Dr. Diana Valiela: Okay. I wonder if you could give us a bit more clarity on how you would interact with other organizations in the event of a spill and whether that would differ depending on the type or the size of spill or however you would like to characterize it, just so we would have a better idea of how you operate with respect to other organizations that are involved.

Clay Evans: Sure. Well, we're responsible for ship source oil pollution and facility that ends up in the water as well. So it would depend on the magnitude of the spill, what type of hazardous substance it is, but if we want to use a hydrocarbon spill as an example, what we would do is we're the first responders in terms of getting on scene and identifying the scale and scope of the issue. Then what we do is we coordinate through our Regional Operations Centre in Victoria. We'll fan out and alert all the partner organizations and entities on the federal and the provincial level. We work closely with Transport Canada on the regulatory piece. We work closely with the province of British Columbia through the Ministry of Environment and Emergency Management B.C. because, as we learned from recent events and incidents, it's all about communications and it's really all about getting all the appropriate pieces in order.

And obviously, as well, we work directly with, if we can identify the polluter, it's the polluter pay principle. We'll work with the polluter to make sure that they get the response organization to help deal with the – which in this case is Western Canada

Marine Response Corp for British Columbia to work on a major scale to alleviate on a more major environmental issue. So hopefully does that answer the question?

Dr. Diana Valiela: So you said you were first responders. So how would other organizations get involved? Are there any major partners that would be called in and in respect of what kinds of situations?

Clay Evans: Oh, for – yeah, well, the ones that I mentioned. So say in a hydrocarbon spill example that we would through the Operations Centre we would also set up an incident command post utilizing the incident command system and we would do unified command and bring in the other agencies and departments that are involved to ensure that the operational element of the spill response is coordinated. We have physical equipment to respond to environmental mishaps, but in terms of the large-scale capacity, it is WCMRC. So we work closely with them to make sure that they bring in – if the decision's made that it requires much larger resources, we'll bring them in; we won't hesitate, you know. But again, it's a very broad-based question. There's so many different variants from a fuel truck driving off the road to, you know, a large – large vessel. So yeah, I hope – I hope I answered your question.

Dr. Diana Valiela: Thanks.

Jocelyne Beaudet: Dr. Levy.

Dr. Dave Levy: Thank you, Mr. Evans, for your presentation. I've got a somewhat specific question for you. I'm wondering if you could comment on what has been the track record for shipping accidents, specifically for container ships on Roberts Bank and the Salish Sea?

Clay Evans: Yeah, I think I'd have to defer to – probably to Transport Canada or – and/or get an answer for that question because I don't have that statistical piece in my brain.

Dr. Dave Levy: Okay.

Danielle Wensauer: I think it would be the Transportation Safety Board who would hold those statistics. If that is an undertaking that you would like us to look into, we could certainly do that.

Jocelyne Beaudet: Yes, please. We'll call it Undertaking Number 1.

Dr. Dave Levy: Okay, yeah.

Jocelyne Beaudet: Thank you very much for your presentation. We appreciate it very much. Thank you.

Danielle Wensauer: Could I just take – could I take a quick moment and just clarify my response earlier to the question about the Pilotage Authority? I realize now where my misunderstanding came from. When I highlighted the fact that pilots are placed on international vessels, I did that only because the vessels that are associated with the project, the ones that will – the containerships will be international vessels, but that said, the pilots – the regulations require compulsory pilotage for any type of vessel—international or domestic—over a certain size threshold, but I just chose to focus on those associated with the project without realizing that it did lead to confusion.

Jocelyne Beaudet: Thank you. And what's the size threshold?

Danielle Wensauer: Well, it's 350 gross tonnes for non-pleasure vessels, so for commercial vessels, and then 500 gross tonnes for pleasure vessels. And I just looked that up when I went back to my seat.

Jocelyne Beaudet: Thank you. Yes, Mr. Funk?

Lindsay Funk: Yeah, I just wanted to add with the Pacific Pilotage Act, it would be good to talk to the pilots themselves because there are waivers involved, especially like our B.C. ferries, Alaska state ferries. They're all of a size that you would have a pilot, but there are waivers, depending on the qualifications of the bridge crew, so there is a process in place where the pilotage can grant waivers to these types of vessels, so there's a lot more behind when answering that question of what's the minimum requirement.

Danielle Wensauer: And you'll find that's true with much of the marine safety system, that there are always nuances under every – every question, there are layers and layers.

Jocelyne Beaudet: Thank you, Mrs. Wensauer. I always have to say the name or when you talk you have to say your name for the purpose of the transcript, please. Thank you.

I will call now DFO, Fisheries and Oceans Canada, please. There is water at the back for – especially for presenters if you need water for your presentation. Please help yourselves. Good morning. I would like the person who is in charge of the presentation to introduce himself and introduce your team, please.

Fisheries and Oceans Canada

Presenters: Alain Magnan, Regulatory Reviews Manager, Fisheries and Oceans Canada;
Jennifer Simpson, Team Lead, Fisheries Protection

Program, Fisheries and Oceans Canada;
Tessa Richardson, Fisheries Protection Biologist, Fisheries
Protection Program, Fisheries and Oceans Canada.

Alain Magnan: Good morning. My name is Alain Magnan with Department of Fisheries, the Regulatory Manager with the Fisheries Protection Program. I'm joined here with Tessa Richardson and with Jennifer Simpson, both of the Fisheries Protection Program here in Vancouver.

Jocelyne Beaudet: Thank you. Please go ahead.

Alain Magnan: So as we just heard, the Canadian Coast Guard is a special operating agency within DFO. They provided their own presentation. They've also provided their own submission, so we will not cover anything in regards to the Canadian Coast Guard.

The presentation will deal with three primary issues here. The first is in regards to what our responsibilities are under the Fisheries Act and the Species at Risk Act. The second point will be in regards to what our role is within DFO in the environmental assessment of Roberts Bank Terminal 2 project, and finally, what our – how we interact with other government department organizations.

So DFO's primary responsibilities lies within two Acts, the Fisheries Act and the Species at Risk Act. Both these Acts support the conservation, protection and sustainability of Canada's aquatic ecosystems. The Fisheries Act provides for the sustainability and ongoing productivity of Canada's commercial, recreational and Aboriginal fisheries, and as I'll describe this, the commercial, recreational and Aboriginal fisheries—you've probably heard this, the CRA—are defined within our policy statements. And the Species at Risk Act contains laws to protect the wildlife species at risk and their critical habitats in Canada. DFO's Minister is the responsible minister for the administration of the SARA for aquatic species at risk, including fish and marine mammals.

In regards to the Fisheries Act, Section 35 of the Act speaks to – or the habitat protection provisions that we primarily deal with. And these, again, within the Act, we speak about the goals and objectives are for the sustainability and ongoing productivity of commercial, recreational, Aboriginal fisheries. This is actually entrenched within the Act and then spoken of within our policy documents as well.

So there is a prohibition within the Act and that prohibition is against causing a serious harm to fish. So we look at works undertaken and activities that might result in that prohibition. Serious harm to fish is defined in the Act as a death of fish or a permanent alteration to or a destruction of fish habitat. It's important to recognize that it's or, or, and or. It doesn't have to result in the death of fish. It's simply the death of fish or the permanent alteration or the destruction of fish habitat which would be prohibited against within the Fisheries Act.

Now similarly, within the Act, it allows the Minister to authorize projects which might result in serious harm to fish. So there's a prohibition, but also there's a permitting process to allow serious harm to occur.

It should also be noted that within the Fisheries Act there are provisions – pollution prevention provisions within sub-sections 36.3 to 36.6, so the responsibility for the administration and enforcement of these provisions were designated to the Minister of Environment and Climate Change back in 2014.

As previously mentioned – oops. The habitat protection provisions of the Fisheries Act, we have two primary policy documents. The first is the Fisheries Protection Policy Document. This is the overarching document which speaks about what the objectives – the goals and objectives are in the Act. It speaks – provides definitions in regards to what are CRA fish. It talks about ways to mitigate. It talks about offsetting. It talks about in regards to what a localized effect is, and those are the practice that will end up being authorized.

The next document, the Fisheries Productivity Investment Policy: A Proponent's Guide to Offsetting, it's a long name, but basically, it just speaks to – provides guidance to proponents in terms of how to offset a project, so it speaks to the goals and objectives of offsetting, what must be taken into consideration. It talks about different offsetting projects—for example, habitat creation, habitat enhancement, chemical manipulation and biological manipulation and complementary measures as well. So there's different – there's guidance provided to proponents as to how to offset a project and ensure the sustainability and ongoing productivity of our fishery.

It also speaks to how a proponent must take into consideration uncertainty of habitat offsets and time lags, hence the need typically to create additional habitat that when it actually might result in serious harm.

All right. The Species At Risk Act provides legislation for the protection of wildlife species at risk and the critical habitats in Canada. As previously mentioned, the Minister of Fisheries and Oceans is the Minister responsible for aquatic species. So once a species is listed as threatened, endangered or extirpated, no person shall kill, harm, harass, capture or take an individual of that species. No person shall possess, collect, buy, sell or trade an individual of that species or any of its parts or derivatives. And no person shall damage or destroy the residence of one or more individuals of the species that is listed.

Within the project sites, we have both within the shipping area and the actual containment area there are the possibilities for two invertebrate species at risk. I think there's a possibility of four fish species and approximately 13 marine mammals that might inhabit within that general area. Typically, marine invertebrates are shellfish, so there's mussels and abalone. Fish, we have sharks and things like that. And marine

mammals, it's typically your whales and dolphins and things like that or harbour porpoises.

Now in determining for SARA, critical habitat is defined as the habitat that is necessary for the survival, recovery of a listed wildlife species and that is identified as a species' critical habitat in a recovery strategy or an action plan. For this project, the proposed project is located within the southern resident killer whale critical habitat, which is protected from destruction by a critical habitat order.

As with previous Fisheries Act discussion, there is an ability for the Minister of Fisheries to permit, so he can authorize certain activities affecting SARA listed aquatic species as part of the critical habitat or the residences of its individuals. So a permit may be issued as long as the following conditions have been met: all reasonable alternatives have been considered; all feasible measures have been taken to minimize the impact of the activity; and the survival or recovery of the species is not jeopardized.

Now in terms of what DFO's role with the Canadian Environmental Assessment Act, we provide expertise, so we are a federal authority. And we provide specialist and expert information in terms of for fish, including marine mammals and species at risk, fish habitat and measures to mitigate and avoid impacts on fish and fish habitat.

So we – within DFO, we're with the Fisheries Protection Program, and we're the coordinator, so we will seek advice from our Science Branch. We'll seek advice from our Species at Risk Branch. We'll seek advice from our Fish Management. We pull in all the information, and that's the information that we'll be providing to the panel. So it's not strictly – the expertise doesn't strictly lie here, it does lie elsewhere within the department, but we coordinate all that and provide that as a submission to the panel.

Integrations with other. As we heard from Analise, we undertake the consultation with Indigenous peoples, so it is a whole-of-government, so we provide assistance that is led by CEAA. As a member of the federal – DFO participates in discussions among departments and agencies and may rely on the expertise of other departments to help inform its submission. As you'll find out, many of these issues are cross-cutting, they're not just strictly within the confines of one department, so there is the need to have that integration with other departments to determine the best way to resolve or address a specific issue and ensure it meets all the laws applicable.

And DFO will respond as appropriate to requests from the proponent for information related to potential Species At Risk and Fisheries Act requirements and policies relevant to the project.

And that's it.

Jocelyne Beaudet: Thank you, Mr. Magnan.

Alain Magnan: Oui.

Jocelyne Beaudet: Oui. I have a question. When you talk about other departments in the realm of the – in the regulatory realm, I'd like to know what about outside the regulatory realm? Do you have – do you go for expertise in other agencies like what we call ECHO, you know, the Enhancing Cetacean Habitat and Observation people? Do you – how do you get the expertise, not from the departments, but from outside the departments or you don't?

Alain Magnan: For the regulatory?

Jocelyne Beaudet: No, for – well, for what you need. Like for instance, I'd like to know when you will advise us, I mean, how big is the spectrum of expertise you will get.

Alain Magnan: It's our – when we draw within the expertise, it's strictly within the department. So the department's broken down, there's the Science Branch, there's Fish Management, there's SARA. We'll be looking specifically at those and we'll ask them specific questions in regards to what information we're seeking, so that when we receive that information we can then formulate a response and provide it, so we know it's supported by – if it's either Science or SARA. So we give you the best information possible within the department, so it's strictly departmental.

Jocelyne Beaudet: Thank you. Dr. Levy.

Dr. Dave Levy: Yes. One question that's related to your Fisheries Productivity Investment Policy, the offsetting, just wondering if you could comment on the effectiveness and challenges attached to that policy specifically in the Fraser Estuary.

Alain Magnan: Well – oh, sorry.

Jennifer Simpson: Well, it's a policy that's only been around since November of 2013, so I don't know that we have any studies that have looked into how effective it has been because it's rather new.

Dr. Dave Levy: The older habitat compensation approaches, though, have been around for decades.

Jennifer Simpson: Yes, that was the no net loss policy —

Dr. Dave Levy: Right.

Jennifer Simpson: — but that's no longer in place because it was replaced in 2013.

Dr. Dave Levy: Has DFO ever done a retrospective analysis on how effective those projects have been?

Alain Magnan: Well, under the old Act, there was some monitoring done, some studies done, but again, as Jennifer mentioned, as of 2014, we do have the new Act, new – so we've gone from the old harmful alteration, disruption, destruction to the serious harm provision. The Act is relatively new; we're still developing policies. So we haven't actually undertaken that kind of monitoring or long-term study in terms of determining the effectiveness of offsetting.

Now whenever we do issue an authorization, each authorization there is a monitoring component required to that offsetting, and it requires the proponent to monitor the offsetting works to ensure that they're constructed and actually developed. So a lot of times, this monitoring is for a five- to 10-year period. So at the end, we – when there's a requirement to ensure that the monitoring is built as predicted, it's monitored to ensure that whatever fish or whatever achievements it was supposed to be – do, reaches those achievements and those goals and objectives and then we can just tie that back in, but we haven't done the overall because we're so new—it's two years old. We haven't done that kind of comprehensive review that you're seeking to understand.

Dr. Dave Levy: The proponent will be responsible for the new policy then.

Alain Magnan: Yes, yeah.

Dr. Dave Levy: Okay. Thank you.

Jocelyne Beaudet: I'd like to specify also that part of the answer was given by Ms. Simpson.

Jennifer Simpson: Jennifer Simpson, yes.

Jocelyne Beaudet: Yes. I think we have to acquire the discipline of introducing ourselves every time to say your name because when you will read the transcript, if you don't know who is speaking, it's very difficult, especially if we eventually have to quote you. So I would appreciate it that whenever you speak, you first say your name. Now I pass the microphone to Dr. Valiela, please.

Dr. Diana Valiela: I just wonder if you could give us a bit more detail about the type of Aboriginal consultation that you would get involved in in the permitting stage. In order words, we're now talking mostly about the environmental assessment stage consultation, but do you have specific procedures or policy mandates for what you do in terms of consultation directly?

Alain Magnan: I don't think we have specific procedure. Like we do have internal procedures in terms of undertaking First Nations consultations. Similar to an EA, prior to issuing any kind of Fisheries Act authorization, there is a government responsibility to undertake a First Nations consultation, so we do those First Nations consultations.

When – as we're issuing an authorization, we are legislated by – there's regulations, there's the Fisheries Act, timeline information, regulations which identify timelines for us to issue an authorization. Within those regulations, there are measures to stop the clock, for example, for First Nations consultations. So what we'll be looking for during the regulatory stage is very specific to what we're authorizing. So determining how those mitigation measures and offsetting measures affect the fish and fish habitat and then what effect that has then on the First Nations and in terms of whether or not there's a need to accommodate or whether – typically, the offsetting mitigation measures or the accommodation needs in the authorization and or else – because we're always – the objective of the authorization is to ensure the ongoing sustainability of the fishery. So if we're not meeting the objectives, then theoretically there might be an effect on the First Nation. So if we're meeting our policy objectives, typically that's our accommodation. That's how we accommodate the need of the First Nations.

Jocelyne Beaudet: Thank you, monsieur Magnan and Mrs. Simpson, Mrs. Richardson. Thank you very much. We'll take a 15-minute break, and we'll come back at 25 to 11. Thank you.

(Break)

Debra Myles: Hello, everyone. Everyone, could you please take your seats? We'd like to get started again. Welcome back to the session. Could I have your attention, please? Hello? Could I have your attention? So we've put out quite a number of fans out around the room to help keep the air moving. I'd like to remind everyone to please be careful that you don't trip over the cords because they're kind of just about everywhere. So we'll tape as many down as possible, but please take care walking around the room. Thank you.

Jocelyne Beaudet: Good day again. Maybe you're wondering if we have eyes all around our heads. We don't have to look at the presentation on the screen. We have a paper copy of everything that's presented today. So for the participants, it's not impolite not to look at what you present; we have it all in our binder.

I believe now we have Environment and Climate Change Canada and the lead of the team is Mrs. Stéphanie Johnson, am I correct? Yes. So if you'd like to present your colleague and then just go ahead. We're listening.

Environment and Climate Change Canada

Presenters: Stéphanie Johnson, Regional Director, Environment and Climate Change Canada;
June Yoo Rifkin, Head, Environmental Assessment, Environment and Climate Change Canada.

Stéphanie Johnson: Thank you. So bon matin, bonjour. My name is Stéphanie Johnson. So I'm the Regional Director for Environmental Protection Operations at Environment Canada – Environment and Climate Change Canada. I'm sorry if I slip up there a few times. And my group, similar a little bit to the DFO presentation is responsible for coordinating a lot of the input into the environmental assessment process. So while we have some of the expertise within the group, the majority of the expertise is throughout the department in the Science and Technology Branch, Canadian Wildlife Service, the Meteorological Service and others, so I hope you will apologize in – you know, forgive me in advance if there's some questions that you have that are more specific and we might have to defer and go and consult with our expert colleagues on those matters.

