

Assessment of the GCT Deltaport Expansion – Berth Four Project

VIRTUAL INFORMATION SESSION
MARCH 2023



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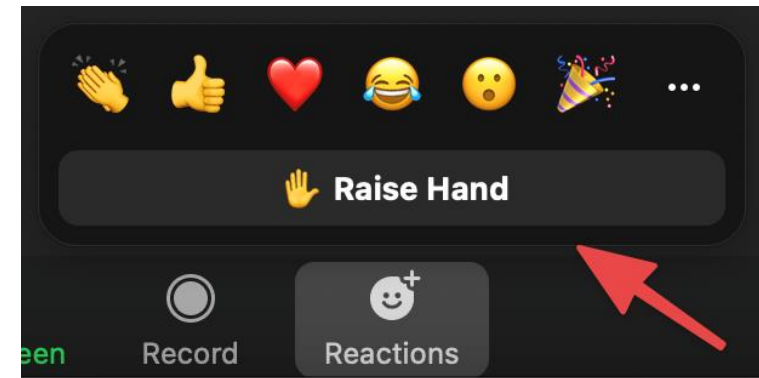
Agenda

Topic
Welcome, Introductions, Housekeeping Rules
Purpose of Information Session
Assessment Update
Review Panel Terms of Reference
Cooperation Agreement
How to Participate
Q&A Session



Housekeeping Rules

- Please keep your microphone muted and video turned off during the presentation
- Type questions in the chat or use the raise hand function
- In case of technical difficulties, please use the Zoom chat for help
- Please be courteous and respectful



Who We Are

- Impact Assessment Agency of Canada (Agency):
 - federal body accountable to the Minister of Environment and Climate Change
 - provides high-quality impact assessments that contribute to informed decision-making, in support of sustainable development
 - responsible authority for all federal impact assessments
- Environmental Assessment Office (EAO):
 - regulatory agency within British Columbia's government
 - neutrally administers the *Environmental Assessment Act*, including the conduct of environmental assessments of major projects in B.C
 - provides provincial Ministers with advice to inform their decision on whether a project should proceed



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Purpose of this Information Session

- Public comment period from February 28, 2023 to March 30, 2023 on:
 - the draft **federal Review Panel Terms of Reference**
 - the draft **Canada-British Columbia Cooperation Agreement**
- To provide information on the purpose and the contents of the draft documents
- Describe how you can participate in the public comment period



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PROJECT ASSESSMENT UPDATE



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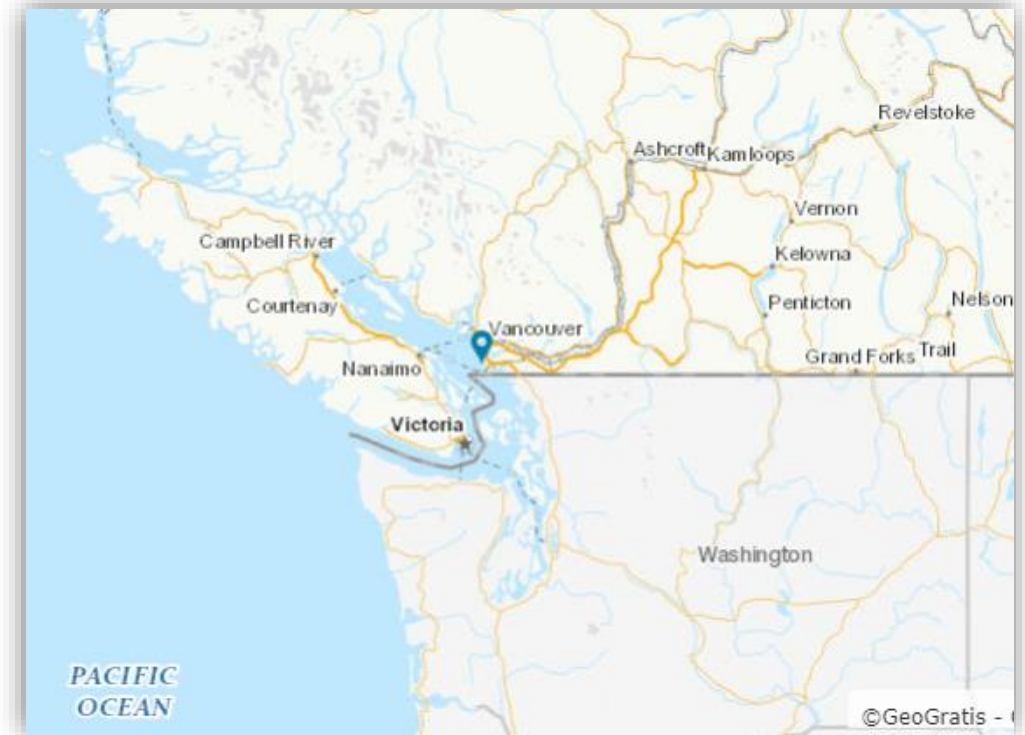
Project Assessment Overview

