

TransLink

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South Coast British Columbia Transportation Authority

August 14, 2020

Impact Assessment Agency of Canada Pacific and Yukon Region 757 West Hastings Street Suite 210A Vancouver, BC V6C 3M2

Attention: Quincy Leung, Project Manager, Pacific and Yukon Region

Dear Quincy,

RE: Designation Request for the proposed Surrey Langley SkyTrain (Agency File No. 005785)

In response to your letter of July 31, 2020 informing us of a member of the public's request to designate the Surrey Langley SkyTrain Project (SLS) under the *Impact Assessment Act* (IAA), we write to provide the requested information to help inform Minister Jonathan Wilkinson's decision on the matter.

The South Coast British Columbia Transportation Authority (TransLink) responses are based on publicly available Project information. Please note that the Project is still undergoing design and environmental evaluation work, while also actively engaging with the public, stakeholders and potentially affected Indigenous groups. Please reach out to TransLink if the Agency requires clarifications or has additional questions regarding the provided information.

1. Information about key project activities, maps and layouts of the location of project components, project coordinates, land tenure, zoning, and estimated timelines for planning, construction, operation, decommissioning and abandonment.

TransLink's Response to Question 1:

TransLink is proposing to develop the SLS, which will extend the existing Vancouver to Surrey Expo SkyTrain Line by approximately 16 kilometre (km). The SLS route will run along Fraser Highway from the existing King George SkyTrain Station in Surrey, British Columbia (BC) to the City of Langley, BC. Current funding enables TransLink to construct approximately 7 km of the SLS between the existing King George SkyTrain Station and Fleetwood (at 166 Street) in Surrey. This is referred to as Stage 1 or the Project. Advancement of the remaining portion of the SLS, from Fleetwood to the City of Langley, is dependent on additional funding being available.

Principal Project activities are construction and operation of an elevated SkyTrain guideway, stations, control and communication systems, a power propulsion system, and SkyTrain vehicles. The SLS is designed to seamlessly integrate into the existing SkyTrain system, which has been operational in BC for over 30 years.

The proposed stations and elevated guideway of SLS Stage 1 are situated within City of Surrey's Fraser Highway right-of-way or lands within Provincial jurisdiction. No part of the Project crosses federal land. TransLink is working closely with City of Surrey to ensure the design adequately considers important local considerations, including land use, zoning, and community planning.

The Project is currently undergoing engineering and environmental studies while also preparing for the procurement phase. Construction and commission will take three to four years. TransLink is working towards a proposed in-service date of late 2025, though the exact timing will depend on when funding is secured from partners.

Additional information on key Project activities, maps, and timelines for planning, construction and operation are available in the Environmental Screening Review Terms of Reference available in the Document Library at: https://www.surreylangleyskytrain.ca/

- 2. A list of all regulatory approvals (federal, provincial, municipal, other) and any federal financial assistance that would be required for the Project and associated project components or activities.
- 3. a. For each regulatory approval that would be required, please provide the following information:
 - i. Name of the licence, permit, authorization or approval, the associated legislative framework, and the responsible jurisdiction.
 - ii. Whether it would involve an assessment of any of the effects outlined in the paragraphs above, and if so, a general description of the assessment that you intend to undertake. Would conditions be set and if yes, what effects would those conditions address?
 - iii. Whether public and/or Indigenous consultation would be required and if yes, provide information on the approach you intend to take (if any steps have been taken, please provide a summary, including issues raised as well as your responses).

TransLink's Response to Questions 2 and 3(a):

In early 2019, TransLink engaged with the Canadian Environmental Impact Agency (now the IAAC) and BC Environmental Assessment Office and confirmed that the proposed Project would not require reviews under their respective impact/environmental assessment legislation. Although this federal and provincial legislation has recently changed, the Project remains well under the regulated thresholds for a designated/reviewable project. The federal and provincial regulators' correspondence is attached for reference (**Attachment A**).