Within my group, though, also is the Disposal at Sea Section, so my group reviews permit applications, issues the permits if eligible and also monitors disposal at sea activities, so just context on the kind of responsibilities that fall under my team. All right.

And I'll let June introduce herself.

June Yoo Rifkin: Good morning. My name is June Yoo Rifkin. I'm the Head of the Environmental Assessment Unit within the directorate that Stéphanie just described, Environmental Protection.

Jocelyne Beaudet: Please go ahead.

Stéphanie Johnson: All right. So today, we will provide a bit of an outline of our role in the environmental assessment process as well as an outline regarding our mandate.

So our role in the project, so we are wearing two hats. We are both participating as a federal authority to provide specialist or expert information regarding the mandate of the department as it relates to this project, and that'll be the majority of the presentation today. We'll touch a little bit on what all those areas of expertise are, but we also wear a regulatory hat insofar as some components of the project may involve disposal at sea activities that may be eligible for permits.

So our mandate, Environment and Climate Change Canada, the Department of Environment Act is the overarching legislation that gives us the mandate for the department. It speaks to very high level mandates related to the nature – to the national environment, to migratory birds, water, meteorology – météorologie. I can't say that in English, I'm sorry.

Jocelyne Beaudet: I understand very well.

Stéphanie Johnson: So those are some examples of the general mandate of the

department. And then there are specific legislations which give us authorities to delve into those different areas set out in the Department of Environment Act and which lead to the department having some of the expertise that we're going to talk about today and which are listed on that slide; I won't go over all of that. We'll go over into details now from slide 5 onwards.

So the pollution prevention authorities stem from the Canadian Environmental Protection Act. We often use the shortcut CEPA, so you might hear that quite a few times over the course of the next presentation in the next weeks and months. So that Act provides the Government of Canada with tools to protect environment and human health. It includes key authorities such as authorities related to controlling the life cycle of toxic substances, disposal at ease, fuels and components of fuels, emissions from vehicles, environmental emergencies, transboundary air and water. So those are the high level authorities we have through that piece of legislation. And as a result, Environment Canada has developed expertise relating to those subject matters. And again, in the next few slides, we'll elaborate on each of those.

Generally speaking, during the presentation when I talk about the expertise we might have regarding provided information on effects, that's also meant to encompass advice that we can provide regarding how to mitigate those effects. It's not just on the effects themselves.

Another key piece of legislation for which Environment Canada – Environment and Climate Change Canada plays a role is the Fisheries Act. So DFO spoke to that a little bit with respect to the parts that they're responsible for. This department is responsible for the sections of the Fisheries Act that relate to water pollution, water quality, more specifically Section 36, which we refer to as the General Prohibition. So it prohibits the deposit of deleterious substances into waters frequented by fish unless it's authorized by regulations, either regulations of the Fisheries Act or other federal regulations. So an example of that would be the Disposal at Sea regulations. So that's an example of a regulation that would authorize a deposit into water despite the general prohibition.

So in this context Environment and Climate Change Canada has developed expertise which it can share with this panel regarding the potential effects of the project on water quality.

Another large area where the department has several experts is biodiversity and conservation. There are three different instruments under that heading where we have – there are authorities and expertise.

The first one is the Migratory Birds Convention Act. So that Act implements the Canada-U.S. Convention for the Protection of Migratory Birds to protect and conserve migratory birds as populations and individuals. There are about 500 such species in Canada alone.

The next three bullets on this slide provide – are basically key provisions of that Act or

its regulations that are noteworthy. So the first one regarding the – it prohibits the deposit of a substance harmful to migratory birds in water or areas frequented by migratory birds. A second noteworthy authority relates to the prohibition against the disturbance, destruction, or taking of nest, egg or nest shelter of a migratory bird. And third is the prohibition on – against harming, killing, the disturbance or destruction of migratory birds, nests or eggs, and that also includes incidental take, so inadvertently harming, killing, disturbing or destroying migratory birds' nest or eggs.

So again in this context, Environment and Climate Change Canada will have expertise to bring to the table for the benefit of the panel regarding potential effects of projects – of the project on migratory birds.

Under the heading of Biodiversity and Conservation, the department also has authorities stemming from the Species At Risk Act. The purpose of that Act, as DFO explained previously as they have some responsibilities under that as well, is to prevent wildlife species from being extirpated or becoming extinct. It provides for the recovery of species that are extirpated, endangered or threatened, and manages species of special concern.

The key sections of that Act, which referred to as SARA for short, that are relevant to environmental assessment, there are two – two parts to it that are – that may be of interest today. So there's a general prohibition for listed species which provides an automatic protection of individuals and residences for aquatic species, migratory birds and all other species on federal lands. And specific to EAs, there is a requirement for federal authorities such as our department to notify the competent minister if the project is likely to affect a listed wildlife species or its critical habitat. That also includes identifying adverse effects of the project and ensuring measures are taken to avoid or lessen those effects and to monitor them.

So the department's expertise in this area is of the potential effects of the project on non-aquatic SARA-listed species. As DFO explained previously, they have responsibilities for aquatic species and Parks Canada also has some authorities under SARA which they may speak to during our presentation.

And actually, I would just mention one more thing with respect to the expertise that we have on the potential effects of projects, we also have some expertise on identifying the presence of such species in the area that's under consideration.

And the third instrument which – for which the department has some responsibility is related to biodiversity and conservation, is the Federal Policy on Wetland Conservation. Under this policy, the federal government has a goal of no net loss of wetlands. Wetlands include bogs, fens, marshes, swamps, shallow waters, mudflats, sandflats, and eelgrass.

So the department has expertise related to this area and provide information on the

potential effects of the project to wetlands or wetland functions and it can also provide guidance on the no net loss objective for consideration by the Government of Canada, which would include the Panel.

So as a general context, the area where the project is situated is the Fraser River Estuary. It is a critical migratory bird stopover on the Pacific Flyway. It's also recognized as a Ramsar Wetland of International Importance, Provincial Wildlife Management Area, an Important Bird Area, Migratory Bird Sanctuary and an area of international significance as well.

Now this is another area where the department has expertise and a mandate, so air quality and greenhouse gases. There are several national initiatives and international agreements related to the mandate that we have in this area. These are just a few examples. The Air Quality Management System, which seeks to improve air quality across Canada. The Canada-U.S. Air Quality Agreement whereby the parties have committed to notify each other if there are pollution sources within 100 kilometres of the border. And we also have authorities under the Canadian Environmental Protection Act to develop standards or rules related to air quality and greenhouse gas emissions.

Again in the context of this specific project and the EA process, we would be able to provide expertise regarding air quality and direct greenhouse gas emissions, including, again, in the context of this project, marine and land-based transportation sources expected during the construction phase and operation phase of the project, baseline ambient air concentrations and potential transboundary impacts.

Another large area that many Canadians are familiar with that the department does is provide weather warnings, forecasts and information to Canadians. And as the climate over project lifetime is projected to change, Environment Canada has expertise related to the climate and climate change implications on the project. So whereas a lot of the expertise we provide is often on how the project will impact the environment, this is one case where we can talk about how the environment might actually impact the project itself.

Turning now to accidents and malfunctions, Environment and Climate Change Canada also has a mandate to protect Canadians and the environment from effects of environmental emergencies through the provision of science-based expert advice. So in this area and with respect to this project, Environment and Climate Change Canada will be able to provide comments and recommendations with a view to prevent and mitigate the environmental effects that may occur as a result of accidents or malfunctions.

Disposal at sea. As a party to the London Protocol and London Convention the department delivers on its mandate through Disposal at Sea provisions under the Canadian Environmental Protection Act and associated regulation. Disposal at sea of certain types of wastes are considered through a permitting system, and that system entails – requires detailed assessments to ensure the marine environment and human

health are protected, and that includes, for example, evaluating alternatives to disposing material at sea.

As has been discussed previously by DFO, the project is located in an area by the Species At Risk Act as a critical habitat for southern resident killer whale, so we will be working with DFO to ensure that if there are disposal at sea activities, that those are done in a manner that respects the requirements of the Species At Risk Act.

And as I mentioned at the outset, in areas related to disposal at sea activities, the department does wear two hats. We can provide expertise to the Panel on the potential effects of disposal at sea activities, but we will also be involved as a regulator as certain components of the projects may actually be disposal at sea activities as understood under legislation, so there is a process there to potentially issue permits for the proposed project.

And finally, I'm mentioning here the Canadian Shellfish Sanitation Program. It's administered jointly with the Canadian Food Inspection and DFO. The component that the department is responsible for is to operate a Marine Water Quality Monitoring program to identify safe shellfish harvest areas in Canada, including providing recommendations for classifications for shellfish areas. So I understood shellfish closures have been raised as issues of concern by Indigenous groups during the pre-panel phase, so I'm just mentioning this as context to clarify the kind of role that the department has in this field.

So that summarizes the various areas where the department can provide expertise to the Panel, and I'm happy to answer any questions you may have.

Jocelyne Beaudet: Thank you, Madame Johnson. I have two questions. The first one is regarding transboundary air control or pollutants. I'd like to know how you interact with your U.S. colleagues on this aspect, please.

June Yoo Rifkin: Hi. This is June Yoo Rifkin. So with respect to transboundary air, Environment and Climate Change Canada has specialists, science and policy experts based out of our headquarters in Ottawa who interact with their counterparts in the USEPA. They're the ones that administer the provisions of the Canada-U.S. Air Quality Agreement, including collaboration, shared science, shared policy efforts. And included in that is the notification that Stéphanie mentioned earlier in our presentation. So that's kind of the broad overview of how the two countries would work together on transboundary air.

More specifically to the region, the department works in collaboration with the USEPA, Washington State Department of Ecology, the province, regional air authorities in order to share information within this Georgia Basin-Puget Sound air shed. So there are some voluntary collaborative efforts underway within the transboundary air shed as well.

Jocelyne Beaudet: When there's a specific project, you will contact your colleagues if there's an issue or do you do it automatically, interact with them on all the projects that are submitted in Canada? How does it work?

June Yoo Rifkin: So our EA program, when such issues arise that require notifying the various expert groups or policy groups, we do it automatically, so it's our role to then connect with – with those colleagues who administer that program.

Jocelyne Beaudet: Thank you. The other question regards rail. I guess Transport Canada also has a say in that. I think they're responsible for revising the greenhouse gas emissions from locomotives. I think there's a project on the table where the standards are being revised and I'd like to know where is it at now? Is it the draft or is it completed or – it's on page 11 of your submission.

June Yoo Rifkin: I think we'll need to get back to you and follow up on a specific answer to the status because we'll need to check in with our colleagues with the Energy and Transportation Division that work in the rail sector. I can speak generally that the role that they play is the provision of expertise related to the emissions side around air and GHGs, so they would not be involved in the regulatory elements. They inform the science, the air quality assessment. But that said, we will follow up. We will check in on the status.

Jocelyne Beaudet: And for the transcription, that would be Undertaking Number 2.

June Yoo Rifkin: Okay.

Jocelyne Beaudet: Thank you. I think Dr. Valiela has some questions.

Dr. Diana Valiela: Yes. One specific question is how do you deal with new proposed ocean disposal sites as opposed to established ones?

June Yoo Rifkin: I can start off and Stéphanie may add in, or as mentioned from the onset, we can also look to more detailed information. So looking at new disposal sites, there's a fairly comprehensive assessment that would be undertaken, one, to initially look at the preexisting disposal sites, to look at the capacity, the ongoing permit use, etc. Then the Disposal at Sea Program, including the marine scientists would work with the particular issues at play and consideration related to the new disposal site. So that could be anything from the overall intended use, ongoing concerns, including issues as raised by Indigenous groups, etc. So that would be kind of the overall assessment, that measures would be taken comprehensively to look at the science and ongoing concerns.

I'll see if – Stéphanie, would you like to add?

Stéphanie Johnson: No, I think that's an area where if you wanted more detailed information on how we would go about that, we can also provide that separately.

Jocelyne Beaudet: So that will be Undertaking Number 3 for the transcript. Thank you.

Dr. Diana Valiela: I have some other questions. You mentioned, I think, that you consider climate change in terms of how climate change might potentially affect the proposed project, but are you going to be able to assist us in evaluating the interaction between climate change and the proposed – and the predicted potential environmental effects? In other words, what will be the change in environmental effects with time, perhaps, as climate change proceeds?

Jocelyne Beaudet: Identify yourself, please, every time you speak, please.

June Yoo Rifkin: Oh, identify myself. So June Yoo Rifkin again. I do believe that's an area that our climate change science can provide expertise to. Again, it is an area that we can get more detailed descriptions of, but as far as our general understanding is working with the climate change scientists, that is – that is an area that they would look to, so over time, to answer your specific question.

Dr. Diana Valiela: Okay. And also, can you update us because we're dealing with a proposed project in a marine environment, what is the status of the available standards for marine water quality that you have access to?

Stéphanie Johnson: I'm sorry, I'm not sure I quite understand the question.

Dr. Diana Valiela: Okay. There are water quality standards that you use to evaluate the impact on water quality, right, when you're looking at a proposed project. And in this particular case, you're dealing with a marine environment. So I wonder whether you have a large amount of information at this point on water quality standards for marine water.

Stéphanie Johnson: Again, I'm very sorry that actually I think we would have to get back to you on that one as well.

Dr. Diana Valiela: Okay, good.

Stéphanie Johnson: I'm not trying to be difficult.

Dr. Diana Valiela: Oh, no, no.

Stéphanie Johnson: We're just in a position where we – there is so much expertise across the department and so many potential responses —

Dr. Diana Valiela: That's fine.

Stéphanie Johnson: — to those questions, I would rather take that as an undertaking and get back to you.

Dr. Diana Valiela: That's good. You can provide that to us.

Stéphanie Johnson: All right. Thank you. Sorry.

Jocelyne Beaudet: So Madame Johnson, that would be Undertaking Number 4.

Stéphanie Johnson: 4, yes.

Jocelyne Beaudet: Thank you. Dr. Levy, please.

Dr. Dave Levy: Yes. Thank you for your presentation. I have one specific question. You mentioned you have the goal of no net loss of wetlands, and DFO told us that they have an offsetting policy, and I'm just curious as to how you coordinate between DFO and Environment Canada because usually the same wetlands have equal values and very important values both to fish and water fowl.

June Yoo Rifkin: We would, as we would on any issue, work collaboratively with the departments at play, so if it is DFO in that context, we would – we would certainly work with them to understand, share information and collaborate as needed. So that is the policy that stands under the wetland policy from the context of informing the Government of Canada, federal departments and agencies. So that would be the policy that we abide to, to the extent possible, and we would work and inform the other federal departments as appropriate.

Dr. Dave Levy: So would you be acting as a regulator or do you actually work with other partners to do projects?

June Yoo Rifkin: So we are not a regulator as it comes to the policy. It's – I guess, in essence, it's information that we use, sort of guiding principles and approaches, and it informs how we would inform the Government of Canada. So we are not regulating as it pertains to water quality. The regulations would come under the existing blanket regulations related to SARA or migratory birds or CEPA, for example, but we would use that policy as a basis for informing the manner in which we provide expertise related to wetlands and wetlands functions.

Dr. Dave Levy: So who would be the proponent for those activities?

June Yoo Rifkin: The proponent in this case would be the port, but obviously variable depending on the project.

Dr. Dave Levy: Right. Okay. Thank you.

June Yoo Rifkin: Yeah.

Jocelyne Beaudet: Thank you very much for your presentation. I'd like to call now Indigenous and Northern Affairs Canada, please. Good day, Mr. Whiteside. And if you'd like to present also your colleague, please.

Indigenous and Northern Affairs Canada

Presenters: Joseph Whiteside, Senior Program Advisor, Lands Environment Directorate of British Columbia Region, Indigenous and Northern Affairs Canada;
Paulo Eusebio, Senior Implementation Advisor, Indigenous and Northern Affairs Canada.

Joseph Whiteside: Good morning, Madam Chair. Good morning, panel members. My name is Joseph Whiteside. I am a Senior Program Advisor with the Lands Environment Directorate of British Columbia Region, Indigenous and Northern Affairs Canada. To my right is my colleague Paulo Eusebio. Paulo is a Senior Implementation Advisor in the area of treaties and Aboriginal government, so they do the post-treaty work in terms of coordinating implementation of modern treaties. I also have with me my colleague Jean Gauld. Jean is with the Treaties and Aboriginal Governments Sector. She is a Senior Negotiator there, and if there are specific questions about the context of modern treaty negotiations, Ms. Gauld is able to come to the table to address those questions as well.

First let me say before I begin, honoured to speak to the Panel today and we're honoured to be within the traditional territory of the Coast Salish people. My apologies to the Panel for not being able to provide you in advance with a printed copy of our presentation. I hope to get approval of it very soon, and when I do, it will be immediately forwarded to the Panel for posting on the website.

Jocelyne Beaudet: We appreciate that it was very short notice.

Joseph Whiteside: We appreciate your understanding. Our presentation largely builds and supplements the letter that our Deputy Minister responded to the panel on, sent on June 23rd.

Indigenous and Northern Affairs Canada has no specific legislative responsibilities regarding marine shipping. Our main responsibilities, based on your correspondence with us, lies, we believe, in the area of implementing modern treaties.

The Crown has negotiated, signed and is implementing two modern treaties that are relevant to this project. They are with the Tsawwassen First Nation and the Maa-Nulth First Nations Treaty Society. The Tsawwassen community is located immediately adjacent to the current facility and the proposed RB2 facility. The five Maa-Nulth communities are located on the west coast of Vancouver Island, roughly from Barkley Sound north along the west coast of the island.

Each modern treaty contains consultation and implementation obligations for each First Nation. These are held collectively by the three parties. As each First Nation has rights, interests and responsibilities flowing from their treaty, they have the ability to present to you their own views and interests regarding the project. The Crown, therefore, does not speak for them and does not act in this case on their behalf.

Within each treaty are a range of consultation obligations. These consultation obligations are held by the Crown as a whole. They are not solely held by our department, Indigenous and Northern Affairs Canada. Our obligations apply to federal decisions or actions that have the potential to adversely affect or impact the exercise of the treaty rights set out in the treaty. In addition to the treaty consultation obligations, federal legislation and our common law obligations also apply in terms of meeting the duty to consult.