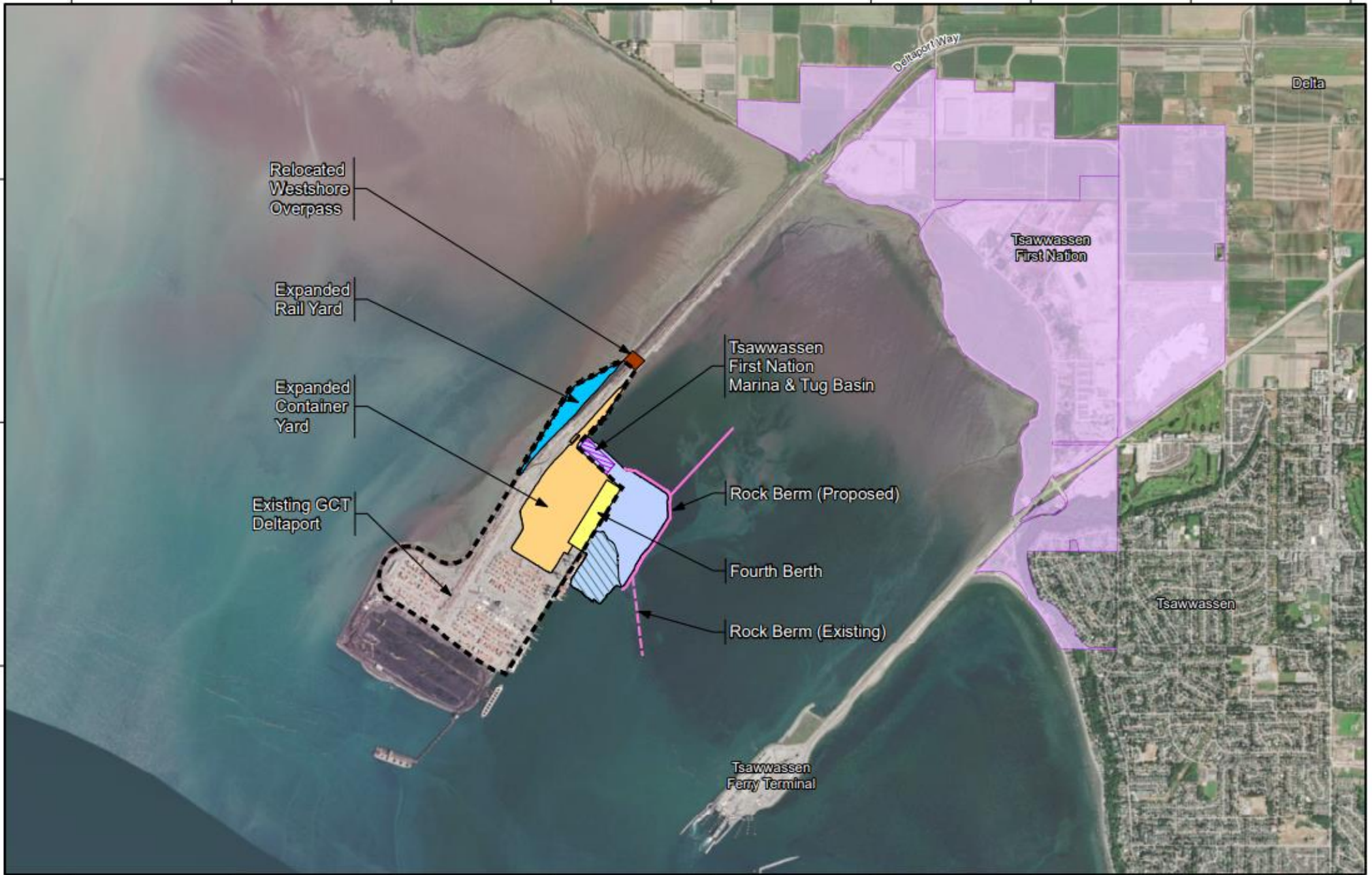
GCT Deltaport Expansion – Berth Four Project (the Project)