Regardless of federal or provincial environmental assessment requirements, TransLink's internal standards for new major projects require the completion of a robust Environmental Screening Review (ESR) to study the potential environmental, social, and archaeological and heritage effects of Project construction and operation, and to determine and implement mitigation measures. The ESR process provides an opportunity to promote due diligence and transparency, and elicit feedback from Indigenous groups, government agencies, the public, and stakeholders to inform Project implementation. TransLink completed environmental baseline studies in 2019/2020 and is currently undertaking the ESR reporting. The ESR reporting is expected to be completed in late 2020. The ESR Terms of Reference (including scope of the effect assessment) and ESR process overview are available in the Document Library at: https://www.surreylangleyskytrain.ca/.

Federal and provincial permitting of Project activities, such as new or modified watercourse crossings, contaminated soil handling, and other aspects of the Project that could have environmental effects, are expected to be required for the Project. Table 1 highlights the environmental permits, licences, and approvals potentially required for the Project and where the effects assessment will be addressed in the ESR.

Table 1: Potential Environmental Permits, Licences, and Approvals Required for the Project

Permit, Licence, or Approval	Legislation	Regulatory Agency	Project Activity	Effects Assessment	Public or Indigenous Consultation
Federal					
Fisheries Act Authorization	Fisheries Act	Fisheries and Oceans Canada (DFO)	Project may require watercourse crossings or modification along Fraser Highway.	Fisheries and Aquatics	Indigenous consultation will be required. The Project has not entered the permitting phase as it is still going through design and environmental evaluation. However, when appropriate, TransLink and Project Contractor will engage Indigenous groups when developing mitigation and offsetting measures.
Fisheries Act Scientific Fish Collection Permit	Fisheries Act	DFO	Project Contractor may need to perform fish salvage or sampling during construction.	Fisheries and Aquatics	Indigenous consultation will be required. TransLink and Project Contractor will be available to discuss the fish salvage and sampling work with Indigenous groups and to address any questions or concerns.
Migratory Birds Damage or Danger Permit	Migratory Birds Convention Act	Environment and Climate Change Canada (ECCC)	Construction activities have the potential to affect migratory birds and their habitat.	Vegetation and Wildlife Resources	TransLink and Project Contractor will consult Indigenous groups if and when a permit is required.
Species at Risk Act Permit	Species at Risk Act	ECCC	Construction activities have the potential to affect at-risk species and their habitat.	Vegetation and Wildlife Resources Fisheries and Aquatics	TransLink and Project Contractor will consult Indigenous groups if and when a permit is required.
Provincial					
Changes in and about a Stream Change Approval	Water Sustainability Act	Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD)	Project may require watercourse crossings or modification along Fraser Highway.	Fisheries and Aquatics	Indigenous consultation will be required. The Project has not entered the permitting phase as it is still going through design and environmental evaluation. However, when appropriate, TransLink and Project Contractor will engage Indigenous groups when developing mitigation measures.
Heritage Inspection and Heritage	Heritage Conservation Act	Archaeology Branch of FLNRORD	Project construction have potential to encounter chance finds	Archaeology and Heritage	Indigenous consultation required. TransLink has actively engaged Indigenous groups for AOA and AIA activities. Many of the Indigenous groups have

Permit, Licence, or Approval	Legislation	Regulatory Agency	Project Activity	Effects Assessment	Public or Indigenous Consultation
Investigation, Alteration, and Site Alteration Permits			of heritage and archaeology sites along the proposed alignment.		elected to participate in the fieldwork either on-site or remotely and review the draft reports.
Fuel Storage Registration	Environmental Management Act - Petroleum Storage and Distribution Facilities Storm Water Regulation	Ministry of Environment and Climate Change Strategy	Required if onsite fuel storage is required for a cumulative storage capacity of 100,000 litres or more, or for more than 180 consecutive days at a location.	Project Contractor will determine the necessity of this registration once they have the design and construction methodology finalized.	To be determined.
Amphibian and/or Fish Collection Permits	Wildlife Act	FLNRORD	Project Contractor may need to perform fish salvage or sampling during construction.	Vegetation and Wildlife Resources Fisheries and Aquatics	Indigenous consultation will be required. TransLink and Project Contractor will be available to discuss the wildlife or fish salvage and sampling work with Indigenous groups and to address any questions or concerns.