Additionally, the Crown will also identify—and by Crown, I mean our department collectively with our fellow departments that have spoken already and will speak later—will also identify whether the Crown has specific consultation obligations within each treaty and will fulfill those obligations to the respective First Nation. In doing so, the Crown takes a whole-of-government approach, as my colleagues have spoken of earlier, to ensure coordination of all interested federal departments. Each department can then develop and implement consultation processes that might be specific to their issues where necessary, on which they have a responsibility to lead or involve themselves in consultation.

INAC's specific role in treaty implementation is to lead and participate in several multi-departmental fora for the implementation of modern treaties. These require the involvement of both our department's leadership, the leadership of other departments and of course in concert with our colleagues in the province of British Columbia and additionally of course our treaty partners.

A couple of other areas of our department's broader interests relate to the location of First Nations communities along the coast and within the interior of British Columbia. Our department, of course, has expertise regarding reserve lands held for the use and benefit of specific First Nations. Each First Nation within that area of the project have an ability to engage this panel as it goes about its obligations to ensure that they're able to fully speak to their specific interests and views on the proposed project. So again, similarly with our treaty partner First Nations, each individual First Nation is able to present its views, its interests and inform the panel accordingly.

Some of my colleagues have already spoken to our interaction collectively within the Crown as part of other organizations. We have the project agreement that is coordinated by our colleagues in Transport Canada and our department is a participant in that. We are also a participant in the Director General's Major Ports Project Steering Committee, which our colleague from Transport Canada mentioned as well. So in one sense, information flows up from staff to seek direction, and direction is provided from our senior management where required in terms of how to deal with specific issues.

In conclusion, your questions are welcome. We have identified the key contacts at this time for our department through the Deputy Minister's letter, and we will update that from time to time as the detail of the project and the issues before you evolve. We thank you for your interest in our presentation, and I look – again, look forward to your questions as does my colleague Paulo.

Thank you, Madam Chair.

Jocelyne Beaudet: Thank you, Mr. Whiteside, for your presentation. I have one point I'd like to ask advice from you. In the Tsawwassen Agreement, there's provision for former standing if there's an environmental impact assessment, and I was wondering if your staff initiates that. Do you ask Tsawwassen if they need formal standing offered by Canada or if we are to contact the Tsawwassen Council?

Joseph Whiteside: I will defer to my colleague Paulo in terms of the specifics of treaty implementation. Thank you, Madam Chair.

Jocelyne Beaudet: Thank you.

Paulo Eusebio: Thank you. Good morning. I believe that would be initiated by the Panel with Tsawwassen First Nation, but certainly we, in the Implementation Branch of INAC, can certainly play a coordinating role and happy to do that.

Jocelyne Beaudet: Thank you. Dr. Levy.

Dr. Dave Levy: Good morning. The letter – in the letter, you describe how INAC engages with treaty First Nations, and my question is how does INAC address the interests of the many non-treaty First Nations who have asserted Aboriginal title and existing Aboriginal rights in the project area?

Joseph Whiteside: As I said in my presentation, each First Nation in British Columbia is able to participate in the panel process if it so chooses, so we – our general approach, as with other assessments is that First Nations are open to present their views, their interests to the Panel, should they choose to do so. That's the first stage.

Within the Crown's consultation obligations, we may, with our colleague departments,

broaden that to ensure that when we look at the issue of the consequence of effects and potential impacts, that we have met our duty to consult, that it is perhaps broader than those that bring their views solely before the panel. So we may broaden that to speak to other First Nations to reach out to them as part of a federal team to ensure that have engaged in that part as well.

Dr. Dave Levy: Thank you.

Jocelyne Beaudet: Thank you very much for your presentation and your advice. So now we'll look to have Parks Canada presentation, please.

Parks Canada

Presenters: Helen Davies, Field Unit Superintendent, Coastal British Columbia Field Unit, Parks Canada;
Janet Mercer, Environmental Assessment Specialist, Parks Canada.

Jocelyne Beaudet: Good day. You are Mrs. Davies, I believe.

Helen Davies: Yes. Good morning, Madam Chair and panel members. My name is Helen Davies, and I'm the Field Unit Superintendent for Coastal British Columbia Field Unit, Parks Canada Agency. And to my right is my colleague Janet Mercer, Environmental Assessment Specialist. And she joins me today also from Parks Canada. We're both pleased to be here this morning representing Parks Canada and thank you, the Panel, for the opportunity to address you and share the expertise Parks Canada has to offer the Review Panel.

I'd also like to take the opportunity to recognize that we are on the traditional territory of the Coast Salish Nations.

The agency presents a network of 200 national parks, marine conservation areas and national historic sites to Canadians and to guests from other countries in ways that foster public understanding, appreciation and enjoyment.

By way of context, we have a map up on the screen that provides a geographical overview of the Coastal British Columbia Field Unit. It's comprised of two national parks—Gulf Islands National Park Reserve, which you can see in the yellow, Pacific Rim National Park Reserve on the west coast of Vancouver Island—and several national historic sites—the Gulf of Georgia Cannery National Historic Site in Steveston, Fort Langley National Historic Site and Fort Rodd Hill Fisgard Lighthouse National Historic Sites in Colwood. And there's also Admiralty Point Park in the Belcarra, Port Moody area.

As the guardian of Canada's treasured natural and cultural heritage places, the agency is responsible for establishing and managing Canada's system of national parks and national marine conservation areas and also representing examples of Canada's natural marine regions. We're also mandated to commemorate Canada's history, so key defining legislation is Parks Canada Agency Act, the Canada National Parks Act, Canada National Marine Conservation Areas Act, and Historic Sites and Monuments Act.

Specifically as related to the Parks Canada Act – sorry, Agency Act, it establishes Parks Canada as a separate agency reporting to the Minister of Environment and Climate Change Canada and provides a broad mandate to the agency to ensure Canada's national parks, national marine conservation areas and national historic sites and other heritage areas are protected and presented for future generations. It also imposes oversight and reporting requirements on the Minister. And the Act also defines our mandate and responsibilities, including those listed on the slide.

In addition, the National Parks Act and MCA Act and Historic Sites and Monuments Act provide further detail on Parks Canada's mandate, roles and responsibilities, and this legislation is supported by the development and implementation of policies, guidelines, best practices, interprovincial and international agreements related to program areas.

Parks Canada has varied management objectives, including ecological integrity, so a condition determined to be characteristic of its natural region and likely to persist. Parks Canada studies, monitors and reports on the state of park ecosystems, so park lands. Commemorative integrity as it relates to national historic sites, so that refers to the condition or state of a national historic site and when the site has retained the heritage values it was designated for. And ecological sustainable use as it relates to national marine conservation areas. And components of these management objectives also include species at risk, cultural resources, visitor experience.

The management objectives are reflected in the agency – oh

Janet Mercer: Sorry.

Helen Davies: Oh, dear.

Janet Mercer: It goes quickly and then it does go at all. There we go.

Helen Davies: Management objectives are reflected in the agency mandate. We fulfill our mandate preserving and presenting the rich diversity of Canada's natural and cultural heritage for the benefits of Canadians and visitors from around the world.

Other legislation that may be of particular relevance in this context is the Canadian Environmental Assessment Act and the Species at Risk Act, when PCA is a lead

agency. While Parks Canada has no regulatory role for the project, Parks Canada is a recognized federal authority under Section 20 of CEEA 2012 and will provide expert archaeological advice to the Panel.

Parks Canada shares responsibility under the Species At Risk Act to prevent species from extirpation and extinction and develops recovery strategies and action plans for species Parks Canada is designated the lead agency on. We're not the lead on species at risk listed in the environmental impact statement.

With respect to other relevant guidance, guidance for archaeology on federal lands comes from the Government of Canada's Archaeological Heritage Policy Framework. The Framework's goal is to protect and manage Canada's archaeological resources and recognizes the shared responsibility to preserve our archaeological heritage, so that's federal, provincial, private and individual interests. It also identifies Parks Canada as the federal expert on archaeology. As such, as we also provide advice to other departments on the conduct of archaeology on federal lands.

So with respect to Parks Canada's expertise, we can – Parks Canada can provide expertise based on our experience in managing heritage protected places and natural and cultural resources within those spaces. Parks Canada provides expert advice on archaeological resources on federal lands.

Specific expertise on the Roberts Bank Terminal 2 proposal, Parks Canada archaeologists will review, provide advice, tools and information to other federal land managers on archaeology and environmental assessment to help implement the Archaeological Heritage Policy Framework. This includes things such as the review of the Environmental Impact Statement to evaluate the archaeological assessment of resources on federal lands and comment on: the use of appropriate methods; sufficiency of assessment; validity of conclusions; predicted effectiveness of proposed mitigation measures; and evaluate proposed follow-up and monitoring.

Other expertise that Parks Canada can bring is a Marine Atlas for the proposed Southern Strait of Georgia National Marine Conservation Area Reserve. We're pleased to share that. While the majority of the information in the Atlas is outside of the Roberts Bank Terminal 2 proposal area, it does, nonetheless, provide information for the region, particularly in the Gulf Islands area adjacent to the shipping lanes. I believe we may have brought digital copies, or if not, we can certainly make them available if that's of interest to the panel.

With respect participation in the Roberts Bank Terminal 2 proposal review, Parks Canada is an active member of the federal review team, which I believe you know facilitates discussions between departments and considers technical issues. We also participate as appropriate in the whole-of-government approach to consultation with Indigenous peoples by participating in consultations throughout the entire federal review. And we also participate in selected senior executive-level committees and

forums that facilitate information-sharing and issues management among federal and provincial government organizations.

So with that, I thank you and welcome your questions.

Jocelyne Beaudet: Thank you, Mrs. Davies. First, with respect to the Marine Atlas, if you'd like to contact Mrs. Myles as to how we can put it on the registry, please. And that would be Undertaking 5 for the transcript.

I have two questions. You say that you will send comments on the project with respect to the historical, archaeological and architectural resources, but I was wondering where the line is drawn with species at risk because you say you're not the lead for species at risk. I want to know if it's for this project because on page 7 you indicate that sometime you are the lead. So what's – what's happening?

Helen Davies: So within this context, I understand that we're not the lead on the species at risk species listed in the Environmental Impact Statement.

Janet Mercer: Yes, that's correct.

Jocelyne Beaudet: Could you name yourself, please?

Janet Mercer: It's Janet Mercer speaking. We – we have about 44 species that we are the lead agency on within the Pacific Region, but none of the species associated with the Roberts Bank Terminal 2 project. We're not the lead on any of those listed species.

Jocelyne Beaudet: My second question is any specific role with respect to the marine protected areas in the Gulf Islands?

Helen Davies: Not as it pertains to this particular project. Our expertise are limited to that of archaeological expertise.

Jocelyne Beaudet: So thank you very much for your presentation.

Helen Davies: Thank you very much.

Jocelyne Beaudet: Thank you. I'd like to call now the representatives from – the participants from Health Canada, please. Good day. Welcome.

Health Canada

Presenters: Eleanor Setton, Regional Environmental Assessment

Coordinator, B.C. Region, Health Canada;
Herbert Antill, Acting Regional Manager, Environmental
Health Program, Health Canada;
Lucille Lukey, Regional Environmental Assessment
Coordinator, B.C. Region, Health Canada.

Eleanor Setton: Thank you. Good morning. Thank you for the opportunity to present on Health Canada's role in the federal environmental assessment process to the Review Panel. My name is Eleanor Setton. I'm a Regional Environmental Assessment Coordinator here in the B.C. Region. Also attending with me, on my right is Herbert Antill, the Acting Regional Manager of the Environmental Health Program. And on my left, Lucille Lukey. She's also a Regional Environmental Assessment Coordinator here in B.C.

Where's the slide advancement? There it is. So during my presentation, I'd like to briefly outline the following: Health Canada's legislated role in environmental assessments; our areas of expertise; the nature of our review; and how we interact with other departments and agencies involved in the environmental assessment process.

I'm not sure where I'm pointing that. Section 20 of the Canadian Environmental Assessment Act of 2012 states that: Every federal authority that's in possession of expert information or knowledge with respect to a designated project that is subject to an environmental assessment must, on request, make that information or knowledge available to the responsible authority, the review panel or other authority responsible for the conduct of the environmental assessment.

With respect to human health, Section 5 (1)(c)(i) states that the effects occurring in Canada of any change that may be caused to the environment on the health of Aboriginal peoples must be taken into account.
In addition, if the conditions of Sections 5 (2) are met—for example, if a proposed project is located on federal lands—the scope of our involvement may broaden to include potential health impacts on all Canadians.

So under CEAA 2012, Health Canada's legislated role is typically as a federal authority that provides expert information and knowledge on health issues when requested by other federal departments carrying out environmental assessments.

It's important to note that the Review Panel will determine how our advice is included in your assessment of the project. We do not have a regulatory role over development projects, so we do not approve or issue licenses, permits or authorizations.

When reviewing an environmental assessment, we can provide advice regarding the accuracy, scientific validity and completeness of the methods and rationale used for conclusions concerning human health effects and for the assessment of the likelihood of significant adverse health effects. We can provide advice on the effectiveness of actions

that may be taken to mitigate the health impacts of the project as well as the appropriateness of follow-up actions or programs to reduce risks to human health.

Health Canada has a wide range of expertise in a number of different departments. This includes: air quality effects on health; the contamination of country foods, and that includes fish, wild game, garden produce, berries, etc.; drinking and recreational water quality; radiological effects; the effects of electric and magnetic fields; noise; human health risk assessment and risk management; the federal air, water and soil quality guidelines and standards used in the human health risk assessment; as well as toxicology, including multimedia pathways, so cumulatively through air, water and soil.

For environmental assessments, Health Canada does not provide advice or expertise on occupational health or on socioeconomic impacts.

I'll just take a minute to highlight several of these areas that are, in our opinion, relevant to the Roberts Bank Terminal 2 Environmental Assessment.

For air quality, we can provide advice on: potential contaminants in ambient air, with specific reference to health-based evaluation tools, guidelines and toxicological reference values as well as provide information concerning acute and chronic human health effects of exposure to the air pollutants.

For noise, we can provide guidance on how to characterize noise effects, exposure, and the health endpoints of interest with reference to internationally-recognized standards for acoustics. This might include speech intelligibility and sleep disturbance.

For country foods, we can provide advice on the potential contaminants in country foods, considering the type, amount and frequency of foods consumed.

We often provide advice on human health risk assessment, commonly called HHRA. This is a science-based method for determining the potential health risks associated with exposure to chemicals in the environment. And this includes consideration of different exposure pathways—for example, from contaminants that are taken in through the air, drinking water, soil, dust, and locally-grown, harvested or hunted foods.

Health Canada participates in the whole-of-government approach to Aboriginal consultation by working with other federal departments and the responsible authority to address any potential health concerns raised by Aboriginal groups throughout the EA process.

We also participate in the Roberts Bank Terminal 2 Federal Review Team, which coordinates communications among the federal participants. And we participate in the Assistant Deputy Minister Major Port Project Review Steering Committee, which provides a one-window approach for port projects to ensure a coordinated, effective, predictable, transparent and timely regulatory process.

That's the end of our presentation. We look forward to working with the Review Panel on the next steps of the review and in the hearings.

Thank you.

Jocelyne Beaudet: Thank you very much. I have a few points here I would like to clarify with you. In your submission, you list the expertise that you can offer to the panel, and I would like you to specify which topics you – we can expect to receive comments from you because if I look at them, I don't think we need anything with magnetic fields or – so I would like you to specify which ones we are expecting comments from Health Canada.

Eleanor Setton: In our opinion, at this stage of the process, it would be air quality effects, contamination of country foods. This list talks about fish, and so I'd like to emphasize marine country foods are included within our expertise. There may be a drinking water aspect. I believe there are some drinking water wells within the project boundaries. Noise effects. Certainly the human health risk assessment will take all of those components into consideration and include advice on the guidelines, how the HHRA is conducted as well as the toxicological endpoints that inform those guidelines.

Jocelyne Beaudet: What about cultural health? Have you – I'm sure on other projects you had to deal with that topic, and I'd like to know how – what you – how you go about it? Do you have a guidance document that can help to revise this aspect?

Eleanor Setton: Under our current mandate, our advice is limited specifically to the topics that I've listed here. We're certainly aware of socioeconomic aspects and a larger definition of what human health is beyond what our specific expertise addresses. Those aspects can often be covered by the non-federal participants, potentially the provincial authorities, the First Nations Health Authority that operates here in B.C., so we are certainly happy to provide our technical advice to move that forward, but at this point in time, we don't address specifically health impacts outside of our expertise.

Jocelyne Beaudet: Thank you.

Eleanor Setton: Do you want to answer that? No. Good? Okay.

Jocelyne Beaudet: Yes, do you have further comments? No?

Herbert Antill: No.

Jocelyne Beaudet: I'd like you to elaborate a little bit more about human health risk assessment. What exactly do you do there?

Eleanor Setton: Human health risk assessment is a quantitative approach to look at

the potential chronic and sometimes acute health impacts that can be predicted in populations based on the measured levels of contaminants we find in air, in foods, in water. There are a number of conservative assumptions that it makes, so often when you're looking at long-term health risks, we'll assume that people are exposed to contaminants for their entire lifetime or often we'll look at a 95th percentile, a very maximum, and we recommend that approach often is taken in the assessment. I'm not sure if there's more I can add to that. It is an accepted methodology certainly for creating comparable, standardized indicators of potential health impacts, so that sort of helps people to assess what levels one contaminant over another might be a cause for concern. We can certainly get more detail for you if you're looking for that from the experts in our department that do the HHRA.

Jocelyne Beaudet: Yes, please.

Eleanor Setton: Is there any specific? Sorry. Go ahead.

Lucille Lukey: No, it's Lucille here. Lucille Lukey. Just wanted to add the fact that I think building into that, the importance for us of understanding and requiring that the proponent do an adequate characterization of baselines conditions in all those different media that we've described to understand contaminant levels that exist currently pre-project and then enable the comparison of what the project effects may result in as far as exposure to contaminants that enables the prediction of potential risk and an accurate estimate in that regard. So that sort of is built into the entire HHRA process. And the possibility that health effects, of course, could be compounded by exposure through multimedia, so.