- **Proponent:** GCT Canada Limited Partnership
- **Location:** Delta, British Columbia

Description

- The Project would add a fourth berth at the existing terminal on the east side of the causeway and would include the expansion of the intermodal rail yard along the causeway and near-by dredging.
- Marine shipping activities and rail transportation are being assessed as incidental to the Project.
- Road transportation is being assessed as an additional factor to be considered in the assessment.





- Legend**
- Tsawwassen First Nation Land
 - Estimated New GCT/DP4 Lease Boundary
 - Fourth Berth
 - Expanded Container Yard
 - Expanded Rail Yard
 - Dredge Area
 - Existing Third Berth Dredged Area
 - Marina and Tug Basin
 - Relocated Westshore Overpass (Approx)
 - Rock Berm (Existing)
 - Rock Berm (Potential)

National Topographic System (NTS) map number: 092G03



0 200 400 800 m

Scale: 1:30,000

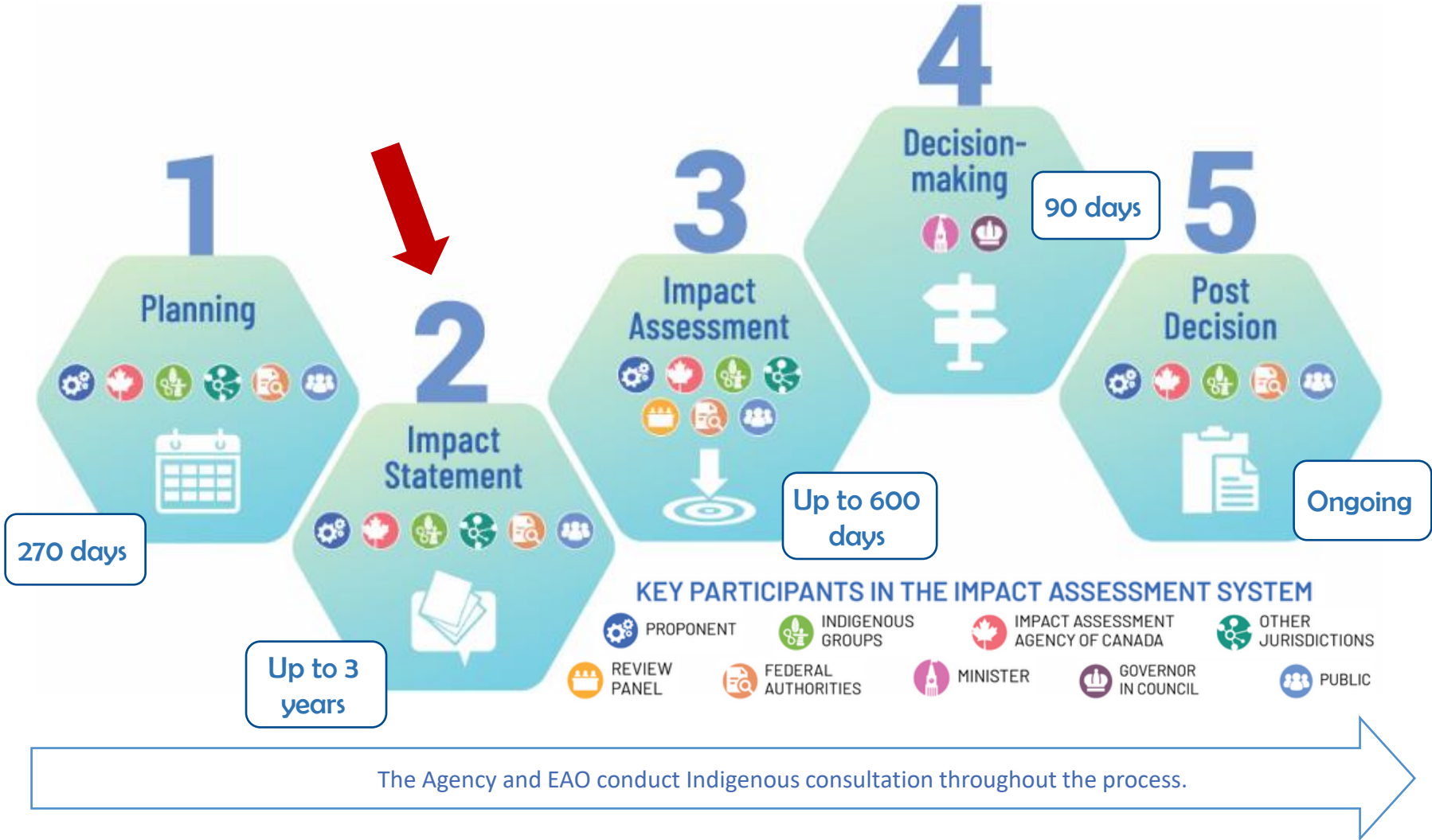
Projection: NAD 1983 UTM Zone 10N

Data Sources:

- a) Project area/components and Lease boundary, Ausenco 2021.
- b) Westshore overpass, Hatfield 2021.
- c) BC Rail Option Lands delineated using BCR Option Lands 2008-06-26 Presentation to DCLC on BCR Port Sub.pdf, BCR 2008.
- d) Background, Orthophotos 10 cm, 13 April 2021, Esri Online Service.