Municipal

City of Surrey is an active participant in the project development process and has contributed to the engineering design and environmental evaluation works. TransLink is in discussion with the City to confirm what municipal permits if any will be required for Stage 1 of the Project. Stage 1 is within City of Surrey's jurisdiction only and therefore the Project is not expected to require permits from any other local government.

b. Identify whether any licence, permit, authorization or approval listed above would address any of the following matters raised by the requester:

- i. Use of Linear Induction Motors requires significantly more electrical energy than its alternatives;
- ii. Additional greenhouse emissions compared to at-grade transit alternatives;'
- iii. If yes, discuss, in general, the benchmarks or standards that you intend to meet (or would be expected to meet); and
- iv. If the Project is anticipated to result in permanent changes to the environment or cumulative effects, how you intend to manage those impacts.

TransLink's Response to Question 3(b):

No licence, permit, authorization or approval listed in Table 1 above would address the matters raised by the requester.

TransLink's Response to Question 3(b)-i:

TransLink is not required to seek a permit for the decision on power technologies. However, an alternatives assessment was conducted for the business case developed when TransLink's governing board approved advancement of the Project. The chosen power technology is the same as that used over the rest of the TransLink system, and one for which TransLink and its operator, the British Columbia Rapid Transit Company, has the maintenance procedures and training to operate effectively.

TransLink's Response to Question 3(b)-ii:

TransLink is not required to seek a permit for greenhouse gas emissions associated with the Project. The Project is expected to result in lower GHGs on a per-km basis, during construction, than the atgrade alternative, as well as a greater reduction in GHGs during operation.

TransLink's Response to Question 3(b)-iii:

Not applicable.

TransLink's Responses to Question 3(b)-iv:

The ESR process (described in detail above) for the SLS Project is ongoing but is not yet at the stage where conclusions on effects can be identified. The ESR will identify whether there are any permanent adverse effects. We do not anticipate significant adverse environmental effects due to the Project, with benefits showing from lower GHG emissions and better access to public transit for Metro Vancouver residents, including those south of the Fraser. Management of potential environmental effects will be conducted in accordance with the Construction Environmental Management Plan Framework. For additional detail, please see the ESR Terms of Reference available in the Document Library at: https://www.surreylangleyskytrain.ca/.

TransLink remains committed to listening to and incorporating feedback on the Project from ESR participants, and from the ESR studies, to improve the environmental performance of the Project and to manage environmental effects. Because of our ongoing role in the community as the regional public transit provider for Metro Vancouver, TransLink is open to addressing issues both during and after Project development processes.

4. For all federal licences, permits, authorizations, approvals, and/or financial assistance that may be provided for the Project, describe any anticipated adverse direct or incidental effects (including changes to health, social and economic conditions) that may occur as a result.

TransLink's Response to Question 4:

The Project is not anticipated to cause significant adverse direct or incidental environmental effects of federal interest. The studies that will provide this assessment will be documented in the ESR Report.

Construction of the Project will follow any requirements associated with applicable permits (e.g., Fisheries Act Authorization) to ensure effects are assessed and addressed. SLS does not intersect any designated Critical Habitat and is not anticipated to contravene any general prohibitions under the Species at Risk Act. Development of, and adherence to, a Construction Environmental Management Plan (CEMP) and its component sub-plans will ensure compliance with legislative requirements and provide performance metrics for compliance, mitigation measures, and monitoring and reporting requirements to avoid or limit Project-related effects of construction.

The Business Case Summary provides an overview of Project effects and benefit, and is publicly available on in the Document Library at: https://www.surreylangleyskytrain.ca/.

5. What steps you have taken to consult with the public? What steps do you plan to undertake during all phases of the Project? Are you aware of any public concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) you intend to address these matters.

TransLink's Response Question 5:

Public engagement is a key component of rapid transit planning and TransLink is committed to delivering the Project in a clear and transparent manner that supports the sharing of information and provides opportunities for public and stakeholder feedback.

Since early 2019, TransLink has been working closely with stakeholders who represent diverse interests in Surrey and Langley, including interest groups, community associations, service providers, business organizations, elected representatives, health and education institutions. TransLink has been keeping stakeholders informed of Project developments and stakeholders have been providing strategic recommendations to help inform planning work and decision-making, including the ESR. Robust stakeholder engagement will continue throughout the Project.