Eleanor Setton: So this is Eleanor Setton again. If there were any specific questions beyond the general that you had wanted more information on, that would be very helpful.

Jocelyne Beaudet: Yes. We'll let you know. Thank you.

Eleanor Setton: Thank you.

Jocelyne Beaudet: On noise, I believe a few years ago you've produced a guidance document and I don't know if it's possible to have a copy of that that we can put on the registry.

Eleanor Setton: Yes.

Jocelyne Beaudet: The science around noise evaluation and its impact on people has evolved greatly in recent years, and I'm not sure if it refers to international standards also in that document. If it doesn't, I would like to have some also guidance regarding what you use at the ministry, at the department, please.

Eleanor Setton: Certainly.

Jocelyne Beaudet: I think we are at Undertaking Number 6 now. Hopefully, I've counted properly. Do you have any questions? Dr. Levy, please.

Dr. Dave Levy: Yes. I'd like to ask whether the scope of your agency's responsibility also includes mental health components.

Eleanor Setton: Sorry, this is Eleanor Setton speaking. Again, at this point, the expertise we can provide on request is limited to those that I outlined previously in the presentation. Certainly we recognize mental health is an important part of a holistic approach. That aspect may be addressed by provincial or other authorities.

Dr. Dave Levy: You wouldn't know offhand which specific agency would have that responsibility?

Eleanor Setton: I'm sorry, I don't.

Dr. Dave Levy: Okay. We can pursue that within the panel.

Jocelyne Beaudet: I believe that's all we have to ask. Thank you very much for coming and for your presentation.

Eleanor Setton: Thank you.

Jocelyne Beaudet: The Panel will expect to receive comments on the Environmental Impact Assessment, on the marine shipping addendum from the federal departments and we've put a date October 14th for comments from everyone. We would appreciate it, of course, if it comes earlier than that date. And I'd like also to bring to your attention when you evaluate according to your expertise the documents, do not forget to look at the appendices because there's a lot of information in there and we want to have comments that reflects all the documents that were tabled by the proponent.

So now we are going to break for lunch, and we'll come back at 1. Thank you very much.

(Lunch break.)

Debra Myles: Hello, everyone. Welcome back to the afternoon session. So for those who you weren't here first thing this morning, my name's Debra Myles. I'm the Manager for the Review Panel that is conducting the environmental assessment of the proposed Roberts Bank Terminal 2 Project. The other – to reintroduce or introduce the other members of the Secretariat that are here today, we have Joseph Ronzio. At the back is Natasha Anderson and Brenna Belland. So there's also Shelley Rolland-Poruks.

I'm not sure, Shelley is, I think – ah, there she is. Sorry, Shelley. Shelley's, the Panel's Communications Advisor. So if you have any questions about media relations or photography, please see Shelley.

Just very quickly, emergency procedures are if you hear an alarm, please leave the building by the nearest exit, by the front exit onto Granville or the emergency exit just behind us here.

Washrooms are on either side of the stairway there.

In the event of an evacuation of the building, the muster station is across the street, in front of the Tip Top Tailor windows. Please silence your cell phones.

If there's any presenters that haven't identified themselves to the Secretariat yet, could you please see Natasha at the back of the room or Shelley?

As you know, the session is being webcast, and the webcast link's available on the home page of the Canadian Environmental Assessment Agency under "Featured." The webcast will be archived and available through that same link throughout the environmental assessment. A transcript will also be produced, should be available next week, and it will be posted on the registry.

If you have any questions at all, please let us know. And without further delay, we'll start the afternoon session. Thank you.

Jocelyne Beaudet: Good afternoon. For the profit of people joining us, I'm the Panel Chair of this Review Panel that is responsible for conducting the Environmental Assessment of the proposed project Roberts Bank Terminal 2.

I would like also to introduce the other members of the Review Panel. To my right is Dr. Diana Valiela who is a biologist, zoologist and lawyer. And to my left is Dr. Dave Levy who is a biologist specializing in fishery management and ecology.

The purpose of the orientation session is to lay out the legislative framework for the Environmental Assessment for the panel, to dig a little bit further as to who has the mandate and the responsibilities with the departments, the federal departments and with the provincial ministries and to try to understand a little bit better where the expertise is and how – what is the information that we can expect or comments during this phase of the Sufficiency Analysis of the Panel.

You've been told that the session is transcribed, but also all the presentations and submissions will be on the registry if you need to look at them further.

So with that being said, we have in front of us already Natural Resources Canada, and I believe Mr. Clarke, you are the lead representative, so if you'd like to present also your

colleague and go ahead with your presentation.

Natural Resources Canada

Presenters: John Clarke, Director, Environmental Assessment Division, Natural Resources Canada;
Dr. Philip R. Hill, Director, Geological Survey of Canada, Pacific, Natural Resources Canada.

John Clarke: Thank you, Madam Chair. Good afternoon. Thank you, Madam Chair, and thank you, other members of the Review Panel. I am John Clarke. I am the Director of Environmental Assessment at Natural Resources Canada. And with me here today, I have Dr. Phil Hill. He's a Director of Geological Survey of Canada, Pacific, with Natural Resources Canada. And as requested, our presentation today will focus on the mandate, interests and expertise of Natural Resources, or NRCan, in relation to the Roberts Bank Terminal 2 Project.

Slide number 2 speaks to elements of NRCan's broad mandate. As a department, we seek to enhance the responsible development and use of Canada's natural resources and the competitiveness of our natural resource products. We're an established leader in science, in mines and – or minerals and metals, forest, energy, and we our expertise in earth sciences to build a – build and maintain an up-to-date knowledge base of Canada's landmass. And the department is also responsible for a number of policies and programs to increase the contribution of the natural resources sector to the economy of Canada and to improve the quality of Canadians' lives.

For this project, it's our science-based role that provides – it's that science-based part of our mandate that's the focus of our role here today. Under the Canadian Environmental Assessment Act 2012, NRCan is providing specialist and expert information and knowledge, as my colleagues described this morning. We are not a regulator for this project. We haven't a – we don't have a decision-making role under the Canadian Environmental Assessment Act 2012, and the proponent has not identified any permits or authorizations it might need from NRCan in order for the project to proceed.

So speaking specifically to the kinds of expertise that NRCan will be providing, that expertise is going to come from the Earth Sciences Centre, specifically the Geological Survey of Canada. The GSC provides a pivotal role in providing Canadians with reliable geoscience and geomatics knowledge. The photo in that slide, although a little blurry, shows the installation of monitoring equipment that NRCan uses to measure submarine slope stability.

And specific for this project, we've identified three areas of specialized scientific expertise that are relevant to the review. The first is in marine geoscience. The second

is seismic hazards, and last, hydrogeology.

I'll walk through each one of those now briefly. For the Panel's interest, marine geoscience is the study of the geology, processes and geological hazards related to the ocean floor and coastal zones. So NRCan's expertise includes coastal geomorphology, submarine landslides, and sediment transport processes. So for the purposes of this review of the project, we'll focus on geomorphological changes that might result from the proposed project, either during construction or operation of the facility.

For interest, the schematic that does with the slide here is actually the Kitimat area, but it depicts how marine – how the department studies marine geoscience, showing research vessels, sediment coring and a remote sensing station.

A second area of expertise identified for the project is seismic hazards. Seismicity is the study of earthquake ground motions on the earth. Natural Resources Canada operates about 125 stations that make up the Canadian National Seismograph Network. Data is gathered – the data gathered through that network is used to determine the location and the size of earthquakes. And these data, combined with the frequency of earthquakes and other geoscience information, is used to improve earthquake resistance provisions of the National Building Code of Canada.

So NRCan's review for this project will focus on the identification of seismic hazards, and that includes earthquakes, earthquake-induced liquefaction of soil, and earthquake-generated tsunamis.

The final area of expertise that relates to this project is in hydrogeology, which is simply the study of groundwater with a particular emphasis on the chemistry and the movement of water. And so NRCan's expertise for this project is focussed on the regional groundwater flow and its relation to regional geology. The schematic on this slide is from an NRCan publication, and it shows the geological, geomorphic and hydrographic setting for groundwater in the Fraser lowland and the Fraser River Delta. So if you're trying to orient yourself, the view in that photo is from the northeast from Boundary Bay into the Strait of Georgia.

The next slide talks about how NRCan has been involved in this project to date. We have supported the Canadian Environmental Assessment Agency in their Completeness Review of the Environmental Impact Statement and in reviewing the proponent's responses to the additional Information Requests. But the Panel should know that, like the other federal departments you heard from this morning, we are an active participant in the Federal Review Team and we participate in the whole-of-government approach to Aboriginal consultation.

So my final slide speaks a little bit to how we will continue to be – how we will continue to be or how we expect to continue to interact with other organizations. For this proposed project, NRCAN's expertise, as I described, focusses on changes in the

earth's physical environment and we will coordinate our research scientists' review of marine geoscience with our colleagues at Fisheries and Oceans Canada and Environment and Climate Change Canada, including the assessment of the project's potential effects on sediment transport and deposition.

In addition, looking ahead for other projects in British Columbia, NRCan research scientists have supported Environment and Climate Change Canada as they make their regulatory decisions related to Disposal at Sea dredged material, so this is another further area where NRCan research scientists may work with its – with their partners in other federal departments.

And with that, thank you for – thank you for inviting us here today. I'm happy to endeavour to answer your questions.

Jocelyne Beaudet: Thank you very much, Mr. Clarke. Dr. Valiela has some questions for you.

Dr. Diana Valiela: Hi. I was wondering, you mentioned your role in seismicity studies and predictions, and I wonder if you also can provide expertise with respect to the potential interaction between seismic events and your predictions of sediment, motion, and disposition in terms of what would occur if the project were approved and some of these sediment transport or movement features were to be affected then by a seismic event.

Dr. Philip Hill: Yes, I can respond to that. This is Philip Hill speaking. So the link – there is a link between seismic events and sediment movement in a general sense, and particularly in how it can trigger submarine landslides. And so there are – we will look at that aspect of the project as well.

Dr. Diana Valiela: And you also mentioned you have a role in working with Environment Canada for the disposal at sea sites, and I wonder if that would also include any potential effect of seismic activities on those types of either deposition in existing disposal sites or new disposal sites that may be utilized if the project were to go ahead.

Dr. Philip Hill: Philip Hill again. Yes, we've worked over the years quite extensively with Environment Canada's Disposal at Sea group looking at the various sites that exist, and I think in some cases we've been able to point out some geohazards, the potential for the sites to become unstable as a result of sediment transport processes. And if there were a new site proposed, then we would be able to offer the same kind of evaluation.

Dr. Diana Valiela: Thank you.

Jocelyne Beaudet: I believe also you will have a review of the models that are used. Are we going to – we expect to have comments on that as well?

Dr. Philip Hill: Yes. Philip Hill again. Yes, we're actually looking at that right now in conjunction with our colleagues in Fisheries and Oceans Canada. So we have to work together on that because we don't have the expertise on the hydrodynamic part, the movement of the water, the currents and waves, but we take up that information to try and understand the movement of sediments related to those processes. And so the two departments work together to jointly evaluate the modelling effort.

Jocelyne Beaudet: Thank you very much. That's all we have for questioning, and I'd like to take the opportunity to thank everyone who had to travel, anyone based outside Vancouver who had to travel to come and talk to us. We appreciate it very much. Thank you.

Now I'd like to go on with the provincial ministries. And I believe first we have the British Columbia Environmental Assessment Office. And I have here on my list the representative of the office is Mr. Paul Craven. Is that correct?

British Columbia Environmental Assessment Office

Presenters: Paul Craven, Executive Director of Policy and Quality Assurance, British Columbia Environmental Assessment Office;
Monica Perry, Executive Director and Sector Lead for Transportation and Community Infrastructure, British Columbia Environmental Assessment Office;
David Grace, one of the Project Leads on Roberts Bank Terminal 2 Project, Province of British Columbia.

Paul Craven: Yes, that's correct.

Jocelyne Beaudet: So if you could please present the people accompanying you and then you can go on with your presentation. Thank you.

Paul Craven: Thank you, Madam Chair. I am Paul Craven. I am the Executive Director of Policy and Quality Assurance at the Environmental Assessment Office, Province of British Columbia. With me today is Monica Perry, the Executive Director and Sector Lead for Transportation and Community Infrastructure. And also with me today is Mr. David Grace. He's one of the Project Leads for the province on Roberts Bank Terminal 2 Project. Also not with us today is Kate Haines, and she is in a similar position as a Project Lead on the project.

Jocelyne Beaudet: Thank you.

Paul Craven: So we have a brief presentation. Of course the Environmental Assessment Office is similar in its mandate to the Canadian Environmental Assessment Agency. We assess proposed major projects for potentially significant adverse environmental, social, economic, health and heritage effects. We refer those to as our five pillars. Through that process of assessment, we seek to provide meaningful participation by Aboriginal groups, proponents, the public, local governments, and federal and provincial agencies in our process. We also discharge the duty to consult with First Nation during our assessment process. And if a project is approved, we have a compliance and enforcement mandate for the life of the project.

We do work very closely with the Canadian Environmental Assessment Agency as a result of the fact that projects often trigger both the Canadian Environmental Assessment Act and the British Columbia Environmental Assessment Act. Approximately two-thirds of projects trigger both Acts, and as a result, we coordinate, and I'll talk a little bit more about that in a subsequent slide.

Our key legislation is the Environmental Assessment Act. We have a suite of regulations, mainly procedural. The one that I will highlight for you is the Reviewable Projects Regulation, which indicates what types of projects are assessed, and we also have a process in which ministers can designate a project reviewable or it can be requested to be – a project can request to be designated as well. This is the situation in this project in which it triggers our Reviewable Projects Regulation.

Key areas of expertise relate to environmental assessment generally, the administration of our Act and regulations. In that role, we coordinate interested parties in the EA. As I mentioned, that involves federal and provincial experts, local governments, public, First Nations and others. We have expertise in compliance and enforcement activities, and that runs from construction, operation, and decommissioning stages of any certified project. This often involves work with other government agencies to coordinate compliance oversight through inspections, reviewing the certificate holder's compliance record in self-reports and responding to complaints. Overall, we promote practices in EA through our cooperation both cross-jurisdictionally and through ministries, practitioners and academic communities.

We have some key relationships, and our primary mode of involving in our Environmental Assessment during our standard process is an Advisory Working Group, which provides technical expertise, federal, provincial, local government, First Nations, other jurisdictions, including jurisdictions in the United States when applicable.

First Nations Consultation, working with the Ministry of Aboriginal Relations and Reconciliation, also the Ministry of Forests, Lands and Natural Resource Operations. We work to discharge and ensure First Nations consultations by First Nations groups who are affected or potentially affected by the project.

We work with the Canadian Environmental Assessment Agency through what we call

Coordinated and Substituted EAs, and I'll talk about that a little bit right now.

We approach the principle of one project, one assessment as a result of the duplication with the Canadian Environmental Assessment Agency and other agencies like the National Energy Board in order to seek to reduce duplication of effort and increase efficiencies. We have a Memorandum of Understanding with the Canadian Environmental Assessment Agency with respect to substitution. That is a situation in which the B.C. Environmental Assessment Office conducts the EA on behalf of the Canadian Environmental Assessment Agency, involves federal departments, etc., and we conduct the assessment. We provide an assessment report, but there are two decisions: one by the province and one by the federal minister and/or cabinet as required.

Where substitution does not apply, we use other mechanisms and coordination with the federal Canadian Environmental Assessment Agency. This is a situation, one of those other circumstances, so although the project triggers our Reviewable Projects Regulation, given the location and the areas of expected anticipated effects and the areas of expertise, the – we will be relying primarily on the expertise of the Panel and the panel process for the Environmental Assessment. So that's consistent with our principles of one project, one assessment.

So we will – and prior to this process, we issued what was known as a Section 14 Order. That's a Ministerial Order which sets out the scope and procedures and methods for this provincial EA. And it indicates that we will rely principally on the federal review panel to obtain information, both EA and First Nations consultation, needed to complete the provincial EA.

We may, following the conclusion of this process, conduct additional assessment and consultation required in order to meet our statutory and constitutional requirements.

Ministers will be required to make a decision on the project, and if successful, we'll issue an Environmental Assessment Certificate which has legally binding conditions which we enforce through our Compliance and Enforcement Program.

I'd like to point out to the Panel important parts of their terms of reference. It indicates and references the fact that this is the process. We have particular interest in Section 2.3(b) "the potential economic, social, heritage and health effects of the project," in addition to the environmental effects that are already addressed by the mandate, including cumulative effects, that may or not be encompassed by the definition of environmental effects under CEAA 2012. So we're using this process to address the broader mandate of the Environmental Assessment Office to the extent it's not covered.

So those are our introductory remarks. If you have questions, we'd be pleased to answer them.

Jocelyne Beaudet: Thank you very much. There's many questions, but also things that we are very pleased that you are with us today because we want to clarify certain things, and we apologize at the short notice. I believe that it was a great effort to try to coordinate everything. If we expected that each ministry was going to respond to us, so the effort to have to coordinate in two weeks, we recognize it was a major effort, and we apologize if we have created a little sense of panic, that you know, it's always more difficult to coordinate 12 responses than only one.

Going back to just you – what you said is in terms of the particular interest that you have, citing Section 2.3(b) of the Panel terms of reference. There are only four aspects here, and I'd like to know – I'd like to situate myself exactly where the fifth pillar, which is environment. It's not there, and so how do you see the approach? In no way the Panel will do the job of your office, but I think we can try to streamline our activities so that there's no duplication and there's an added value into what we will do.

Paul Craven: Thank you, Madam Chair, and thank you for your preliminary comments. We appreciate the opportunity to be here, and I should mention that is a function of the Environmental Assessment Office is coordinating, as much as the Canadian Environmental Assessment Agency does, with agencies and departments in the province.

So our focus on those areas or those four pillars just recognizes that the rest of the mandate is focussed on the environment, so yes, we seek the opportunity for the panel to address environmental – that environmental pillar and there's greater specificity in your terms of reference in addition to these four broader pillars.