Assessment Process

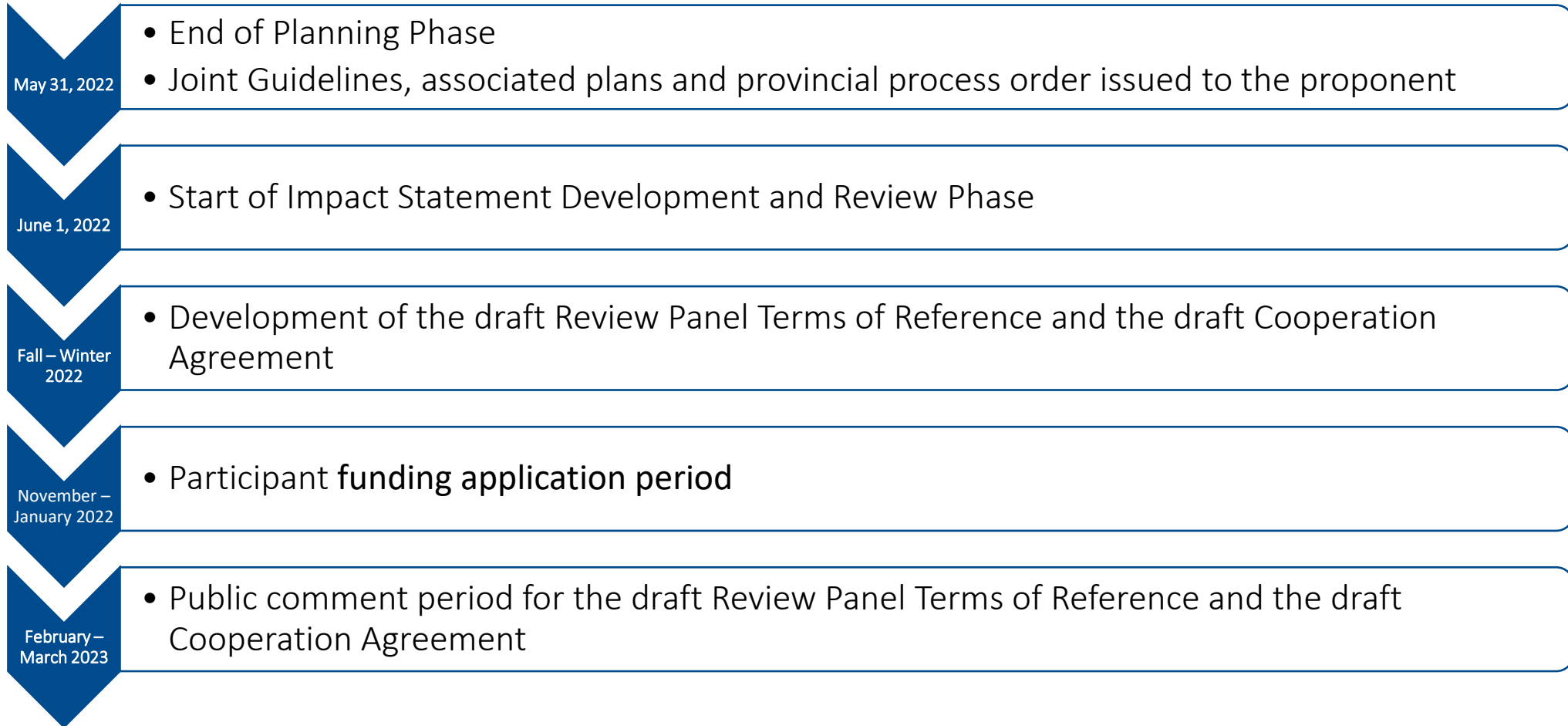


KEY PARTICIPANTS IN THE IMPACT ASSESSMENT SYSTEM

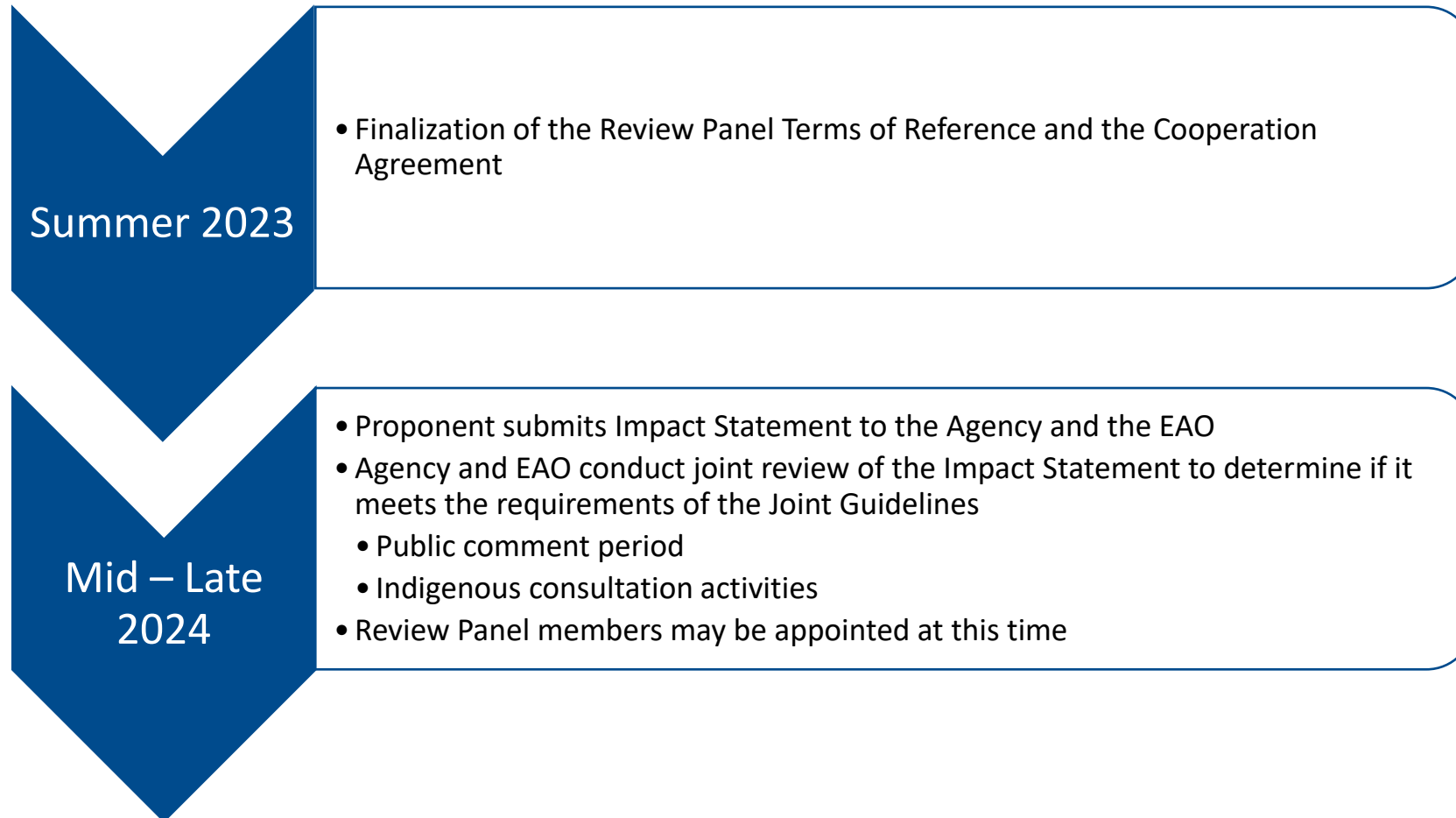
- PROONENT
- INDIGENOUS GROUPS
- IMPACT ASSESSMENT AGENCY OF CANADA
- OTHER JURISDICTIONS
- REVIEW PANEL
- FEDERAL AUTHORITIES
- MINISTER
- GOVERNOR IN COUNCIL
- PUBLIC