The Project's three stages of public engagement during Project development have the following objectives:

- Inform the public about the Project;
- · Gather feedback on opportunities and considerations; and
- Ensure broad access to information and opportunities for public stakeholder engagement.

The Project has completed two stages of public engagement. They included surveys, open houses, pop-ups and street teams, a telephone town hall and robust marketing campaigns, which helped to generate high levels of interest and participation. For details of process and concerns and comments raised, please see: https://www.surreylangleyskytrain.ca/about-the-project/document-library

A third round of public engagement is expected to take place in fall 2020 (postponed from spring 2020 due to COVID-19) with updates on design, public art opportunities, summaries of the findings of the ESR, and construction management procedures. This engagement will also seek feedback on topics of interest. This engagement will be virtual, employing only safe and appropriate tactics to

support the Project's public engagement efforts while ensuring the health and well-being of staff and community members.

Once a Project Contractor is selected, a final round of public engagement will take place during the pre-construction phase of the Project, which will include final station design and construction plans.

6. What steps have you taken to consult with Indigenous communities? What steps do you plan to undertake during all phases of the Project? Are you aware of any Indigenous community concerns in relation to this project? If yes, provide an overview of the key issues and the way in which (in general terms) you plan to address these matters.

TransLink's Response to Question 6:

Indigenous engagement is a key component of Project planning. Since early 2019, TransLink has been carrying out Indigenous engagement initiatives that are consistent with key elements of provincial and federal requirements. This engagement will continue throughout all Project phases.

TransLink has sought early and frequent engagement with identified Indigenous groups in accordance with the following engagement objectives:

- · Establish effective and respectful working relationships;
- Provide timely and ongoing Project information;
- · Seek views and address concerns in a timely manner;
- Provide opportunities for participation in Project-related studies;
- Seek review and comments on Project-related documents and meaningfully integrate feedback; and
- · Identify potential Project benefits and opportunities.

The British Columbia government's Consultative Areas Database was utilized to assist in determining which Indigenous groups could be potentially affected by the Project, based on known territory and associated interests in relation to the Project location. Indigenous groups being engaged within Metro Vancouver include: Katzie First Nation, Kwantlen First Nation, Matsqui First Nation, Musqueam Indian Band, Semiahmoo First Nation; and Tsawwassen First Nation. Indigenous groups located in the Fraser Valley and on Vancouver Island are also being engaged in accordance with their identified interests.

TransLink has advanced a multi-year phased approach to Indigenous engagement as follows:

- Phase 1 Project Introductions completed;
- Phase 2 Overview of Design & ESR Process completed;
- Phase 3 Participation and Input into ESR in progress; and
- Phase 4 Discussions on employment, procurement, and cultural recognition opportunities – in progress.

Project engagement initiatives will continue to include the two-way exchange of information and comments via letters, email updates, teleconferences, and in-person meetings with individual Indigenous groups. The Project will continue to provide substantive and timely responses to Indigenous groups comments on Project-related studies and related processes. As part of this process, multiple Indigenous groups have participated in environmental and archaeological monitoring and field studies to date. The key Project-related comments, concerns and interests provided by Indigenous groups on SLS, so far in the process, have been summarized in #7 below.

TransLink will continue to actively engage Indigenous groups, consider and incorporate their input into the Project and ESR process, address concerns if raised and continue to advance meaningful discussions on employment, training, cultural recognition and procurement (contracting) opportunities.

7. Do you have any other comments in relation to environmental effects or impacts to the public or Indigenous peoples and how you intend to address and manage those?

TransLink's Response to Question 7:

TransLink and its technical consultants are currently undertaking the ESR reporting which includes engagement with Indigenous groups and stakeholders on the assessment results. Therefore, the findings of the ESR are not available at this time. As noted in our responses above, TransLink has voluntarily implemented the ESR process which is a rigorous environmental evaluation and public and Indigenous engagement process to promote due diligence and transparency. We have endeavored to have meaningful engagement with the public, stakeholders and Indigenous groups on important, wide-ranging topics including environmental matters to inform our Project design and development of mitigation. Some key feedback gathered thus far from public, Indigenous groups, and stakeholders in the ESR process and considered in the scope of the assessment includes:

- Importance of conducting robust baseline and assessment studies to understand potential Project-related environmental, social, and archaeological and heritage effects, including consideration of Traditional Knowledge information;
- Effective development and implementation of Project-specific mitigation measures during construction and operation to avoid, eliminate, reduce or mitigate potential Project-related effects:
- Noise and vibration effects during construction and operation;
- Extent of potential habitat loss:
- Importance of habitat restoration and offsetting;
- Vehicle traffic management on local roads during construction (i.e., safety and congestion);
- Project-related visual effects;
- Minimizing SkyTrain's greenhouse gas footprint during construction;
- Acknowledgement that improved transit is an important part of the Climate Emergency response;
- Meaningful engagement with public, Indigenous groups, and stakeholder prior to and during construction; and
- Protection of Aboriginal rights and title interests.

A summary of the feedback received from Phase 1 and 2 public engagement is available at: https://www.surreylangleyskytrain.ca/about-the-project/document-library

A key next step for TransLink after completing the ESR Report will be to draft a CEMP Framework document based on the ESR findings, and solicit feedback from the public, Indigenous groups, and stakeholders. This CEMP Framework document will identify environmental requirements, mitigation and performance objectives, and best practices which the Project Contractor will need to adhere to during construction. It is also to include a list of applicable environmental permits, licences, and approvals that may be required for Project construction, along with a description of which part of the legislations is applicable to the work. References to other linked plans and consultation programs relevant to CEMP will be included. The CEMP Framework document will be subject to Indigenous group, stakeholder and public review prior to issuance.

8. Explain your views on whether the Project should be designated under the Act.

TransLink's Response to Question 8:

We understand the new IAA and its impact assessment process are to serve as a project planning tool, which takes into consideration the whole range of environmental, health, social and economic

effects of projects. The new regime shifts away from decisions based solely on the significance of adverse environmental effects and instead focuses on whether the adverse effects in areas of federal jurisdiction are in the public interest.

We appreciate the public's interest and feedback on the Project to date. The Project is well below the threshold for railway projects on the Physical Activities Regulation (it is on an existing right-of-way and less than 15% of the threshold distance) and has lower GHG emissions than the current situation and most alternatives, thus it is clearly not a project with potential for adverse effects in areas of federal jurisdiction related to the environment. As noted in our responses to Q2 to Q7 from above, we do not anticipate any outstanding effects on matters of federal interest that are not otherwise being considered as part of permits and authorizations required for the Project or considered as part of the ESR process. As such, designating the Project under the IAA is duplicative and of limited value. We do not believe designation of this Project would best serve the public's interest as it would unnecessarily delay a project that is necessary and beneficial for public rapid transit.

The Project is designed to alleviate adverse effects on Indigenous groups and the public through the provision of public transit. Adverse effects resulting from changes to the environment on Indigenous peoples, and their current and historical use of land and resources have been considered and addressed in Project design and mitigation.

Please let me know if you have any questions or would like to arrange a call to discuss further. We look forward to receiving your response, including directions on next steps.

Yours truly. <Original signed by>

Jeffrey Busby Director Surrey Langley SkyTrain Project T: 604,218.7450 jeffrey.busby@translink.ca

Attachments:

Attachment A: Correspondence with CEA Agency and BC EAO

Cc:

Jennifer MacLean, TransLink Don Klimchuk, TransLink Robin Taylor, Hemmera



TransLink

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South Coast British Columbia Transportation Authority

March 29, 2019

Regina Wright
Associate Regional Director, Pacific and Yukon Region
Canadian Environmental Assessment Agency
410-701 West Georgia Street
Vancouver, BC, V7Y 1C6

Dear Ms. Wright:

RE: Proposed Surrey Langley SkyTrain Project – Clarification on OMF Tracks

Thank you for the follow-up on our letter of February 7, 2019, including your efforts to try and get a response letter back to TransLink by around March 31st.

Based on this week's phone conversations between Don Klimchuk and Christie Nelson, TransLink understands that before the CEAA can provide a response letter, clarification is needed on the number of tracks anticipated for the proposed SLS Operations and Maintenance Facility (OMF). Christie had commented that this information was required to ensure the SLS project did not trigger the RDPA Section 25 reference to a "Railway yard with seven or more tracks...".