Jocelyne Beaudet: Thank you. The other point also is I was wondering if it's possible to send us or to give to the staff before you leave the letter you received from the Minister of the Environment regarding the order under Section 14 because that's – I don't believe it's public and listed on our registry, and we would appreciate to have a copy of that letter.

Paul Craven: Yes, the preliminary Section 14 Order and any correspondence and pre-panel material is available on our website, and we'd be pleased to provide anything or direct that – the Secretariat to that as necessary.

Jocelyne Beaudet: So that would be Undertaking 7 for the transcript. I think that letter indicates very well what are your responsibilities, and you have a big role as a coordinator between the different provincial ministries. However, we – we like to have specific expertise from different ministries that we've listed, and I would like to understand very well what was your response or in your submission the presentation that you had coordinated what we received in your submission between the ministries, that each ministry today we are very pleased are here to present their own role and mandate and expertise. And now we would like to know how are you going to proceed to get the comments on the project? There's a little confusion between the letter we

received a few days ago and your submission, so I want to make – make it clear in our mind – we have to make it clear how you’re going to function with that third request.

Paul Craven: Certainly we will take on a coordinating function on behalf of the province to ensure that ministries are aware and can respond to panel requests, and where it’s appropriate for us as a coordinating body to respond, but we are conscious that we ultimately will be providing materials for our ministers to make a decision. That’s our primary role. Ministries and agencies will participate in the Panel as appropriate and provide direct information to you as appropriate.

Jocelyne Beaudet: So we would have to write to each ministry and specify what questions we want them to answer or can we set now that all the ministries that we have listed will provide comments on the Environmental Impact Assessment, on the Marine Shipping Addendum and all the appendices included with those two documents or do we have to write again to each ministry?

Paul Craven: Well, you’ve written to all the ministries indicating for today.

Jocelyne Beaudet: Yeah.

Paul Craven: I think we can work with the Secretariat – Panel Secretariat to make the most efficient way to access ministries, and if that involves a coordinating role of the Environmental Assessment Office, we can undertake that, and we’ll also be mindful of what is most efficient for ministries as well.

Jocelyne Beaudet: Thank you. Dr. Levy.

Dr. Dave Levy: Thank you for your presentation. I’d like to make reference to the letter we received from Kevin Jardine, your Associate Deputy Minister on June the 24th, and for those in the audience who don’t have that, it’s about a 31-page description of the purpose of nine different ministries who will be involved in the process. And I’m looking at page 16 where he described the purpose of the Ministry of Aboriginal Relations and Reconciliation. I can’t read all this—it’s too long—but it talks about reconciliation, implement agreements with First Nations, understanding and championing the opportunities and identified needs of First Nations and Aboriginal peoples.

And then on page 2 of the letter, it says “The following ministries are expected to have a limited role with the panel,” and one of them is the Ministry of Aboriginal Relations and Reconciliation. And so my question is in view of the breadth of the Aboriginal interests on Roberts Bank, why would this ministry only have a limited role.

Paul Craven: So I think while the Ministry of Aboriginal Affairs is responsible for the broader relationship for First Nations in the province, in the context of environmental assessment, as we coordinate and administer in our own process, the Ministry is not

involved in the environmental assessment process. They assist us in ensuring that the right First Nations are identified and have an opportunity to participate in the process and provide that expertise, but they don't sit on our working groups. The First Nations themselves do and make those – their representations to us through the Working Group processes. So that's generally how it is approached in our – on our process, and we would assume that that would parallel in the Panel process.

Dr. Dave Levy: Okay. Thank you.

Jocelyne Beaudet: Thank you very much for your presentation. I believe now that we have several of the B.C. ministries that will come one after the other one. So thank you very much.

Paul Craven: Thank you, Madam Chair and Panel, for your time.

Jocelyne Beaudet: And thank you. I would like to – there's a little change in the regular schedule. The Ministry of Jobs, Tourism and Skills Training have asked us to come first because they have commitments with flights out of Vancouver later on this afternoon. So we will have, I believe it's Mr. Higgs who will come before the Ministry of the Environment. Good day.

British Columbia Ministry of Jobs, Tourism and Skills Training

Presenter: Jeremy Higgs, Executive Director – Chief Labour Market Economist, British Columbia Ministry of Jobs, Tourism and Skills Training.

Jeremy Higgs: Good afternoon. Thank you very much for having me. Thank you very much for accommodating my schedule as well. I appreciate it greatly.

Jocelyne Beaudet: Please go ahead.

Jeremy Higgs: The Ministry of Jobs, Tourism and Skills Training and responsible for labour manages key lines of government services that help support and maintain the strong and diverse economy that British Columbians need for long-term growth. Our programs promote a supportive and attractive business and investment environment, a maximized investment potential in B.C. communities, develop a skilled labour force that is ready to meet the challenges of our expanding industries, foster thriving business, tourism and creative sectors and support workplaces that are safe, healthy and fair.

Within the ministry – within the ministry, there is the Labour Market Information Office, which is the office that I head as Executive Director. This office has a broad mandate to

lead the development of provincial workforce protections, provide labour market and economic analysis and advice for government officials and senior executive, develop new data linkages and sources to better inform program and policy decisions and support dissemination of labour market information to a wide range of users. The Labour Market Information Office also produces a Provincial Major Projects Inventory on a quarterly basis.

The Ministry of Jobs, Tourism and Skills Training and responsible for labour does not have a regulatory or legislative role in this process. We in past years have, in doing provincial environmental assessments have been often asked to assess the proposed construction and operation, employment and economic impacts, really to give it a test for feasibility and realism. We are looking to make sure that they're valid. In doing so, we look at similar projects and we have some empirical approaches and techniques that we use to judge the validity of employment and economic impacts.

Our key – our key forecasts are – sorry, our key relationships are in terms of across government is that the ministry leads the Jobs Plan and also the Jobs for Skills Blueprint. And the Jobs Plan has three main pillars and that's expanding markets, growing infrastructure and then working with employers and communities to enable job creation. The Jobs for Skills Blueprint is an effort – a cross-ministry effort to use evidence and data and to set goals for allocating resources to optimize the resources that we have available for employment in the future.

We have key relationships as well with public and private sector stakeholders. We work extensively with the post-secondary sector here in the province and with business associations and labour to inform the work that we do, our empirical work, and also to provide them with sort of a two-way relationship on information, so that we are informed by them and they are informed by us.

And that concludes my piece. Thank you. I'm happy to have any questions.

Jocelyne Beaudet: Thank you very much. I'd like to come back to one point which we received in the submission from the Environmental Office, the coordinated submission. I don't know if you have that document. It's page 31st. It's the third point there that you have in the purpose of the ministries.

Jeremy Higgs: Yeah.

Jocelyne Beaudet: Well, also how you answer our letter, I guess. It's the third point of our letter. You give us an example that you could comment on the estimates of labour market impacts. So I'd like to know a little bit more on how you would do that. You don't have to give in the details. We don't enter in the details of this project, but how would the layout of what you do in that respect?

Jeremy Higgs: What we would look at is the proposals for employment in the

construction phase, for example. And in the case of a proposal, it may propose a certain number of person years, a certain number of jobs, a certain number of full-time equivalents that are proposed for – you know, to be employed over a time period. They may also include things like wages and make some other claims as well. They may talk about, you know, various economic benefits that are going to accrue to the region, to a municipality, to a province.

And what we normally do when we're looking at that is we're just taking – we are – our approach is to say this is something that these numbers make sense or these numbers are exaggerated or these numbers are under counted. So we're really just giving it a test for validity, and it's not a – it's really meant to just sort of verify that the claims made are in fact likely to happen in some way, shape or form, in construction and in operations.

Jocelyne Beaudet: That's definitely the type of information we would appreciate to have.

Jeremy Higgs: Yeah.

Jocelyne Beaudet: So that was all for us. Thank you very much —

Jeremy Higgs: Thank you.

Jocelyne Beaudet: — for your participation. I'd like to call now the Ministry of Environment.

British Columbia Ministry of Environment

Presenter: Mark Zacharias Assistant Deputy Minister, Environmental Protection, British Columbia Ministry of Environment.

Jocelyne Beaudet: Good afternoon.

Mark Zacharias: Good afternoon, Madam Chair.

Jocelyne Beaudet: I believe we are talking with Mr. Zacharias. Is that correct?

Mark Zacharias: That is correct. My name is Mark Zacharias. I'm the Assistant Deputy Minister with Environmental Protection at the B.C. Ministry of Environment. And I've got a couple of slides, if I may proceed with my presentation.

Jocelyne Beaudet: Yes, please go ahead.

Mark Zacharias: First of all, I would just like to basically describe the functions of the Ministry of Environment in a broad sense and then delve into the roles and responsibilities of the Ministry of Environment with respect to this project.

So moving to slide 2. The Ministry of Environment has five general overall functions. First of all, we operate B.C. parks, which is about 15 percent of B.C.'s land base.

Secondly, the ministry oversees the Conservation Officer Service, which is a natural resource law enforcement agency. It administers statutes both within the Ministry of Environment as well as the natural resource sector. The COS also has authorities under the federal government that are delegated to it—for example, under the Fisheries Act or other federal statutes.

Thirdly—and a subsequent speaker will speak to this—is the ministry leads government actions on climate action.

Fourth, probably most germane to this discussion, is the ministry authorizes air, liquid and solid waste discharges as well as responds to environmental emergencies and deals with contaminated sites.

And lastly, the Ministry provides expertise in science, policy and data to inform legislation and policy development and decision-making.

For the purpose of this Environmental Assessment, there is generally one statute within the Ministry of Environment that is germane to our discussion today, and that is the Environmental Management Act, and I'll talk about the authorities on that on the next slide.

With respect to the ministry in relation to this project, what I would like to do is just talk about the four different ways that the ministry may interact with the project.

The first one is with respect to permitting and authorization. The ministry does not expect to be issuing waste discharge permits for this project because it is federally-regulated, on federal lands. Now we have two caveats around this is that if this project were located outside of Metro Vancouver, the ministry would be issuing air permits, but air permitting is delegated to Metro Vancouver.

The second caveat is if there are dredgeate soils that are taken from the marine environment and moved to the terrestrial, there will be provincial permitting involved, so that's first on the permitting side. Second, on the wildlife, species at risk and biodiversity side—and the Ministry of Forests, Lands and Resource Operations can speak to this—but the provincial government, we don't expect to have a lot of authorities over wildlife and species at risk for this project. The reason for that is many of the biodiversity resources in this project will be federal. The way I tend to think of it is the 3Ms. If it's migratory, marine or multi-jurisdictional, it's under the guise of the federal government.

There will be provincial values that do come into play on this project such as sturgeon and certain types of bird life, but generally, it'll be under the federal government.

The third area of responsibility that would impinge on this project is spill response. The province is developing a new Environmental Emergencies Program. We call this colloquially our Spill Response Project. This is a new suite of preparedness response and recovery legislation and subsequent regulations that'll be developed over the next year to three years. The new regime will apply to parts of this project. We can go into detail if you'd like after that.

And lastly, the ministry has a number of other, I would say, expertise that we could contribute to this project. First and foremost is we have experts across the ministry that generally work on technical working groups, depending on the environmental assessment. Those would obviously be involved in this project to some extent.

Secondly is the ministry would participate in the identification of valued components if that were going – that were part of the project. The ministry has the authority to develop water quality guidelines at a site-specific piece. However, we also have water quality standards that apply more broadly across B.C.

And then lastly, there may be a role for the ministry and the Conservation Officer Service in terms of compliance and enforcement.

Thank you.

Jocelyne Beudet: So I believe that Dr. Valiela has some questions for you.

Dr. Diana Valiela: Yeah. You mentioned that there will be permits required if there were any dredging and waste disposal on land.

Mark Zacharias: That's correct.

Dr. Diana Valiela: Am I right?

Mark Zacharias: Yes.

Dr. Diana Valiela: Okay. I'm wondering, in my understanding, the bed of the Strait of Georgia is provincially owned and except for the federal land, which is of course under the Ports Authority. So I'm wondering whether there's any involvement of your ministry in terms of any waste disposal on the bed of the Strait of Georgia.

Mark Zacharias: I will follow up with you on that question, and matters of ownership and Crown lands are the jurisdiction of Forests, Lands and Natural Resources.

Jocelyne Beudet: So that would be, for the transcript, Undertaking Number 8.

Dr. Diana Valiela: Okay. Another issue, developing water quality objectives. Now I'm aware that you develop water quality objectives for specific areas, and I'm wondering whether there are any water quality objectives documents available for any of the areas that might possibly have some environmental defects from development of this project, if approved.

Mark Zacharias: I am not aware of any site-specific water quality objectives in the immediate vicinity of the project area, but I will definitely follow up.

Dr. Diana Valiela: Yeah, and that would include any in the marine shipping area.

Jocelyne Beaudet: So for the transcript, that would be Undertaking Number 9. Dr. Levy.

Dr. Dave Levy: Thanks for your presentation. I'm interested in your very last bullet, the interest of the ministry on valued components. As you know, as part of the EIS, the proponent did a lot of work to identify valued components which were then carried forward into the Environmental Impact Assessment. And I notice in some of the correspondence with your ministry, that the provincial valued components are quite different than those adopted by the proponent. Can you advise us as to how we could incorporate the provincial interests into this process somehow?

Mark Zacharias: The establishment of valued components is done by the Ministry of Forests, Lands and Natural Resources and the Environmental Assessment Office. The Ministry of Environment has scientists and expertise that we participate in the process to shape those values, but we do not approve them at the end of the day.

Dr. Dave Levy: Thank you.

Jocelyne Beaudet: With this respect, what about – I know the Environmental Assessment Office has a big role with compliance and enforcement activities, but it is all with that office or what role do you have because you have several aspects that you've enumerated there that would require enforcement and compliance? Do you have any role, and if you do, what is it?

Mark Zacharias: So the Ministry of Environment will have compliance and enforcement under the statutes that we have jurisdiction and authority over. So for example, the Environmental Management Act, any authorization made under that Act, the compliance and enforcement would fall under our Ministry of Environment enforcement officers. Having said that, though, is we do have reciprocal arrangements and delegated authority with other natural resource officers in the appliance across not only the natural resource sector in the provincial government, but also for statutes with the federal government. The Conservation Officer Service is a Tier 1 law enforcement agency, so they have broader authorities to be able to cite, charge and investigations

and make reports to Crown.

Jocelyne Beaudet: So you don't have the power to charge. You advise to charge? How does it function?

Mark Zacharias: The Ministry of Environment uses the Conservation Officer Service to lay charges.

Jocelyne Beaudet: Thank you. Thank you very much. It was very informative.

Mark Zacharias: Thank you.

Jocelyne Beaudet: I'd like to call now Climate Action Secretariat.

British Columbia Climate Action Secretariat

Presenters: Tim Lesiuk, Executive Director, Business Development, British Columbia Climate Action Secretariat;
Adria Fradley, Manager of Industrial Reporting and Control, British Columbia Climate Action Secretariat.

Jocelyne Beaudet: Good afternoon. So I believe we are with Mr. Lesiuk.

Tim Lesiuk: Yes, Tim Lesiuk. And I've brought with me today my colleague Adria Fradley. I'm the Executive Director for the Climate Action Secretariat. Adria is the Manager of Industrial Reporting and Control.

Jocelyne Beaudet: Please go ahead.

Tim Lesiuk: Thank you, Madam Chair. I'm going to provide a quick outline of the Climate Action Secretariat mandate within the Ministry of Environment, some of the activities of the Climate Action Secretariat, the legislative framework that we're accountable for and the expertise that we house within the Secretariat and access across government.

My colleague Mark Zacharias has given you a good overview of the accountabilities of the ministry and the regulatory functions, so I'll move through this slide very quickly. It's just an overview of the mandate of the entire ministry, noting that the leading action on climate change is the responsibility of the Climate Action Secretariat specifically.

Oops. There we go. The Climate Action Secretariat has – the functions can be divided into two components.

Maintaining B.C.'s leadership on climate action:

- Coordinating and building partnerships that reduce greenhouse gas emissions.
- Maintaining a carbon neutral government.
- And maintaining B.C.'s business competitiveness through effective market mechanisms to address climate change. This is largely associated with the greenhouse gas emissions components.

We are also accountable for effective management of the risks of changing climate on British Columbia, and that includes:

- Identifying options to reduce human and financial risk from climate change.
- Looking at risk management approaches for the entire province, whether that's community, provincial infrastructure, personal or private infrastructure, and the operation – safe operation of the province.
- And ensuring B.C. is prepared and resilient to climate change impacts.

There's a variety of legislation that affects greenhouse gas emissions in the province. There's two main components that I think will be of interest to the panel for the purposes of this project.

The Greenhouse Gas Reduction Targets Act, that's the piece of legislation that contains the greenhouse gas targets for the province, legally binding targets for overall provincial greenhouse gas emissions. The key target there, a 2020 – or a 2050 target of 80 percent greenhouse gas reduction from levels in 2007, so that's our long-term target that's comparable science-based targets of other major jurisdictions.

It also contains an obligation for the provincial operations to be carbon neutral or net zero greenhouse gas emissions. That component entails quantification of provincial government operations—public service operations, we call them—greenhouse gas emissions on an annual basis. That adds up to about 750,000 tonnes per year. All public service organizations have to quantify and report their greenhouse gas emissions and then the Secretariat houses a group that invests in greenhouse gas offsets within British Columbia to bring that amount down to zero. So they have a dual mandate to both reduce and then offset any residual emissions on an annual basis.

The Greenhouse Gas Industrial Reporting and Control Act is the Act that regulates greenhouse gas emissions from large emitters across the province. So that Act sets reporting and compliance requirements for industrial emitters over 10,000 tonnes emissions per year. It also has the capacity to set limits on greenhouse gas emissions and there are a couple facility types that have those greenhouse gas emissions. The most probably familiar is liquified natural gas facilities. It has a benchmark or limit for greenhouse gas emissions from those facility types.