What we've been working on



Upcoming Activities during the Impact Statement Phase



REVIEW PANEL TERMS OF REFERENCE



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Review Panel Terms of Reference

- The assessment of the project was referred to a review panel by the federal Minister of the Environment and Climate Change on November 3, 2021
- A Review Panel is a group of independent experts appointed by the Agency to conduct an impact assessment.
 - They must be unbiased and free from conflicts of interest related to the Project.
- Review Panel members are selected for their:
 - knowledge, experience and expertise relative to a project and its potential effects; and
 - knowledge of the interests and concerns of the Indigenous peoples that are relevant to the assessment.



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Review Panel Terms of Reference

The Terms of Reference:

- Elaborate on the federal Minister of Environment and Climate Change's expectations for the impact assessment.
- Will establish the composition and mandate of the Review Panel.
- Will set the procedures and the boundaries of the review, including the time limits for the Impact Assessment Phase.

The Review Panel for the Project will be a federal Review Panel. The EAO intends to principally rely on the federal Review Panel process in order to meet the provincial requirements for the assessment.



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Review Panel Terms of Reference - Timelines of the IA Process

The Terms of Reference describes the work of the Review Panel during the following phases:

Impact Statement Development and Review Phase – up to 3 years

Impact Assessment Phase – proposed 600 days

- Proposed 450 days for the Review Panel to submit its impact assessment report to the Minister
- Proposed 150 days for the government to do its work following receipt of the Review Panel's impact assessment report



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Review Panel Terms of Reference

Impact Statement Development and Review Phase

- Panel members may be appointed at this time.
- If they are appointed, they will focus on training and orientation activities.

Impact Assessment Phase

- **Part 1: Impact Assessment Phase led by the Review Panel**
 - **Review Panel Sufficiency Review:** Review Panel will review the Impact Statement to determine if the information available is sufficient for conducting the impact assessment and to proceed to public hearing.
 - **Public Hearing:** Review Panel will make reasonable efforts to hold sessions in communities in proximity to the Project.
 - **Impact Assessment Report:** Review Panel will develop and submit a report with its conclusions and recommendations with respect to the impact assessment.