As was discussed with Christie, TransLink has not yet chosen a specific site yet for the proposed OMF. The track design will need to conform to the geometry of the parcel chosen and its location relative to the SkyTrain alignment.

Based on a conceptual review by our consultant, TransLink is confident that the OMF, required for the SLS project (55 cars with 2,600m of yard track), can be accomplished within the constraint of 6 or less yard tracks. Accordingly, 6 or less yard tracks would be incorporated into our design standards for the Operations and Maintenance Facility required for the SLS project.

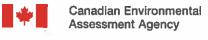
We trust that this information is sufficient for CEAA to complete their response letter to TransLink.

Should you have any questions or require additional information please contact Don Klimchuk, Surrey Langley SkyTrain Senior Manager at don.klimchuk@translink.ca.

Respectfully, <Original signed by>

Jeffrey Busby, P.Eng. Director Surrey Langley SkyTrain Project

cc: Don Klimchuk (TransLink), Christie Nelson (CEAA)



410 - 701 West Georgia St Vancouver BC V7Y 1C6 Agence canadienne d'évaluation environnementale

410 - 701 rue Georgia ouest Vancouver (C-B) V7Y 1 C6

April 18, 2019

Jeffrey Busby
Director, Surrey Langley SkyTrain Project
TransLink
400-287 Nelson's Court
New Westminster BC V3L 0E7

Dear Mr. Busby:

I am writing to inform you that the Canadian Environmental Assessment Agency reviewed the letters you sent us on February 7, and March 29, 2019 providing information about TransLink's proposed Surrey Langley SkyTrain Project. You requested advice from the Agency as to whether the Project would likely be identified as a designated physical activity under the *Regulations Designating Physical Activities* (the Regulations) and therefore be subject to the requirements of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012).

Pursuant to CEAA 2012, the Regulations identify the physical activities that constitute designated projects that may require an environmental assessment by the Agency. Based on the project information provided by TransLink, the Project would not appear to be identified in the Regulations, and specifically does not appear to be identified under item 25, which describes physical activities related to rail projects.

As the Project undergoes more detailed design, should it meet or exceed the thresholds for any physical activities listed in the Regulations, the proponent would be required to submit a description of the project to the Agency. In proceeding with the Project, other federal regulatory permits, authorizations and/or licenses may still be required.

For physical activities not described in the Regulations, the Minister of Environment and Climate Change has the authority to designate the Project for an environmental assessment under section 14(2) of CEAA 2012. The Minister may exercise this discretion if she is of the opinion that the Project may cause adverse environmental effects to areas of federal jurisdiction, as defined in section 5 of CEAA 2012, or if public concern related to those effects warrants the designation.

.../2





I would also note that the Parliament of Canada is currently considering Bill C-69, "An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts". Bill C-69 includes new requirements for impact assessments of major projects in Canada. Should this proposed legislation become law, you are encouraged to contact the Agency for advice for advice on its application.

If you have any questions, please do not hesitate to contact me at Christie.Nelson@canada.ca, or 604-666-8784.

Sincerely,

<Original signed by>

Christie Nelson Project Manager Pacific and Yukon Region



File: 30020-04/TRAN 2019

Reference: 343379

March 18, 2019

SENT VIA EMAIL

Jeffrey Busby
Director
Surrey Langley SkyTrain Project
Jeffrey.Busby@translink.ca

Dear Mr. Busby:

Thank you for your letter to the Environmental Assessment Office (EAO) on February 4, 2019 in regards to the proposed Surrey Langley SkyTrain Project, a proposed 17 kilometre rail rapid transit system, which would run between the existing King George SkyTrain station in Surrey to 203rd Street in the City of Langley.

In your letter, you have indicated that based on the scope of the project, TransLink's understanding is that the project does not meet the definition of a reviewable project under the British Columbia *Environmental Assessment Act* (Act). Based on the information provided by TransLink, the EAO agrees that the project would not be reviewable, and that it consequently would not require an assessment under the Act.

Please don't hesitate to contact me as the project progresses, or in the event the components and design of the project change such that it would become reviewable.

Best regards, <Original signed by>

Michael Shepard Executive Project Director

cc: Don Klimchuk,

don.klimchuk@translink.ca