

Draft Joint Assessment Plan

GCT DELTAPORT EXPANSION – BERTH FOUR PROJECT (DP4)

November 8, 2021

DRAFT FOR CONSULTATION

Canada 



Contents

Glossary.....	iii
1. Introduction	1
1.1. Project Background.....	1
1.2. Purpose of the Plan	1
2. Approach to Cooperation.....	2
2.1. Cooperation Agreement	2
2.2. Cooperation Opportunities.....	2
3. Indigenous Engagement.....	3
4. Public Participation	3
5. Assessment Process	5
5.1. Impact Statement Development and Review Phase	5
5.2. Impact Assessment Phase led by the Review Panel (Part 1).....	9
5.3. Impact Assessment Phase led by Governments (Part 2)	12
5.4. Decision-making	15
5.5. Post-Decision (<i>if the project is approved</i>)	16
6. Provincial Committees	17
7. Federal Distribution List	19
8. Submitting comments	19
9. Participant Funding	20
10. Contact Information.....	20

Glossary

Term	Definition
Application	An application for an environmental assessment certificate (EAC) under the B.C. Act. This plan uses the federal term “impact statement” to refer to the application.
Assessment	Review of the project that will meet both federal requirements for an impact assessment under the <i>Impact Assessment Act</i> and provincial requirements for an environmental assessment under the <i>Environmental Assessment Act (2018)</i> .
B.C. Act	The <i>Environmental Assessment Act</i> , S.B.C. 2018, c.51.
Canadian Impact Assessment Registry (Public Registry)	The Canadian Impact Assessment Registry is an Internet site established and maintained by the Agency consisting of project files relevant to the impact assessment process.
Community Advisory Committee (CAC)	A provincial venue for communities to advise the EAO on the potential effects of the proposed project on a community, to stay up to date on the progress of the assessment, and to be informed of opportunities to provide their input and advice.
Crown	A term used to refer to both the Government of Canada (federal Crown) and the Government of British Columbia (provincial Crown).
Environmental Assessment Office (EAO)	The EAO is a neutral regulatory agency within British Columbia’s government. The EAO administers the B.C. Act, including the conduct of environmental assessments of major projects in B.C. and provides provincial Ministers with advice to inform their decision on whether a project should proceed.
EPIC	The EAO Project Information Centre is an online publicly available database of all projects and important documents established and maintained by the EAO.
Federal Minister	Minister of Environment and Climate Change Canada.
Impact Assessment Act	The <i>Impact Assessment Act</i> (S.C. 2019, c. 28, s.1).
Impact Assessment Agency of Canada (the Agency)	The Agency is a federal body accountable to the Minister of Environment and Climate Change. The Agency provides high-quality impact assessments that contribute to informed decision-making, in

support of sustainable development. The Agency is the responsible authority for all federal impact assessments.

Impact Statement	Detailed technical document prepared by the proponent as per the requirements set out in the Joint Guidelines. When used in this plan, it also refers to an application for an environmental assessment certificate under the B.C. Act.
Indigenous interests	Refers to all the requirements relating to Indigenous peoples required by both the <i>Impact Assessment Act</i> , and the <i>Environmental Assessment Act, 2018</i> . The <i>Impact Assessment Act</i> 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 <i>Constitution Act, 1982</i> ". The <i>Impact Assessment Act</i> also requires an assessment of, the effects of the project 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, or (iii) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance; and any change occurring in Canada to the health, social or economic conditions of the Indigenous peoples of Canada. Paragraph 2(2)(b) of the <i>British Columbia Environmental Assessment Act, 2018</i> defines Indigenous Interests as "those interests related to an Indigenous nation and their rights recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> , including Treaty rights and Aboriginal rights and title, that may be impacted by a proposed project".
Indigenous nations	First Nations and Métis peoples of British Columbia ¹ .
Joint Guidelines	Document that provides direction and requirements for the proponent in preparing an impact statement. The Joint Guidelines detail all information and studies required to conduct the assessment. This document includes the federal requirements for Tailored Impact Statement Guidelines and the provincial Application Information Requirements.