The Industrial Report and Control Act requires emissions reports from all facilities, and to do that, we have standardized the quantification of greenhouse gas emissions for all facilities, so any facility over 10,000 tonnes must follow a standard set of quantification

approaches that are consistent across 11 jurisdictions within Canada and the United States. They were developed with the Western Climate Initiative, and all of these jurisdictions, including provinces like Ontario and Quebec, report – quantify and report their greenhouse gas emissions in a similar manner.

There are about 200 regulated facilities in British Columbia covered by this legislation, and those that are over 25,000 tonnes per year have to have a third party verifier, which is an accredited body experienced in quantification and reporting of greenhouse gas emissions effectively audit their emissions reports annually before they're provided to government.

There's a couple of other pieces of legislation and regulations that also may be of interest. The Renewable Low Carbon Fuel Standard in British Columbia sets standards for the renewable content and fuel intensity requirements, renewable fuel intensity requirements for fuels sold in British Columbia. So they have a target currently of 10 percent by 2020 of transportation fuels sold in the province being renewable.

The carbon tax also applies to all fossil fuels used in the province, and the level of the carbon tax is \$30.00 a tonne at the current time, and the revenue from the \$30.00 per tonne carbon tax is recycled 100 percent into tax cuts within the province.

Expertise relevant to this review, I think, again, divided into mitigation and adaptation. The Climate Action Secretariat uses those standard methodologies I mentioned previously to support quantitative assessment of greenhouse gas emissions from proposed facilities. We assess mitigation measures based on our experience in industrial regulation, working on aspects of greenhouse gas emissions such as liquified natural gas and assessing technology and mitigation options for those facilities. We also review and approve offsets across the province of B.C., and that's created a capacity within the organization to review the technical and cost aspects of emission reduction activities.

We identify mitigation activities and coordinate technical analysis for ministries when they are looking at the implications of policy activities that may reduce greenhouse gas emissions and we also support the B.C. Environmental Assessment Office when they are doing reviews and they are interested or their proponents are interested in cost-effective mitigation activities.

On adaption, we provide review services to the Environmental Assessment Office and to communities across the province of how to take considerations of future climate scenarios into their planning processes. We have a standard suite of forecasts that we make available to proponents in British Columbia and communities to look at credible ranges of possible future climate scenarios and their impacts on British Columbia. We have developed risk assessment methodologies that we've used sector by sector within the province and are beginning to work with Emergency Management B.C. on risk assessment for a broad range of threats, potential threats from climate change.

We also have greenhouse gas compliance and enforcement capacity within our organization to enforce the regulations that I've mentioned.

And I think noted in our letter, greenhouse gas emissions can often be bundled in the environmental assessment process in – with air components, and so we've noted that depending on how the valued components are structured, you may find greenhouse gas aspects both within the air and also the spills. Releases of greenhouse gas are often treated as spills or unpermitted releases to the atmosphere. So there may be a question as to why those valued components were identified, and it's just because of the common nature of seeing greenhouse gas emissions in those categories.

Thank you.

Jocelyne Beaudet: Thank you, Mr. Lesiuk.

Tim Lesiuk: Lesiuk, yes.

Jocelyne Beaudet: Thank you. I just want to understand a little bit more how you can be of some help with the Panel assessment in one particular area. You're talking about climate scenarios and, you know, talk of threats and risk assessment and so you must have looked at, for instance, all the coast and how high the tide – the high tides will be, etc. So I think we would appreciate it if you give comments as to how valid or comprehensive the assessments made by the proponent are and really what we should look at. We would appreciate your comments on that because I know for the different provinces the coast and the surge of the sea or the rise of the sea is different. It's definitely higher on the Atlantic side, but I think it would be quite interesting if you give us a little bit more of a broad range of what we're dealing with here with respect to the Environmental Impact Assessment and also the Marine Shipping Addendum.

Tim Lesiuk: Absolutely. We can provide sea level rise forecast for the portions of the coast where we have that information. It does vary, depending on a variety of factors, which often seems unusual, but our adaptation folks can provide an explanation of that as well.

Jocelyne Beaudet: Yes, and I won't take it as an undertaking. It could be with the comments that you will eventually send the Panel.

Tim Lesiuk: Okay.

Jocelyne Beaudet: Thank you.

Tim Lesiuk: Yes.

Jocelyne Beaudet: Dr. Valiela.

Dr. Diana Valiela: I was just wondering in your greenhouse gas industrial reporting requirements you have reporting requirements for facilities. And you have a level of emissions standard of when you have to report. Does that apply to all kinds of facilities, to stationary facilities only, to construction projects, to – how broad is the application of those reporting requirements whenever there are 10,000 tonnes of emissions or 25,000 tonnes per year?

Tim Lesiuk: There's a couple of broad categories. Most facilities will be a fixed location, and their stationary activities will be included. For some facilities such as mine operation mobile equipment, because it forms such a significant portion of emissions at those facilities and when included may put them over that 10,000-tonne threshold, they are included. Generally, construction activities are quantified, but because they do not persist through time, they're not included in a facility's annual emissions and a facility is not commonly considered to exist until it's in operation, so there may be a portion of a period of time where there are greenhouse gas emissions from a facility in construction that because they don't constitute a facility yet would not be covered by the emissions Industrial Reporting and Control Act.

Once the facility is in operation, there's a series of facility descriptions and activities that are common across different facilities, so if – stationary combustion can occur at a whole variety of facilities. It's quantified in the same way at every single one, so if this facility were to have stationary combustion that put it over that level, if it were to have non-combustion emissions—carbon dioxide, methane, other gasses—that put it over that 10,000-tonne level, then it would trigger a reporting requirement under the Act. And then if it passed that 25,000 tonnes on an annual basis, it would be required to verify – have those emissions verified on an annual basis.

We do not currently regulate facilities of this type, as there are none that have crossed those thresholds in British Columbia.

Dr. Diana Valiela: You deal at all with mobile facilities—i.e., ships, trains, trucks, and so on—in the aggregate in some way?

Tim Lesiuk: The greenhouse gas emissions from all transportation emissions in the province are accounted for under our target for the provincial government under the Reductions Targets Act, so they're all included under that Act. And so any increase in the number of vehicles or fuel consumption in the transport sector would show up against the provincial greenhouse gas target. That gets quantified annually based on a combination of provincial and federal information in our provincial inventory report.

Dr. Diana Valiela: And what happens when the target is exceeded?

Tim Lesiuk: There's no penalty under the Reductions Targets Act for not achieving the provincial target, but it is the policy of government to achieve those

targets where it's economically and technically viable.

Dr. Diana Valiela: Okay. Thank you very much.

Tim Lesiuk: Thank you.

Jocelyne Beaudet: I have one last question. It's regarding the assessment of climate change with the proponent documents. I think we would like to hear if – to what extent the scenarios presented are conservative and in relation to Canada also, if that's possible, please.

Tim Lesiuk: And a quick question on that. The climate scenarios or the emissions scenarios or both?

Jocelyne Beaudet: Both, please.

Tim Lesiuk: Both, okay. Yes, that would be possible.

Jocelyne Beaudet: Thank you very much.

Tim Lesiuk: Thank you.

Jocelyne Beaudet: I would like to call now the representative of the Ministry of Forests, Lands and Natural Resources Operations.

British Columbia Ministry of Forests, Lands and Natural Resource Operations

Presenter: Kevin Haberl, Director, Resource Authorizations, British Columbia Ministry of Forests, Lands and Natural Resource Operations

Jocelyne Beaudet: And I believe we have Mr. Kevin Haberl.

Kevin Haberl: Haberl, yes.

Jocelyne Beaudet: How do you pronounce your name?

Kevin Haberl: Haberl. Hab-erl.

Jocelyne Beaudet: Haberl.

Kevin Haberl: There we go.

Jocelyne Beaudet: Sorry.

Kevin Haberl: No problem. Good afternoon, Madam Chair and Panel. I am Kevin Haberl. I'm here today on behalf of Coast Area Assistant Deputy Minister Craig Sutherland, representing the Ministry of Forests, Lands and Natural Resource Operations in this matter. And I also want to acknowledge that we're on the territory of Coast Salish peoples.

Our ministry has a vision of economic prosperity and environmental sustainability. We are the province's land manager, responsible for stewardship of provincial Crown land, cultural and natural resources. On this next bullet, I said we oversee a land base of 95 million hectares, and I was corrected by my associate from the Ministry of Environment that in fact that includes parks. So I did send a correction in, a new presentation that now says about 80 million hectares, but I did tell the Secretariat that I would acknowledge that change here today, so there we are.

Our role is to ensure the sustainable management of forests, mineral and land-based resources. We support activities that lead to benefits for all British Columbians, both economically and environmentally. We facilitate public access to a wide variety of activities such as hunting, fishing and recreation. We are responsible for policy development, operational management, and implementation and oversight of 54 statutes and associated regulations. So we're quite a broad ministry in terms of the scope, and I've listed a number of those Acts here on the presentation. I'll refrain from reading them out to the Panel.

And with respect to this review, there are – again, as my colleague from the Ministry of Environment noted, there are some, you know, anadromous provincial fish—white sturgeon, the anadromous trout and char—some coastal birds that aren't migratory—herons, raptors—that will be of – that our ministry's mandate to help manage those. We also, again, are responsible for recreation in this area and across the province and archaeological and cultural resources are also managed by our ministry.

So with respect to the project here, it is located directly adjacent to Roberts Bank Wildlife Management Area. There may be impacts, direct or indirect. I'm not certain that there will be, but just raising the possibility of that.

And you have been speaking today about where expertise is located. Our ministry does have expert sturgeon biologists. We have one gentleman in our office who has been working on the sediment balance in – actually on Sturgeon Bank, watching the accretion and deletion, the erosion of different parts of the bank. So some of that information is out there and available.

With respect to compliance and enforcement, our ministry also has a large compliance and enforcement role. We have natural resource officers enforcing those Acts that fall

within our purview, and they work collaboratively with the Conservation Officer Service and other compliance agencies in the province.

That's – if you have any questions, I'd be happy to try and answer them.

Jocelyne Beaudet: Yes, we do. I would like to know a little bit more about how you deal with visual quality or visual effects, I suppose.

Kevin Haberl: Visual, yeah.

Jocelyne Beaudet: Yes.

Kevin Haberl: You know, that's – we have legislation in our Forest and Range Practices Act related to visual quality and there's very specific ways that, you know, for example, forest harvesting is managed to minimize visual impact. That doesn't apply to things like Terminal 2 – proposed Terminal 2. It's a Forest Act.

Jocelyne Beaudet: But would – I mean Terminal 2 has an evaluation, a VC of visual effects.

Kevin Haberl: Yeah.

Jocelyne Beaudet: So but it wouldn't concern your ministry.

Kevin Haberl: Well, I'm not – it wouldn't fall within the purview of our methodology for assessment of visual quality.

Jocelyne Beaudet: Okay. The other thing is you're also responsible, I believe, of the Heritage Conservation Act.

Kevin Haberl: Yes.

Jocelyne Beaudet: Is that correct?

Kevin Haberl: That's right.

Jocelyne Beaudet: Yes. So I think in terms of more what you do if you do find something, I'd like to know a little bit more about the ministry's policy because very often like you would cap, you know, part of the site, but here we're in deep water to some extent, so how – how would the ministry – if there is anything that is found, although they say it's a low or moderate priority site, but how would you – how would you work with that?

Kevin Haberl: Again, I'm not sure specifically how this particular project will go, but in many industrial developments we require an onsite archaeological assessment be done, and often an archaeological professional will be onsite during ground disturbance

and if there is anything found that is – looks like a cultural artifact, work stops and they address it, usually take it to – if it's – if it's pre – you know, pre-contact, it would be going – working with the First Nations. We also have post-contact, you know, historical and archaeological values that we manage as well.

Jocelyne Beaudet: You don't have divers, though, to do the work, do you?

Kevin Haberl: Have which, sorry?

Jocelyne Beaudet: Divers.

Kevin Haberl: No, we don't.

Jocelyne Beaudet: So I'd like you, when you do the comments, when you may have comments on other fields, but I'd like you to review on these two subjects or VCs and let us know if there's anything that we should look at —

Kevin Haberl: Okay, so —

Jocelyne Beaudet: — whether in terms of how the assessment was done or in terms of how efficient the mitigations would be, any proposals, we would appreciate that.

Kevin Haberl: Okay. No problem. And the potential foreshore archaeological values?

Jocelyne Beaudet: Yeah.

Kevin Haberl: Okay. Other questions?

Jocelyne Beaudet: Yes, Dr. Valiela, please.

Dr. Diana Valiela: I had a bit of a question with Mr. Zacharias previously about provincial sea bottom, Strait of Georgia —

Kevin Haberl: Yeah.

Dr. Diana Valiela: — and I know that your ministry is in charge of any leases or permits to occupy the bottom of the Strait of Georgia, and I'm wondering whether there's any involvement in this particular case because I believe that some of the structures will be outside the federal part of the land in addition to some of the dumping areas, they're on the bottom of the Strait of Georgia. Yeah, can you talk about that and how you handle that, if at all, and —

Kevin Haberl: Well, so I guess with respect to the tenuring of the provincial lands,

those are statutory decisions that get made, you know, whether it's a license of occupation, a lease or perhaps a land sale, those decisions are made by a statutory decision-maker based on all the information put before them, and so I can't tell you precisely how that – you know, what that information would necessarily be. People do apply for leases all the time on land, and we have a pretty extensive process of consultation, accommodation, review and clearance for any tenure. So I'm going to just have to say I don't know how this one will unfold with respect to that because I may or may not be the decision-maker on the file.

With respect to dumping in the Strait of Georgia, I actually learned a little bit this morning from my federal counterparts on that. I'm not aware of what our role is in in that, but it's a fair question. I can take it away, and I can take an undertaking, if you like.

Dr. Diana Valiela: You can what?

Kevin Haberl: I can take an undertaking, if you'd like.

Dr. Diana Valiela: Okay, good.

Jocelyne Beaudet: And for the transcript, it would be Undertaking 10.

Dr. Diana Valiela: And we understand that that's purely with how you would handle such a project, not anything to do in particular with this proposal at the moment.

Kevin Haberl: My understanding of the question is how do we as the owners of the foreshore deal with dispersed dumping in the ocean?

Dr. Diana Valiela: Yeah.

Kevin Haberl: Thanks.

Jocelyne Beaudet: Dr. Levy.

Dr. Dave Levy: Yes. I'm a fisherman, and I'm interested in asking you about how the province tends to assess the potential impacts on provincially-managed species like sturgeon and steelhead. Will you be relying on the federal process or do you have your own assessment going on?

Kevin Haberl: That's a great – I don't know. We have a Resource Management Team up on the fourth floor with 50 biologists, and I'm not sure how they will respond to the questions and the VCs, and you know, with respect to those provincial fish.

Dr. Dave Levy: Yeah. This is a follow-up from a previous speaker at the VCs have already been defined by the proponent, and the provincial VCs are different, so how are we going to, you know, bring those together?

Kevin Haberl: We'll work closely with the Environmental Assessment – B.C. Environmental Assessment Office, and I know they'll be wanting to ensure that all of our VCs are captured and covered off by the proponent in their – in their response.

Dr. Dave Levy: Okay. Thank you.

Jocelyne Beaudet: Thank you very much, Mr. Haberl.

Kevin Haberl: You're welcome.

Jocelyne Beaudet: I'd like to call now the Ministry of Transportation and Infrastructure.

British Columbia Ministry of Transportation and Infrastructure

Presenters: Lisa Gow, Executive Director, Partnerships Department, British Columbia Ministry of Transportation and Infrastructure;
Kirk Rockerbie, Manager of Rail and Road Policy, British Columbia Ministry of Transportation and Infrastructure.

Jocelyne Beaudet: Good afternoon.

Lisa Gow: Good afternoon.

Jocelyne Beaudet: So you are Mrs. Gow?

Lisa Gow: Yes. Thank you.

Jocelyne Beaudet: Could you present your colleague and just go ahead with your presentation, please?

Lisa Gow: Thank you. So my name is Lisa Gow. I'm an Executive Director with the B.C. Ministry of Transportation and Infrastructure. And with me is my colleague Kirk Rockerbie who is the Manager of Rail and Road Policy.

Jocelyne Beaudet: Can I have the name again of your colleague?

Lisa Gow: Kirk Rockerbie.

Jocelyne Beaudet: Thank you.

Lisa Gow: Would you like me to spell that as well? Shall I spell that as well?

Jocelyne Beaudet: No, I'm okay. Thank you.

Lisa Gow: All right. So today, I'll speak to the B.C. Ministry of Transportation and Infrastructure mandate, relevant legislation and areas of interest to the Panel.

The Ministry of Transportation and Infrastructure plans transportation networks, provides transportation services and infrastructure, develops and implements transportation policies, leads emergency management and administers related Acts and regulations.

The ministry is the interlocutor behalf of the province for federal-provincial funding programs, including the Infrastructure Canada Building Canada Fund.

The ministry is responsible for overseeing the safe movement of people and goods within and through the province on our provincial infrastructure.

The ministry recently released our 10-year plan called B.C. On the Move. Our key goals include: improving vital infrastructure; enhancing the competitiveness of B.C.'s transportation industries; providing a safe and reliable highway system; and providing an effective emergency management system.

Two of the internal reporting Crown corporations that the minister is responsible for and relevant to the project include the B.C. Railway Company and the B.C. Transportation Financing Authority. The B.C. Railway Company is incorporated under the British Columbia Railway Act. And the B.C. Railway Company owns the Roberts Bank Port Subdivision, which is the 40-kilometre rail line running from Surrey to Delta, which provides access for three federally-regulated rail companies to access the container and coal terminals at Roberts Bank. British Columbia Railway Company dispatches those federally-regulated railways onto the Roberts Bank Causeway, and the railways operate the trains.

The British Columbia Financing Authority is established under the Transportation Act to plan, acquire, construct, hold, improve or operate transportation infrastructure throughout the province. That agency owns all provincial highways and the rights of way under provincial highways. That includes Deltaport Way.

Also within the ministry is Emergency Management B.C. Emergency Management B.C. is responsible for the management of emergencies and disasters at the provincial level, working with the Minister of State for Emergency Preparedness. EMBC also coordinates the provincial response and resources in support of local authorities' delivery of emergency response.

