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Environmental Assessment Office
2nd Floor 836 Yates St
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Victoria BC V8W 9V1

cc: The Honourable George Heyman, Minister of Environment and Climate Change Strategy

Re: Environmental assessment revitalization

Dear Environmental Assessment Revitalization Committee,

Sierra Club BC welcomes the provincial government's commitment to a new environmental assessment process built upon advancing reconciliation and ensuring sustainability for future generations. We are pleased with many of the recommendations you have made to strengthen the EA process, in particular to implement UNDRIP in assessments and to improve public participation. However, some areas require further action to fix this broken process and ensure a rigorous, fair assessment regime.

Our vision for next-generation environmental assessment in BC¹ remains the standard against which to measure meaningful EA reform. Building on that vision, our recommendations are as follows.

Climate targets and sustainability

Sustainability must be a core purpose enshrined in the EA process. Environmental assessment legislation must have substantive objectives that link to BC's climate targets and Canada's international climate commitments. Projects cannot be approved that would put BC's ability to meet its climate targets out of reach, and must be considered cumulatively on their potential to influence the achievement of climate targets. Assessments must include a climate test based on mandatory consideration of a project's full life-cycle contribution to greenhouse gas emissions (GHGs), including upstream and downstream GHGs and other impacts. Further, new assessment legislation should be designed to reinforce stronger BC climate targets and an updated climate action strategy, including for example provincial carbon budgets that are applied in assessments through sustainability criteria.

Decision-makers should be required to select the alternative (including the option of not proceeding) that safeguards ecological values.

Legislation that clearly outlines sustainability-based decision making criteria and trade-off rules must be established. Strategic decisions about whether projects can proceed must be based on whether the

¹ Achieving Sustainability: A Vision for Next-Generation Environmental Assessment in British Columbia
https://www.wcel.org/sites/default/files/publications/2018-05-bc-ea-vision-final_0.pdf

proponent is able to ensure environmental protection. Projects that fail to meet defined legislated sustainability criteria – including a climate test – must not be approved. Environmental assessments must no longer be a process for making bad projects less bad.

Cumulative impacts

Environmental assessment in BC is currently reactive and occurs on a project-by-project basis, without meaningfully taking into account the cumulative impacts of projects on the health of ecosystems and human communities. Species, ecosystems and the services they provide, and human communities are all interconnected and intertwined in complex ways that cannot be measured or captured by looking at resource development on a project-by-project basis. We recommend that the legal criteria by which projects get assessed be broadened, so all projects that stand to impact sustainability are assessed.

As highlighted in the EA Discussion Paper on page 16, we hope that EA decision criteria will be legislated to include clear linkages to land-use plans, the cumulative effects framework, climate action and targets, Species at Risk legislation, and other planning mechanisms and management goals. This has been a gap in previous EA Acts that we hope to see reflected in a revitalized Act.

In addition, we recommend that the new legislation provides triggers and requirements for regional assessments, which establish a legally binding framework for environmental protection that applies throughout the region. Regional assessments should be co-governed between Indigenous nations and the Crown, with meaningful opportunities for local communities, stakeholders and experts to participate in the process and create a strategic plan for their region.

Meaningful public participation

We welcome the positive commitments in the Discussion Paper to increasing public engagement opportunities.

To have confidence in the EA process, local communities and stakeholders must be able to meaningfully participate throughout the process and have ample opportunity for their interests and concerns to be fully understood. This requires multiple opportunities for input and ways to participate, including local community advisory committees. Legislation should include public hearings as a default component of EAs, and establish criteria for Assessment Plans to ensure that public engagement is more than just comment periods.

The body conducting the assessment – not the proponent – must be legislatively responsible for leading public engagement, as this increases public trust in the process and allows participants to feel that they are heard.

Furthermore, participants need access to funding to enable meaningful public engagement, as the cost of travel, legal fees, and contracting experts for independent scientific review creates barriers to participation. Timing constraints and overwhelming amounts of unclear information have posed barriers to meaningful public participation and engagement in the past. A public participation funding program must be established in legislation to ensure sufficient funding is reliably and independently distributed.

Independent evidence and oversight of assessments

A new assessment law must replace the current system whereby the proponent generates virtually all the evidence and it is reviewed behind closed doors. We recommend that the new law ensure a mandatory role for independent experts in assessments, rigorous peer review of scientific and technical information, provide for Indigenous-led studies, and provide mechanisms for public participants to engage experts and test evidence (including early engagement to shape how this occurs).

Sierra Club BC appreciates the opportunity to provide feedback on BC's new environmental assessment regime, and sincerely hopes the above points will be implemented in a new process that protects BC's lands and communities for a better future for all.

Sincerely,

A handwritten signature in black ink, appearing to read 'Caitlyn', with a long, sweeping horizontal line extending to the right.

Caitlyn Vernon
Campaigns Director
Sierra Club BC