



File: 30300-20/GMTR-05-06

Reference: 302175

July 25, 2016

SENT VIA EMAIL

Geoff Freer
Executive Project Director
BC Ministry of Transportation and Infrastructure
2030 – 11662 Steveston Highway
Richmond BC V7A 1N6
Geoff.Freer@gov.bc.ca

Dear Mr. Freer:

The Environmental Assessment Office (EAO) received an application (Application) for an environmental assessment certificate for the proposed George Massey Tunnel Replacement Project (GMTR) from the Ministry of Transportation and Infrastructure (MOTI) on May 31, 2016.

On June 29, 2016, MOTI requested an extension to allow additional time to address evaluation comments from EAO, working group members and Aboriginal Groups, which EAO granted today.

Application Evaluation Decision

In accordance with the procedures and time limits specified in the Order issued under Section 11 of the *Environmental Assessment Act* on March 7, 2016, the Project Assessment Lead, with advice from the Working Group as requested, evaluated whether the Application contained the information described in the Application Information Requirements (AIR). EAO has considered the feedback from received from the Working Group members, including Aboriginal groups, in making this decision.

...2

In response to EAO's review and in consideration of Working Group comments, prior to the extension, I identified key information requirements that EAO considered not to have been adequately addressed as per the approved AIR. Key information requirements included:

- Several Valued Component (VC) and Intermediate Component (IC) assessments required a demonstration of greater rationale or technical analysis to support MOTI's conclusions. In particular, EAO highlighted that more supporting detail was required in the following sections: Traffic, Land Use, Marine Use, and Wildlife;
- Residual adverse effects needed to be characterized for ICs (Traffic, Air Quality, etc.) in a manner that was consistent with EAO's methodology;
- Sub components and key indicators specified in the AIR needed to be carried through each VC/IC section, with more details/linkages on potential effects in relation to the indicators;
- Mitigation sections throughout Part B required more examples of specific key mitigation measures that would be included in the various management plans mentioned, further evaluation of anticipated success of each mitigation measure, and a description of the rationale and analysis for such evaluations;
- A greater level of detail was required in Part A, related to the project components and activities and proposed benefits of the Project, as stated in the AIR;
- Aboriginal Consultation Report #2 needed to incorporate comments and input from Aboriginal groups;
- The effects assessment section of Part C was required for each Aboriginal group separately, including discussion of specific traditional use information and a clear discussion of potential adverse effects to Aboriginal rights and title (Aboriginal Interests) by Aboriginal group; and
- A clearer demonstration was required of how Aboriginal Traditional Ecological Knowledge and Traditional Land Use Studies, and other information from publicly available sources, were drawn upon to inform baseline studies and effects assessment portion of the Aboriginal consultation section.

During the extended evaluation period, MOTI provided additional explanation and edits to the Application to address the information requirements EAO identified. EAO consulted with relevant Working Group members in reviewing key revised sections of the Application.

As a result, EAO has concluded that the Application, including the additional information provided by MOTI to EAO with respect to the above issues during the extended evaluation period, provides an appropriately meaningful treatment of the requirements in the AIR, and I accept the Application for detailed review.

Please note that the evaluation completed is a scan of the Application for completeness, not an in-depth review to determine whether or not issues have been resolved to EAO's satisfaction. I would like to call your attention to the Section 11 Order and the *Environmental Assessment Act* which provide me with the authority to request MOTI to provide any information or address any issues that I consider necessary in order to complete the environmental assessment (EA) of the GMTR.

Updating and Distributing of the Application for Review

MOTI will need to provide a new complete version of the Application that integrates the revisions reviewed and accepted by EAO during the evaluation period.

MOTI is responsible for supplying and distributing all necessary copies of the Application for review purposes. EAO has provided MOTI with a list of Working Group members who have requested to receive paper or digital copies of the Application. EAO will initiate Application review once MOTI confirms to EAO that it has supplied and distributed copies of the Application to members of the Working Group. I will advise you in writing of the start date of the Application Review phase, and EAO will make the Application available on our website for viewing by the public.