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Review Panel Terms of Reference - Mandate

The Review Panel must, in accordance with its terms of reference:

- conduct an impact assessment of the Project, including all incidental activities;
- ensure that the information that it uses is made available to the public;
- ensure opportunities are provided for meaningful public participation and Indigenous engagement during the impact assessment (public hearings, etc.);
- take into account the factors listed in s. 22(1) of the IAA, which includes provincial matters;
- prepare an impact assessment report stating its conclusions and recommendations pertaining to relevant matters; and
- submit that report to the federal Minister.



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Review Panel Terms of Reference – Mandate

In fulfilling its mandate, the Review Panel shall:

- respect the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- ensure that its engagement efforts with Indigenous peoples are guided by the Government of Canada's commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples as a comprehensive international human rights instrument.



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Review Panel Terms of Reference - Mandate

- The Review Panel shall assess the potential impacts of the Project on the *Indigenous interests* of Indigenous nations, to the extent the Review Panel receives such information during the impact assessment process.
 - The Crown will retain the duty to consult.
- The requirement for a Review Panel to assess the impacts on the rights of the Indigenous peoples of Canada is new under the IAA compared to CEAA 2012.
- The Review Panel must invite submissions and participation from Indigenous nations to further inform its analysis, rationale, and conclusions and recommendations regarding Indigenous interests.



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Review Panel Terms of Reference – Sharing information with the Review Panel

The Review Panel:

- shall request that Indigenous nations identify their preferred method to provide information;
- shall not be limited to receiving information in a written format and may accept information provided during oral information gathering sessions or visits on the land or water;
- will make meaningful attempts to accommodate an Indigenous nation's preferred means of participation; and
- may develop procedures for the protection of Indigenous Knowledge.



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Review Panel Terms of Reference - Public Hearing

The Review Panel:

- must develop public hearing procedures;
- must make reasonable efforts to hold the public hearing in the communities in closest proximity to the project, including Indigenous communities;
- may consider arranging for virtual participation at the hearing, where requested; and
- will emphasize flexibility and informality in the conduct of the public hearing.



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Review Panel Terms of Reference - Public Hearing

The Review Panel will:

- engage with Indigenous nations to ensure that the public hearing is carried out in a culturally appropriate manner;
- consider the timing of traditional and cultural activities of individual Indigenous nations, having regard for the time limits; and
- consider requests for interpretation services for Indigenous languages during the public hearing, where requested by an Indigenous nation, and where interpreters are available.



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Review Panel Terms of Reference – Report

- Should the Review Panel post the draft sections of its report on the Public Registry, the Review Panel shall:
 - invite Indigenous nations to comment on those sections pertaining to their specific Indigenous nation to validate the Review Panel’s understanding and characterization of potential effects and impacts of the Project on Indigenous interests;
 - provide Indigenous nations up to 21 days to review the draft sections and provide comments; and
 - allow the Proponent the opportunity to respond to comments provided.

CANADA-BRITISH COLUMBIA COOPERATION AGREEMENT



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Cooperation Agreement

The Canada-British Columbia Cooperation Agreement on the coordination of the environmental and impact assessment process for the GCT Deltaport Expansion – Berth Four Project

- The purpose of the Cooperation Agreement is to establish the terms and conditions for cooperation **between the Agency and the EAO** during the assessment of the Project, while ensuring that each party's separate jurisdiction and legislation is respected.
- The Cooperation Agreement builds on the:
 - Joint Assessment Plan;
 - Joint Indigenous Engagement and Participation Plan; and
 - *Impact Assessment Cooperation Agreement Between Canada and British Columbia.*



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Cooperation Agreement

The Cooperation Agreement describes the work of the Agency and EAO during the following phases:

Impact Statement Development and Review Phase 

Impact Assessment Phase

- Part 1: Impact Assessment Phase led by the Review Panel
- Part 2: Impact Assessment Phase led by the Government

Decision-Making Phase



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Cooperation Agreement

During the Impact Statement Development and Review Phase

- The Agency and EAO will continue to work collaboratively to:
 - provide process advice to the Proponent; and
 - consult with Indigenous nations.
- Once the Impact Statement has been submitted, the Agency and EAO will:
 - work collaboratively to assess if it meets the requirements of the Joint Guidelines;
 - jointly conduct a single public comment period on the Impact Statement;
 - consult with Indigenous nations; and
 - provide the Proponent a single deficiency report, if required.
- Once the Agency and EAO are satisfied, notice(s) will be posted on the public registry (federal) and on EPIC (provincial).