Key legislation that's relevant. The Transportation Act deals with public works related to transportation as well as the planning, design, holding, construction, use, operation, alteration, maintenance, repair, rehabilitation, and where relevant, closing of provincial highways. The Transportation Act created the B.C. Transportation Financing Authority, which provides authority to designate arterial and controlled access highways. Deltaport Way provides vehicle access to Roberts Bank. It is a controlled access highway, which runs the length of the Roberts Bank Causeway to the eastern end of the causeway overpass. And Deltaport Way will connect truck and passenger vehicles to the Terminal 2 access road.

The Motor Vehicle Act sets out rules of the road, traffic control device standards, deals with commercial vehicle weigh scales, vehicle safety standards, inspections and enforcement. The Act also covers vehicle and driver licensing and driver training. All vehicles and drivers who access the project using Deltaport Way, either during construction or operations, must meet the Motor Vehicle Act licensing and other requirements.

The Commercial Transportation Act establishes licensing requirements for commercial vehicles as well as commercial vehicle configuration and safety standards while on public highways. The Commercial Transportation Act will apply to all construction, container and other commercial transport vehicles while on public highways.

And the Transport of Dangerous Goods Act establishes the safety regulatory framework for the movement of dangerous goods by truck within the province on all public roads.

The Railway Safety Act – or sorry. Actually, I'll start with the Container Trucking Act. The Container Trucking Act authorizes the appointment of the B.C. Container Trucking Commissioner and establishes their power, duties and functions, which includes the issuing of licenses and setting of rates for container trucking companies that move containers into and out of the Port of Vancouver container terminals.

Railways in Canada, under the Railway Act, fall under three categories. Federally-regulated railways are railways that traverse international and provincial borders and are regulated by Transport Canada, who you heard from this morning. Harbour railways, which for example, may be those at grain terminals, are also federally-regulated. Provincial railways, which operate solely within provincial boundaries, are regulated by the Minister of Transportation and Infrastructure provincially.

The Railway Act provides the authority for the establishment and governance of provincial railways, which fall under our jurisdiction. The B.C. Railway Company is a provincial railway. Interestingly, the three rail carriers who operate over the B.C. Railway Company Port Subdivision to access Roberts Bank terminals, because they carry freight interprovincially and internationally, their operations are regulated by Transport Canada.

The Railway Safety Act provides B.C. with the authority to adopt the technical regulations, rules and standards of the federal Railway Safety Act, which therefore harmonizes the rail regime – the rail safety regime in British Columbia within the federal regime. A Provincial Registrar of Railway Safety is established with the authority to issue operating permits to eligible railway companies. Safety oversight is provided by the B.C. Safety Authority under an agreement with the ministry.

And the Emergency Program Act establishes the Provincial Emergency Program and the basis for effective preparedness and response to emergencies and disasters by provincial ministries and agencies.

So therefore, key areas of ministry expertise related to the Panel, the ministry oversees eight Acts that have relevance to the movement of vehicles on public roads and provincially-regulated railways and in emergency management response. The ministry oversees the planning and development of infrastructure on provincially-owned highways. The ministry oversees through maintenance contractors the maintenance of provincial roads. The ministry oversees traffic management on provincial roads during construction. The ministry oversees, through its Crown agency, the B.C. Railway Company, investment in the provincial Port Subdivision rail line. And the B.C. Railway Company dispatches federally-regulated rail carriers onto the causeway servicing Roberts Bank terminals. The ministry supports other agencies as well that are the lead on spill response.

Any questions?

Jocelyne Beaudet: Thank you for your presentation. There's one point I would like to look with you. In the submission we received from the B.C. Environmental Office – Environmental Assessment Office, sorry, and it was on page 23 where you talk about the revitalization agreement and operates the Roberts Bank Port Subdivision. The BCRC also administers the Canadian National Railway Company Revitalization—and this is like French-English—Agreement and operates the Roberts Bank Port Subdivision. So I'd like you to elaborate a little bit more on this agreement and what are the points that would be relevant to the project, if any.

Lisa Gow: The CN Revitalization Agreement is an agreement between the B.C. Railway Company and CN, and it applies specifically to the rail line that operates from the north shore of the Burrard Inlet up through Prince George and northeast British Columbia. So it is not relevant to this particular Panel.

Jocelyne Beaudet: Okay. Thank you. Yes, Dr. Valiela, please.

Dr. Diana Valiela: Yeah, you have a statement that you support primary agencies in emergency management, and I'm trying to sort out what goes on because there are so many agencies, federal and provincial, involved. And today, the Coast Guard told me that they were the first responders. How does the province become involved? How do

you support the primary agencies? Can you tell us about that?

Lisa Gow: Yes, I can.

Dr. Diana Valiela: And what kind of emergencies do you deal with?

Lisa Gow: So the province only responds to land-based emergencies. So anything that is marine-based would be under the jurisdiction of the Canada Coast Guard. And if there were, as an example, a fire or a spill that occurred on Roberts Bank, then there would be an obligation for – to call our Provincial Emergency Program. There's a toll-free number, the Emergency Centre that would be called, and that centre would then notify appropriate authorities. If there is a local authority that has jurisdiction and capacity—for example, the Corporation of Delta if there was a fire—then they would be notified, and they would be the first responder and the province would support them as required. The province would engage only where the first responders did not have capacity to be able to accommodate the emergency.

Jocelyne Beaudet: Thank you very much. That's all our questions. Thank you for your presentation. We will take now a break of 20 minutes, so we'll be back 10 to 3. Thank you.

(Break.)

Jocelyne Beaudet: Let's reconvene, please. So we have with us now Ministry of Community, Sport and Cultural Development with Mrs. Tara Faganello. Good day.

British Columbia Ministry of Community, Sport and Cultural Development

Presenters: Tara Faganello, Assistant Deputy Minister, Local Government Division, British Columbia Ministry of Community, Sport and Cultural Development;
Gary Paget, Senior Advisor, Local Government Division, British Columbia Ministry of Community, Sport and Cultural Development.

Tara Faganello: Good afternoon. Thank you for having us. I'm Tara Faganello, Assistant Deputy Minister with the Local Government Division for the Ministry of Community, Sport and Cultural Development. And I have with me here today Gary Paget, our Senior Advisor for the Local Government Division.

Thank you for the opportunity to address the Panel today. I would like to explain broadly how our local government system works in B.C. and the ministry's role in encouraging

the direct participation of regional districts and municipalities in initiatives and projects that impact their interests, so we're a little bit different in B.C. than some of the other provinces.

As some of my colleagues have already run through today, the province of B.C. is responsible for the legislative framework for the local government system and related programs. This framework emphasizes a – oh, I have to do this, don't I? There we go. There were go. Yeah, thank you.

This framework emphasizes a high degree of autonomy and respect for our local jurisdiction. CSCD encourages the direct participation of local governments in federal or provincial review processes for proposed projects that may have regional or local impacts on communities. Municipalities and regional districts have shown an ability to participate directly in environmental assessment processes and are accustomed to providing knowledgeable staff to take part in project working groups and review panels.

And I'm just trying to move to the next slide. Here we go. Our legislation recognizes local government as an independent, responsible and accountable level of government within its jurisdiction. The Community Charter and the Local Government Act describe the respective relationships between the municipalities and regional districts within the provincial government. This includes respect for local government jurisdiction, cooperation between levels of government and providing local government with notice and consultation opportunities for actions that impact their interests.

B.C. local governments operate more independently than in other provinces. We have no overarching municipal board or appeal mechanism on local government decisions. The South Coast B.C. Transportation Authority Act establishes TransLink's purpose, areas of authority, governance, planning, frameworks and revenue sources.

The ministry maintains and updates B.C.'s local government legislative framework and understands relative roles and responsibilities. Local governments are empowered to manage their communities and have the authority to adopt bylaws and policies for economic, social and environmental objectives. There is very few exceptions within that within our local government legislation. One of them is the Islands Trust. We do have a statutory approval role over OCP's official community plans and bylaws related to the Islands Trust, but otherwise, local governments, as I said, are empowered to manage their own. These bylaws and policies can sometimes be impacted by large projects.

Through official community plans and regional growth strategies, for example, local governments ensure their land use plans have a policy framework to manage growth. New large projects that impact land use and transportation networks can necessitate policy amendments to the planning bylaws. Local governments themselves should be asked to speak to economic and social value components for community impacts.

So in the Lower Mainland, again, the ministry encourages the direct participation of

municipalities and regional districts in this review panel process. Delta and Metro Vancouver may be the most affected. Other adjacent municipalities such as Surrey, Richmond, Langley City and District as well as White Rock, Vancouver, New West, Burnaby and Coquitlam may also indicate an interest due to project efforts on transportation, so I encourage this process to leave room for their participation as well.

The Tsawwassen Treaty First Nation lands are directly adjacent to the project, and they have a seat on the Vancouver Metro Board – Metro Vancouver Board, sorry.

And I also mentioned the Islands Trust earlier, so they may also have an interest, but thank you for your – for the opportunity to participate in the process and to address the Panel directly. I hope I have explained the B.C. local government system for you and the relative roles that the ministry and impacted local governments have in these kinds of processes, and I'm happy to take any questions that you might have.

Jocelyne Beaudet: Thank you, Mrs. – I want to pronounce your name properly. Faganello?

Tara Faganello: That's perfect. It's not an easy one.

Jocelyne Beaudet: I'd like us to look at bit more about the expertise in the sense you mentioned several times that the local governments are independent, to some extent. You give them the leeway to probably come and talk to us, I suppose. I would like to know how you can help them or where would you help them in preparing comments to send to the panel or can we expect to have comments as well from you and with respect to what?

Tara Faganello: We're happy to encourage and try to facilitate the interaction between the local governments and yourselves for the Panel. I think it's most appropriate that they, you know, ask and have input into the process directly and where it, you know, relates to legislation or the oversight role for the ministry, we're obviously also happy to facilitate that happening.

Jocelyne Beaudet: But they would request from you. You would not offer the expertise? How would it work?

Tara Faganello: Well, I'm sorry, I'm not totally familiar with your process, so we could offer them and invite to come and present to the Panel or ask questions of the work that you're undertaking. That may be the best, set up the connection between the two.

Jocelyne Beaudet: Because we were wondering about the local expertise. I mean it has some relevance to this project, and we were considering how we would go about it. Either we write to them directly or, as you say, you could have a role in telling them to write to us.

Tara Faganello: Yeah, Gary is just saying – reminding me that the local governments themselves are very robust. They have planning departments. They have experts on their staff that, you know, would be able to speak to it. So I think the main thing is making the connection, and if you could advise me how you'd prefer to do that, that would be great.

Jocelyne Beaudet: No, I think if we get it directly from the local government institution, it would be the way.

Tara Faganello: Yeah, okay.

Jocelyne Beaudet: I don't know if you had a chance or you will have a chance to look at the documents tabled by the proponent, but you are concerned with different things here. The transportation, for instance, noise, air quality, would these subject or VCs—we call them VCs in our jargon—that would go mainly with the municipalities like Vancouver or would it be an input from your government?

Tara Faganello: I'm sorry, what does VC stand for?

Jocelyne Beaudet: Valued Components.

Tara Faganello: Valued Components. Yeah, so I think we have to – we have to understand the ownership of the components, the Valued Components that you're talking about, whether it's regional, municipal or provincial —

Jocelyne Beaudet: Okay.

Tara Faganello: — and then make sure the appropriate staff and experts are speaking to those components of the project.

Jocelyne Beaudet: Yes. The other thing is also your role afterwards when the Panel has tabled its report and then the government has made a decision. You do mainly the elaboration of policies or the update of policies. Do you consider that you have any role following the decision of the government in updating policies or adding or – we're just trying to find out here if it's relevant that there are recommendations to adjust certain things. Yeah?

Tara Faganello: Yeah, absolutely. If there's any changes or, you know, updates to our other legislation or policies, we would undertake that.

Jocelyne Beaudet: Yeah. Thank you.

Tara Faganello: Thank you.

Jocelyne Beaudet: Dr. Valiela.

Tara Faganello: Hi.

Dr. Diana Valiela: Hi. I'm just wondering exactly what your role is with respect to the Islands Trust and also whether they would have any role. The Islands Trust, the southern parts of them, anyway, are in close proximity to the shipping marine areas, so I wonder how you would deal with that and whether you'd have a role or whether they would operate like the other municipalities pretty much independently and make comments and submissions.

Tara Faganello: Yeah, so they would operate like the other local governments as far as being involved in the process and having input. They have land use planning role for their areas and we can, you know, get you a map that outlines, but I understand it goes to the highwater level for Roberts Bank, and again, its land use planning and any bylaws that may apply.

Dr. Diana Valiela: But you – I don't know, I may be wrong, but I thought you indicated you had some additional responsibilities with respect to the Islands Trust as opposed to the other local governments.

Tara Faganello: That's correct. So the Islands Trust is a robust local government that has a council that oversees its responsibilities. However, if they have a change to their official Community Plan or to any bylaws in the area, our minister has a statutory approval role over those, so if there were any OCP or bylaw requirements, that's where we would have an involvement with them.

Dr. Diana Valiela: Okay. Thank you.

Jocelyne Beaudet: I would like to take your offer of providing us with the map and the sea levels, please, and we'll take it as Undertaking 11.

Tara Faganello: Yes, absolutely.

Jocelyne Beaudet: Thank you very much for coming —

Tara Faganello: Thank you.

Jocelyne Beaudet: — and your presentation. I believe now that we have the representative of the Ministry of Health, but it's by phone, am I correct? And I'm supposed to talk with Mr. Tim Lambert. Are you on the line?

Unidentified Speaker: Not yet.

Jocelyne Beaudet: Not yet. Sorry. So we'll give the technician a few minutes.

British Columbia Ministry Health

Presenter: Tim Lambert, Executive Director, Health Protection, British Columbia Ministry of Health (via telephone).

Jocelyne Beaudet: Mr. Lambert, can you hear me?

Unidentified Speaker: I'm just forwarding you to him now.

Jocelyne Beaudet: Can you talk a little bit louder, please? Hello?

Tim Lambert: Tim Lambert.

Jocelyne Beaudet: Ah, okay. Good afternoon. My name is Jocelyne Beaudet.

Tim Lambert: Hello? Hello?

Jocelyne Beaudet: Yes, we can hear you. Can you hear me?

Tim Lambert: Hello? Hello?

Jocelyne Beaudet: He cannot hear us.

Unidentified Speaker: Try again.

Jocelyne Beaudet: Hello, can you hear me?

Tim Lambert: Well, you know, I'm trying to use my stupid headset and it never seems to work very well. (Laughter.)

Jocelyne Beaudet: A refreshing thought for late afternoon. (Laughter.)

(Sound of a dial tone.)

Jocelyne Beaudet: Mr. Lambert?

Unidentified Speaker: No, let me try again.

Jocelyne Beaudet: Oh, okay.

Unidentified Speaker: Okay, try.

Jocelyne Beaudet: Good afternoon, Mr. Lambert. Can you hear me?

Tim Lambert: Yes, I can.

Jocelyne Beaudet: Good.

Tim Lambert: Can you hear me okay?

Jocelyne Beaudet: Yes, I can. Excellent. So my name is Jocelyne Beaudet, and I'm the Chair of the Review Panel. So I'd like you to give us your presentation, and then we have a few questions for you.

Tim Lambert: Certainly. So my name is Timothy Lambert. I'm Executive Director of Health Protection at the Ministry of Health. And so my administrative responsibilities cover primarily the Public Health Act, which I will mention in a second.

I'll just go to slide 2. So the key legislation and policy framework for the Ministry of Health with respect to our contribution to the Panel's proceedings are the Public Health Act and regulations that fall under that. And primarily the concern there is addressing any hazards that may occur that result in an impact to human health.

I'll go to slide 3. So the Ministry of Health, the key expertise that we have that you're looking for and may provide assistance to the panel in your decision-making are technical expertise with respect to human health effects from environmental contaminants in the air, water, soil, and potentially country foods, which are contaminants that may go into natural wildlife, so not talking about, for example, domesticated cattle. So deer or fish, those types of issues.

Just going to slide 4, the Ministry of Health, in carrying out its administrative responsibilities, there are two key relationships that we're involved in. The first one is with respect to our relationship with regional health authorities. B.C., the Ministry of Health administers the Public Health Act, but we have regional health authorities that provide service delivery and they are wholly funded by the Ministry of Health and there are certain people, the medical health officers and environmental health officers who are statutory decision-makers underneath the Public Health Act, and they have primary responsibility for reviewing environmental assessments or potential hazards to people within their respective regions.

The Ministry of Health also has a relationship with the Ministry of Environment. The Ministry of Environment, in terms of their administrative responsibility has oversight of air and water as it relates to human health, but the Ministry of Health, clearly there's some overlapping responsibilities there, so the Ministry of Health provides policy and technical advice to the Ministry of Environment and the regional health authorities.

So that is just a brief overview of the responsibilities of the Ministry of Health with respect to this proceeding that you're hearing. And so I'm fine to address any questions

you may have.

Jocelyne Beaudet: Thank you, Mr. Lambert. I have a few questions for you, just clarifications, really. In the submission we received, we're grouping all the submissions of the ministries from the B.C. Environmental Assessment Office. I don't know if you have that document with you, but on page 21, you list there the different interests and expertise, and you've mentioned them in your presentation also. And the last one here in the text is community well-being. You can give – you'll have interest and expertise in community well-being during the review. So I'd like you to elaborate a little bit more. Community well-being, you mean in general or for Aboriginal people? And in what sense do you will – you will – you can advise us with respect to the project as to your responsibilities concerning accidents, health services, extra you have to offer, etc.?

Tim Lambert: Okay. So community well-being, there's – it is partially in relationship to definitions of health that we may be using and so talking about, you know, not just the absence of disease, but in fact how people are, you know, themselves experiencing their health. And so there's, you know, mental and physical aspects come in that are associated with community well-being. The Public Health Act covers all people, including Aboriginal populations. Some ways that you may think about this, of which the Ministry of Health would have expertise, are the social determinants of health which we talk about that in a broader perspective than necessarily illness associated with exposure to a particular environmental contaminant. In addition, this would also cover accidents or those types of issues.