Public Notice

MOTI must advertise in local newspapers that the Application is available for public review and comment and must provide any other notifications requested and approved by EAO. A public comment period on the Application of at least 45 days is currently specified in the Section 11 Order. Once EAO, members of the Working Group and Aboriginal groups have received the updated Application, EAO will establish the start and end dates of the public comment period, as well as specifying the locations and schedule for a public open house(s).

Upon completion of the public comment period, EAO will provide you with the opportunity to respond to issues identified in comments submitted to EAO by government agencies, Aboriginal groups and the public, or, where requested by me, to supplement the information provided in the Application. The time-limit for provision of this information from MOTI to EAO will be 45 days following the close of the public comment period.

Aboriginal Groups and Public Consultation Assessments

The Section 11 Order identifies reporting requirements regarding MOTI's Aboriginal Consultation and Public Consultation activities and indicates that EAO will make an assessment of this information and may instruct MOTI to undertake further measures, within a specific time, to ensure adequate consultation with respect to GMTR. This assessment is presented below.

1. Aboriginal Consultation Assessment

MOTI has been delegated procedural aspects of consultation with Aboriginal groups listed on Schedule B of the Section 11 Order.

EAO acknowledges that MOTI has made efforts to consult with each of the identified Aboriginal Groups, including efforts to meet with and respond to Aboriginal Groups' comments and questions in the pre-Application phase. Generally, EAO considers MOTI to have satisfied the requirements of the Section 11 Order to this point in the EA process. EAO agrees with MOTI's overall objectives and goals regarding ongoing Aboriginal consultation, as outlined in the Aboriginal Consultation Plan and Aboriginal Consultation Reports #1 and #2.

MOTI's consultation activities during Application Review must ensure that comments or issues raised by Aboriginal groups are fully understood and responded to in a meaningful and timely manner. Under the Section 11 Order, a third Aboriginal Consultation Report must be provided to EAO no later than 100 days from the commencement of the Application Review stage, and after the draft has been reviewed by Aboriginal groups. In Aboriginal Consultation Report #3, EAO requires detailed reporting of any specific issues raised by Aboriginal groups, including potential impacts to the exercise of Aboriginal Interests and site-specific concerns, as well as how MOTI has addressed, or proposes to address these issues. The status of issue resolution must be explained along with proposed next steps for consulting on the issues.

2. Public Consultation Assessment

Part D of the Application provides a summary of public consultation to date and outlines how MOTI intends to consult with the public during the Application Review period and other planned consultation activities as laid out in an EAO approved Public Consultation Plan.

EAO acknowledges the efforts MOTI has made to consult with the public including stakeholders and potentially directly affected individuals. EAO agrees with MOTI's overall objectives and goals regarding ongoing public consultation. MOTI has consulted with the general public as well as with key stakeholder and community groups.

The follow activities must be carried out during the Application Review period:

- Similar to the approach taken for the EAO-hosted Open House held during the pre-Application period, MOTI must provide stakeholders and interested parties with an invitation to the EAO open house as well as an invitation to comment during the public comment period on the Application. In this invitation , MOTI must offer one-on-one meetings with stakeholders and interested parties, if requested;

- MOTI must, in a public issues tracking table, include all comments received from the public before and during the public comment period (to be established by EAO) including themes of comments heard at the public open house; and
- MOTI must provide EAO with a written report within 45 days of the close of the public comment period, of the results of the consultation activities and the issued and concerns raised by the public including:
 - A description of the major activities undertaken and details regarding the dates, purpose, attendees and outcomes including whether the key issue(s) has been resolved, or whether there is a follow-up action proposed by MOTI; and,
 - A public issues tracking table containing all comments received during the Application Review stage, MOTI responses to public comments and MOTI's evaluation of the status of issues.

If you have any questions regarding any part of this letter, or require other information, please contact me by telephone at 250-387-0233, or by email at Michael.Shepard@gov.bc.ca. You may also contact Lindsay Walton at 250-387-6738 or Lindsay.Walton@gov.bc.ca.

Yours truly,

A handwritten signature in black ink, appearing to be 'MS' or similar initials, written in a cursive style.

Michael Shepard
Project Assessment Manager

cc: Liz Staples, Project Coordinator, George Massey Tunnel Replacement Project
Ministry of Transportation and Infrastructure, liz.staples@gov.bc.ca