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Cooperation Agreement

During part 1 of the Impact Assessment Phase, led by the Review Panel, the Agency and EAO will:

- Continue to provide advice and guidance to federal authorities, provincial authorities, the technical advisory committee and the public on the Review Panel process, and will facilitate their participation in the process.
- Continue to consult with Indigenous nations and encourage nations to participate in the Review Panel's process.

During part 2 of the Impact Assessment Phase, led by the Government:

- The Agency will post copy of the Review Panel's Impact Assessment Report on the public registry.
- The Agency and EAO will both review the Impact Assessment Report and work collaboratively to develop a whole-of-government response to the Review Panel's recommendations.
- The Agency and EAO will each draft federal and provincial conditions, respectively.



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Cooperation Agreement

During the Decision-Making Phase:

- Decisions made under the IAA and B.C. Act are separate.
- The EAO will support participating Indigenous nations' meetings on a provincial decision. The EAO will keep the Agency informed of any such meetings and outcomes.
- Once the federal and provincial decisions are made, the Agency and the EAO will continue their ongoing dialogue with Indigenous nations to inform them of the decisions and provide them with opportunities to learn about the next steps.
- Should the Project be approved, the Agency and EAO will coordinate post-decision activities, as necessary.



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HOW TO PARTICIPATE



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How to Participate: Agency

- By providing comments on key documents using:

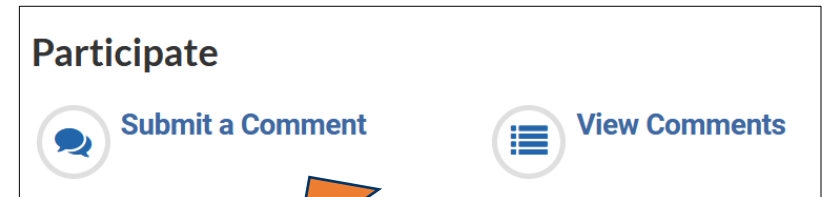
- “Submit a Comment” feature available on the Registry at <https://iaac-aeic.gc.ca/050/evaluations/proj/81010>

- Email: deltaport@iaac-aeic.gc.ca

- Mail:

*GCT Deltaport Expansion – Berth Four Project
Impact Assessment Agency of Canada
160 Elgin St, 22nd Floor
Ottawa, Ontario K1A 0H3*

- Putting your name on the project distribution list for updates and notices by emailing deltaport@iaac-aeic.gc.ca



Thank you!

Please submit your comments by **March 30, 2023**

Registry: <https://iaac-aeic.gc.ca/050/evaluations/proj/81010>

Email: deltaport@iaac-aeic.gc.ca

For 1 on 1 meetings: please contact Jessie.Hannigan@gov.bc.ca and Finn.Macdonald@iaac-aeic.gc.ca

Questions?



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Annex – Definition of Indigenous Interests

Definition of Indigenous interests:

- refers to all the requirements relating to Indigenous peoples required by both the IAA and the EAA.
- This includes paragraph 22(1)(c) of the IAA which requires the assessment of the impacts that the proposed project may have “on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982”.
- It also includes section 2 of the IAA, which provides a definition of effects within federal jurisdiction. This definition includes the following with respect to the Indigenous peoples of Canada, including an impact — occurring in Canada and resulting from any change to the environment — on (i) physical and cultural heritage, (ii) the current use of lands and resources for traditional purposes, (iii) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance; and (iv) any change occurring in Canada to the health, social or economic conditions of the Indigenous peoples of Canada.
- EAO’s Effects Assessment Policy describes Indigenous Interests as “those interests related to an Indigenous nation and their rights recognized and affirmed by section 35 of the Constitution Act, 1982, including Treaty rights and Aboriginal rights and title, that may be impacted by a proposed project” which must be assessed per subsection 25(1) of the EAA.