With respect to health services, the Ministry of Health also has administration and it's in the paper there with respect to health services, so hospitals, clinics, this type of thing. And so the Ministry of Health has purview over that and those services as well as delivered by the regional health authority. So in the particular case of this application, we're talking about on the mainland, and it's primarily the Fraser Health Authority.

Jocelyne Beaudet: Thank you. The other aspect you're talking about potentially country food that you'll have to look at, so this would be also for all the population, not just Aboriginal groups.

Tim Lambert: That is correct. So I just put it in the – made sure that we were comprehensive in the response, that you're making sure that you're looking at all of the receptors that – and pathways where people may be exposed to contaminants. And so country foods is something there may be impact in the vicinity of the project, both with respect to seafood and potentially with animals on land or even potentially crops that people may have. That's not really in the definition of country food so much, but I'm just trying to make sure you have all the category covered. So country foods may apply like wild grasses or herbs that people are collecting in the area. That could be something, and I'm leaving it open to the people to define themselves what those country foods are.

Jocelyne Beaudet: Fine. Good. Thank you. My last question. This morning we

asked Health Canada about the concept of cultural health and it is evoked quite often when we get comments on evaluation of projects from Aboriginal groups, and we were told that probably the province Ministry of Health would be in a better position to explain to us if – what you consider as cultural health and if you have any documents that we can use to evaluate the concept.

Tim Lambert: Right. So it's a very good question. I think cultural health generally would be perhaps part of the social determinants of health because we're placing people within a context of where we live and function and their way of life being impacted and so to some degree cultural health would be captured under that category. And so I don't have a definition of cultural health, and if that's something you're looking for us to come back with, we could do that. I should note as well with respect to Aboriginals or First Nations, B.C. does have the First Nations Health Authority and they also may be of assistance to the Panel to provide a perspective on cultural health.

Jocelyne Beaudet: We would appreciate it if you send comments regarding that among other comments you may feel that are pertinent for us on the proposed project.

Tim Lambert: Okay, I can – when we look at more specifics of the project itself, there may be areas that come up which where cultural health may be relevant and most certainly we can also work with the First Nations Health Authority to ensure that they have a look at the project and make sure from their perspective cultural health is being considered from a First Nations perspective.

Jocelyne Beaudet: Thank you very much. Thank you, Mr. Lambert. We appreciate your time.

Tim Lambert: Okay. If you need anything more, I think you know how to get a hold of me.

Jocelyne Beaudet: No, for now that's all. Thank you very much.

Tim Lambert: Okay. Thank you very much.

Jocelyne Beaudet: Now I would like to invite the representative for the Vancouver Fraser Port Authority.

Vancouver Fraser Port Authority

Presenters: Cliff Stewart, Vice-President, Infrastructure Vancouver Fraser Port Authority;
Gilles Assier, Director of Infrastructure Sustainability, Vancouver Fraser Port Authority;

Robyn Crisanti, Director of Public Affairs, Vancouver Fraser Port Authority.

Jocelyne Beaudet: Good afternoon. I believe I have the pleasure of meeting Mr. Cliff Stewart.

Cliff Stewart: Good afternoon, Madam Chair. That's correct. Members of the Panel, my name is Cliff Stewart, and I'm the Vice-President of Infrastructure for the Vancouver Fraser Port Authority. With me today are my colleagues Gilles Assier, Director of Infrastructure Sustainability, and Robyn Crisanti, the Director of Public Affairs.

Also with us are Dean Readman, General Counsel and Corporate Secretary for the Vancouver Fraser Port Authority, behind me, and Brad Armstrong, our Hearing Counsel.

Madam Chair and Panel members, thank you for the opportunity to address you today. I would like to acknowledge on behalf of the Vancouver Fraser Port Authority that we meet today on the traditional territory of the Coast Salish peoples. I will provide a brief presentation that responds to the requests in your letter of June 9th. This presentation is consistent with the written synopsis that we submitted last week. I should point out that the information included in this presentation and in the synopsis is consistent with the Environmental Impact Statement that we submitted last year. Specifically, I will provide an overview of the role and responsibilities of the Vancouver Fraser Port Authority and how the Vancouver Fraser Port Authority interacts with other agencies and stakeholders.

Before I start, Madam Chair, I want to provide a brief introduction to the proposed Roberts Bank Terminal 2 Project in Delta. We are developing the project to meet forecast growth in container demand. The project would be privately funded, and its development is consistent with our mandate, which I will describe through this presentation.

Subject to your review, regulatory approvals, permits and a final investment decision, we anticipate that construction would begin in 2018 and would take approximately five and a half years to complete. This would allow the project to be operational by the mid-2020s, when its capacity is expected to be required.

Over the next few slides, I will address the first request from your June 9th letter. The Vancouver Fraser Port Authority is responsible for the stewardship of port lands and waters in and around Metro Vancouver. Like all Canada port authorities, we were established by the Government of Canada pursuant to the Canada Marine Act. Reporting to the Minister of Transport, our mandate is to facilitate Canada's trade objectives, ensuring goods are moved safely while protecting the environment and considering local communities.

Unlike many ports around the world, we do not receive operational funding from government. Rather, we charge rent and fees for the management of port land and waters and reinvest the surplus monies in services, maintenance and development of port-related infrastructure. We are also required to provide an annual stipend to the federal government.

With respect to governance, we have an 11-person Board of Directors appointed by four bodies. The federal government appoints eight members, seven of whom are recommended by a nominating committee made up of port users. The province of British Columbia appoints one member. The western provinces of Alberta, Saskatchewan and Manitoba collectively appoint one member. And the 16 municipalities that border our jurisdiction collectively appoint one member.

Among other responsibilities, these board members set direction and guide the Port Authority in fulfilling its mandate, approve the corporate vision, mission and strategic priorities and set and review goals and objectives for corporate performance.

Led by the Chief Executive Officer, day-to-day activities at the Vancouver Fraser Port Authority are overseen by a seven-member executive leadership team, of which I am a member.

With respect to our legislative authorities, I would like to speak briefly about the Canada Marine Act and the Canadian Environmental Assessment Act 2012.

The Canada Marine Act came into effect in 1998 with the purpose of contributing to the competitiveness, growth and prosperity of the Canadian economy, ensuring that marine transportation services are organized and available at a reasonable cost to satisfy the needs of users while providing a high level of safety and environmental protection and considering input from users and local communities.

The federal Minister of Transport issues letters patent to create and govern the Vancouver Fraser Port Authority, which allows us to establish rules, practices and procedures and issue authorizations regarding use, occupancy and operation of the port.

Port Authorities Operations Regulations give us responsibility to ensure safety of persons and property, maintenance of order and environmental protection.

The Canadian Environmental Assessment Act 2012, Schedule 1, identifies port authorities as federal authorities. As a federal authority, the Vancouver Fraser Port Authority is required to assess any project proposed for port land or water other than designated projects like the proposed Roberts Bank Terminal 2 Project to ensure the project is not likely to cause significant adverse environmental effects.

To meet its regulatory responsibilities, the Vancouver Fraser Port Authority developed and administers a project and environmental review process. As you know, the Roberts Bank Terminal 2 Project is a designated project under the Canadian Environmental Assessment Act 2012, and the Environmental Assessment for this project will be undertaken by this independent Review Panel.

The jurisdiction of the Vancouver Fraser Port Authority extends from Roberts Bank and the Fraser River up to and including Burrard Inlet. Port waters and properties border 16 municipalities and intersect the asserted and established traditional territories and treaty lands of several Coast Salish First Nations. This map is taken from the EIS Executive Summary. The red line on the map shows the shoreline of waters and lands that we manage. The dark blue areas shows the areas where the Vancouver Fraser Port Authority has navigational jurisdiction, which includes all waters owned by the federal Crown and managed by the Port Authority as well as some waters owned by the province, such as English Bay and the lowest reaches of the Fraser River below Tilbury Island.

Marine operations throughout the west coast of British Columbia, including the Vancouver Fraser Port Authority, rely on the support of the Canadian Coast Guard, Marine Communications and Traffic Services, the Pacific Pilotage Authority and the Western Canada Marine Response Corporation. Regulatory authority in relation to marine shipping outside of our navigation jurisdiction rests with Transport Canada and the Canadian Coast Guard.

As outlined in the synopsis, in fulfilling our mandate under the Canada Marine Act, the Port Authority carries out a variety of duties within its jurisdiction. These include safety and security, environmental reviews other than for designated projects, permitting of projects proposed on port land, planning, real estate management, transportation, operations, infrastructure development, customer services, Aboriginal consultation and communications and collaboration with communities and supply chain partners.

I will now address the second request from your June 9 letter. Again, as outlined in the synopsis, in the course of fulfilling our – pardon me, in the course of fulfilling our mandate under the Canada Marine Act, we collaborate, engage and consult with a broad range of local, national and international stakeholders. These include federal government and agencies, provincial governments and agencies, local governments, including regional government and the Tsawwassen First Nation, Aboriginal groups, communities and customers and supply chain partners.

With respect to the question of when and how we interact with these organizations, taking the proposed Roberts Bank Terminal 2 Project, for example, we have engaged with these organizations through a multi-year, multi-phase process culminating and summarized in the Environmental Impact Statement. This included Aboriginal engagement, which is ongoing, four rounds of community and public consultation, a local government liaison program with both elected officials and staff and four technical

advisory groups processes to get early input regarding the scope and methodology of environmental studies and the selection of VCs. We look forward to the continued participation of these organizations and individuals in the environmental assessment process.

As I mentioned in my introduction, the Vancouver Fraser Port Authority proposes to build the Roberts Bank Terminal 2 Project, a new container terminal at Roberts Bank in Delta, British Columbia. As you can see in this rendering, the project involves the development of land and construction of a marine terminal in deep water adjacent to the existing Delta Port Container and West Shore Coal Terminals, widening of the existing Roberts Bank Causeway, and expansion of the existing Roberts Bank Tug Basin. This project would be privately funded.

The development of the project is intended to meet forecast growth in container capacity demand and is consistent with our mandate under the Canada Marine Act to facilitate international trade to support the growth of the Canadian economy while providing a high level of environmental protection.

Part 1 of the Environmental Impact Statement Executive Summary succinctly outlines the project rationale, including forecast demand for imported and exported goods shipped in containers and the sizeable benefits that the project would bring to British Columbia and Canada, about which I will speak on the next slide.

Project benefits include improved access for Canadian exporters and importers, increased economic economy within Canada, creation of thousands of jobs during construction and operation, increased revenue for all levels of government, facilitation of opportunities for Aboriginal groups, lasting social benefits for local communities and improved capacity for sustainable resource management through the advancement of scientific knowledge of the Roberts Bank area.

The Environmental Impact Statement for the project was prepared according to the EIS guidelines issued by the CEA Agency. It summarizes four years of work conducted by more than a hundred professional scientists, including over 35,000 hours of field work and more than 75 environmental studies—an effort of which we are very proud.

The Environmental Impact Statement includes an identification of potential effects and benefits of the project and a description of mitigation measures to reduce potential project effects.

Given the conclusion of the Environmental Impact Statement that the project is not likely to cause significant adverse environmental effects and given the benefits of the project to British Columbia and Canada, the Vancouver Fraser Port Authority believes the project should be approved to proceed. We look forward to the discussion with you and interested parties through the Panel Review process.

At our Annual General Meeting on May 31st of this year, the Vancouver Fraser Port Authority launched a new mission and vision. Our mission flows directly from our federal mandate and is: To enable Canada's trade objectives, ensuring safety, environmental protection and consideration for local communities. Our vision is the result of two years of consultation to understand sustainability in a port context. To us, sustainability is economic prosperity through trade, a healthy environment and thriving communities. Our vision is to be the world's most sustainable port. Our aim is to be thoughtful in the actions we take and be absolutely certain that we are helping create the best possible outcomes for Canadians. Ultimately, our goal is to ensure future generations will enjoy the benefits of trade, improved quality of life and a healthy and vibrant ecosystem.

Thank you. And the Vancouver Fraser Port Authority looks forward to participating in the environmental assessment process with the Panel.

Jocelyne Beaudet: Thank you, Mr. Stewart. I have a few things of clarification, mainly how we work and how we can have an efficient environmental assessment. I noted that on one of the slides, slide number 13, I think, that you said that you had over a hundred professionals and 35,000 hours of work and I'm sure that the team in your organization is proud indeed of what they've done.

We have two roles. The first one would be we have to pass a judgment on everything that you have concluded, and in order to do that, the sufficient – what they call the Sufficiency Analysis allows us to go back to different agencies, organizations, departments and ministries and as well as with you to push a little bit further our understanding, so that we can pass a judgment based on science and on also the issues that concern the public with the project.

So if we ask questions, it's not to pass a judgment that you did it wrong, it's to try to understand better what you were trying to do, and I think that's a very important point. Sometimes, you may feel that you've done everything possible, but then you have suddenly an entire population judging what you've done, and they want to understand better how you did it, first thing. They may have questions on the methodology, the choice of Valued Components. You must have seen on the registry all the different comments already that have come in. You have, in the appendices, listed all the issues that you felt were still outstanding for the public, the local government, the Aboriginal groups. As a corporation, it's understandable that you cannot content everyone, but we have to pass a judgment on the choices you've made.

The second thing is to evaluate a project, there could be from the government a high Steering Committee and they look at the project and that's it. I mean why do we need a panel, but the democracy of Canada has decided many years ago that to review big projects of the size of this one, you would need a consultation with the people that will be impacted by such a project, and I think it has a great value.

In the very, very early days of the Agency, they used to have only the staff reviewing the

projects, and then they realized that you need a body that will create an impartial and fair environment for everyone to come and say what they want to say. And if you look at the history of several provinces that rely on their own offices or rely on the federal government, usually the project that is tabled benefits from that consultation, and we always aim to have a better project.

Now I'd like to – I don't know if you have any comments on what I've just said, but I will allow you to respond, if you wish. I have a few more questions after that.

Cliff Stewart: I have no comments.

Jocelyne Beaudet: Thank you. You say that you have ongoing consultation with the Aboriginal groups. I was wondering if you also have your Technical Committee still going on or the ongoing consultation is just with the Aboriginal groups.

Cliff Stewart: No, that's a very good question. As I was speaking, I noted that. The Technical Liaison Committees, which are staff to staff, continue. And the local government elected roundtable also continues. There was a meeting about six weeks ago, and there'll be another one in the fall.

Jocelyne Beaudet: So you have also with the federal departments?

Cliff Stewart: Discussions with the federal departments would be relative to the requirements of the permitting process if the project were to be recommended for approval.

Jocelyne Beaudet: I was interested also in the vision you have set forward for yourselves recently in terms of being – your aim being the most sustainable port. I think you have – you're part of the lead that does sustainability reporting, I believe.

Cliff Stewart: That's correct.

Jocelyne Beaudet: And usually, in order to prepare these reports, you have information that you have to do follow-ups on different things, and we would appreciate it if you use that information also to enlighten us because you may not use it all completely for the preparation of the EIS, but if you do have some information in relation to the project, I think that would be very helpful. Dr. Levy.

Dr. Dave Levy: I just have one question. I wanted to ask whether the Vancouver Fraser Port Authority is structured and operated in a similar way to other Canadian port authorities or whether there's anything unique about your operation.

Cliff Stewart: Well, there are several different types of port authorities in Canada, and at sort of the top of the league table is Canada Port Authorities and we are structured and operate in the same manner as all Canada port authorities.

Dr. Dave Levy: Thank you.

Jocelyne Beaudet: There was one last point I wanted to ask. The CEAA 2012 has, you probably know – aware of – you’re probably aware of that, has removed the justification of the project. The previous law, you had – the proponent had to look, for the preparation of its Environmental Impact Assessment, for the purpose, the need and alternative means whether in location or in design for the project. The need now is not there anymore, and I think there has been a lot of comments from the general population, whether Aboriginal people or not, that it’s not proven in the EIS why there’s a need for this project, and I think some of them have even asked to have – that you have a session to explain why you need to build this project.

It’s not a legal requirement, but I was wondering how open you are either to prepare something, it can be brief, or would you like to have – we’ll have other presentations in – further down the line. I think we’ve agreed this morning to have a presentation with Transport Canada later on, and I was wondering if you would be willing maybe to do a presentation on that. You may come back to us, if you want, to think about it.

Cliff Stewart: No, we would be – we would be quite happy to do that. I would point out that in fact the EIS has a very robust explanation for the need for the project.

Jocelyne Beaudet: For the purpose. It’s different than the need. You have – yes, you do have a robust explanation, but for the purpose of the project.

Cliff Stewart: I’m not clear on the subtle difference there.

Jocelyne Beaudet: If you have to make a decision whether a project goes ahead or not, you can explain that your purpose is to expand commerce, to – that this harbour is the best compared to others, etc., but you also have to go further when you have to explain the need in terms of being able to compete with other countries, being able to provide services to Canadians that are not available elsewhere, to follow the thread of the shipping industry between Asia and Canada. I mean it’s a little bit different, and if – it’s very much a justification in terms that, yeah, our purpose is to do this, this, this and that, to answer the needs for this and that, but I think it goes a little bit further and I think as a corporation you probably have a reasoning behind that which goes beyond what you’ve explained in the EIS.

Cliff Stewart: We’ve prepared a document called the Project Rationale. I think perhaps if we could tender that document to the Panel, and then perhaps if there is additional information that you’re thinking would be required, perhaps we could work to try and clarify what that might be.

Jocelyne Beaudet: That could be, yes, a first step. I think we can take it as Undertaking 12. We’ll have a look at it. It will be posted on the registry, and then we’ll let

you know if there's more information needed.

So thank you very much.

Cliff Stewart: Thank you.

Jocelyne Beaudet: Thank you. So this closes our last presentation, which we were worried at the beginning we would exceed our time, but it has worked very well. Thank you, everyone, for coming. I think we made it quite clear that we appreciate contribution of federal departments and ministries to come to us with comments regarding your respective mandate and expertise, and we'll look forward to read all this information.

Thank you very much.