

ENCLOSURE:**Provincial Advice Record: Designation Request under the *Impact Assessment Act*****Response requested by August 10, 2020**

Surrey Langley SkyTrain – South Coast British Columbia Transportation Authority (or TransLink)

Ministry	Ministry of Environment and Climate Change Strategy – Environmental Assessment Office
Lead Contact	Heidi Gibson
Full Address	<Address>
Email	<Email Address>
Telephone	<Phone Number>
Alternate Ministry Contact	Nathan Braun – A/Assistant Deputy Minister, Environmental Assessment Operations

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1. In general terms, please confirm and describe your ministry's role (if applicable) in the review of the Project.

The Environmental Assessment Office (EAO) has no role in the review of the proposed project as it is described in the materials shared the EAO on July 31, 2020. As described in the supplied materials, the Environmental Assessment Act (2018) (Act) is not applicable to the proposed project. The Act relies on the Reviewable Projects Regulation (RPR) to determine whether a project is required to undergo an environmental assessment (EA) under the Act. If a project meets the thresholds identified in the RPR for its given project category or meets one or more of the effects thresholds set out in section 4 of the RPR, it is automatically reviewable. As such, it should be noted that while the Project Description identifies 16 kilometres (km) of new railway construction, the RPR would only capture new railway projects of 20 km or more (RPR Part 7, Table 13, Row 2, Column 2) as reviewable.

A new Act was brought into force in December 2019, introducing a notification requirement (s.10 of the Act). If a project meets one or more of the thresholds in section 5 of the RPR, the proponent is required to notify the EAO. The Chief Executive Assessment Officer may, amongst other things, refer the project to the Minister of Environment and Climate Change Strategy. If so, the Minister must then make a decision on whether to designate the project as reviewable. It should be noted that RPR Section 5 (b)(vi) requires notification for any project meeting a threshold less than 15% below the thresholds set out in Part 7 (Transportation Projects) of the RPR are. In the case of a new railway project, 17 Km (i.e. 20km – 15%(20km) = 17 km) of continuous developed track would trigger the requirement to notify the EAO.

The EAO also notes that the “effects” thresholds set out in section 4 of the RPR apply across multiple project categories. If a project does not meet the thresholds for its particular project category, it still requires an EA if it meets one or more of the effects thresholds.

Please be aware that project proponents and other parties are responsible for making their own determination as to whether or not a proposed project falls within the thresholds set out in the RPR. While the EAO is willing to provide its position in this regard, nothing in this response should be construed as advice respecting the application of the RPR to the Surrey Langley SkyTrain Project.

2. Please provide the contact information of the person or persons responsible for managing your ministry's oversight of the Project (if different from lead contact above).

Same as above.

3. Describe the provincial legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of the Project. For each mechanism or approval, please provide information regarding the following:
- Name of the process or authorization (e.g. certificate, licence, permit or approval) and the associated legislative framework;
 - *Project that trigger the RPR, or are required to undergo an assessment by the Minister of Environment and Climate Change Strategy, designated as a reviewable project, would be required to submit to the EAO an application for an Environmental Assessment Certificate (EAC) which would then initiate an Environmental Assessment (EA). The EA is a decision-making tool use to identify, mitigate and evaluate the potential impacts of a major project decisions are made.*
 - *The Environmental Assessment Act 2018 (Act) is available [here](#) and details the process. As such, detailed process guidance documents and policies are available [here](#).*
 - Whether (for each) the authorization would set conditions and if yes, what issues would those conditions address;
 - *An EA Certificate would describe the permissible infrastructure and activities of a project through the Certified Project Description (CPD), describe the conditions of how the project will be implemented throughout the life of the project, and specify a date by which the project must have substantially started the project not more than 10 years after the issue date of the EAC.*
 - *Conditions attached to an EAC are legally binding conditions that are necessary to address potential adverse effects identified during the EA and can be based on mitigation measures which prevent of reduce potential adverse environmental, economic, social, heritage or health effects and adverse effects to Aboriginal interests.*
 - Whether (for each) the authorization would require public and/or Indigenous consultation and if yes, provide information on the approach to be taken; and
 - *The EAO seeks to engage with Indigenous governments according to their jurisdictions and authorities through collaboration approaches to assessing proposed projects in support of indigenous and provincial decision making.*
 - *The EA process include opportunities for participation by Indigenous peoples, government agencies and the public. The EA process includes opportunities for comments and input during public open houses and public comment periods.*
 - Whether (for each) your ministry has guidance material that would be helpful to the proponent or the Agency (please provide these as attachments or hyperlinks in your response).
 - *The Environmental Assessment Act 2018 (Act) is available [here](#) and details the process. As such, detailed process guidance documents and policies are available [here](#).*
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4. Confirm whether any authorization listed above would contemplate the following matters raised by the requester and if yes, discuss, in general, the benchmarks or standards to which a project of this nature may be held (be specific in relation to each point below that may be applicable to your ministry's mandate):
- Use of Linear Induction Motors requires significantly more electrical energy than its alternatives; and
 - *EA process intensified would likely not contemplate the individual component parts of the proposed project but would consider comments, concerns and questions related to the component parts identified by the public or participating working group members. These comments, concerns of questions would be directed to the proponent for their consideration and response.*
 - Additional greenhouse emissions compared to at-grade transit alternatives.
 - *Greenhouse Gas Emissions (GHG) are considered in the EA process and would likely be discussed as an alternative means to the project in the submission of an*

application for an EAC. Current GHG emissions considerations under the RPR assess GHG's under section 4(1)(a) - emits 380 000 tonnes or more per year of one or more greenhouse gases directly from project facilities, measured in carbon dioxide equivalents, determined in accordance with [Part 3 of the Greenhouse Gas Emission Reporting Regulation, B.C. Reg. 249/201](#).

5. Have you received public comments/concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage) these matters.

The EAO has not received any comments or concerns in relation to this project to the best of our knowledge.

6. Have you received Indigenous community comments/concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or would normally manage) these matters.

The EAO has not received any comments or concerns in relation to this project to the best of our knowledge.

7. Do you have any other information about the Project in relation to potential adverse effects or impacts to the public, or Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*?

No

Kyle Ostman
Name of responder

Project Analyst
Title of responder

August 12, 2020
Date