¹ This is not an acknowledgement by British Columbia that it owes a duty of consultation or accommodation to Métis in British Columbia under Section 35 of the *Constitution Act, 1982*.

Joint Indigenous Engagement and Partnership Plan (JIEPP)	Document outlining how Indigenous nations may wish to participate in the coordinated federal and provincial assessment process, including, where available, information on proponent-led engagement activities.
Participating Indigenous Nation	Term defined in the B.C. Act. An Indigenous nation that has notified the EAO that they would like to participate in the assessment of a project under the B.C. Act as a participating Indigenous nation. Participating Indigenous Nations (PINs) are afforded specific procedural rights within the B.C. Act, including consensus seeking processes, providing a notice of consent or lack of consent at specific decision points, and access to facilitated dispute resolution.
Process Planning phase	This phase formalizes how the provincial environmental assessment must be carried out, including identifying the required information; defining who does what, when, and how; and determining how participants work together for the rest of the assessment and future engagement approaches (including public engagement).
Proponent	A person or entity that proposes the carrying out of, or carries out, a designated project. In the case of this project, the proponent is GCT Canada Limited Partnership.
Provincial Minister	B.C.'s Minister of Environment and Climate Change Strategy.
Provincial Ministers	The provincial Minister and the Responsible Minister (who is responsible for activities in the project sector).
Provincial process order	An order made under section 19(2) of the B.C. Act that defines the scope of the project and the assessment including the procedures, methods, and information requirements.
Referral package	The decision materials that will be submitted to Provincial Ministers that includes the matters under section 29(2) of the B.C. Act.
Review Panel	A review panel is a group of independent experts appointed by the president of the Agency to conduct an impact assessment. The members are selected on the basis of their knowledge or experience relative to the potential effects of the project or knowledge of Indigenous issues, and must be free from bias or conflict of interest relative to the project. The review panel is responsible for conducting the impact assessment, which includes collecting information, holding a public hearing and preparing the impact assessment report.

Technical Advisory Committee
(TAC)

A provincial committee to provide expert advice to the EAO and participating Indigenous nations related to the assessment. Technical advisors will include provincial experts and regulators, Indigenous nations, and experts from local governments, and may include representatives from the United States. The Technical Advisory Committee is the provincial forum for the detailed, technical review of the proponent's documents and technical studies.

This document is a draft version of the joint assessment plan for the assessment of the proposed GCT Deltaport Expansion - Berth Four Project. During the comment period on this document, the Impact Assessment Agency of Canada and the British Columbia Environmental Assessment Office invite the public, Indigenous nations, the proponent, government authorities, and other participants to submit their comments on the draft joint assessment plan. To assist participants, the sections where comments are sought are in a contrasting colour. However, comments on the entire plan will also be accepted.

1. Introduction

1.1. Project Background

GCT Canada Limited Partnership (the proponent) is proposing to expand its existing GCT Deltaport Container Terminal, a container storage and handling facility located in Delta, British Columbia (B.C.). The GCT Deltaport Expansion - Berth Four Project (the project) would add a fourth berth on the east side of the Roberts Bank Causeway, and include an expansion of the intermodal rail yard along the causeway (Roberts Bank Way) and dredging to provide safe access for ships. The additional land-based container storage and handling facilities would provide capacity for an additional two million 20-foot long storage containers per year at the existing terminal.

On October 28, 2021, the Impact Assessment Agency of Canada (the Agency) determined that an impact assessment is required for the project, pursuant to Canada's *Impact Assessment Act*. Likewise, on the same date, the British Columbia Environmental Assessment Office (EAO) provided a notice of decision under Subsection 18(1) of the *Environmental Assessment Act* (2018) (the B.C. Act) that the project will proceed to an environmental assessment.

On November 3, 2021, the federal Minister also referred the assessment to an independent review panel. The EAO intends to principally rely on the federal review panel's impact assessment to meet the provincial requirements for an environmental assessment. Each government retains the power to make their own decisions regarding the project.

For more information on the assessment of the project or to view the information and comments received, visit the Canadian Impact Assessment Registry (the Public Registry) at [GCT Deltaport Expansion - Berth Four Project - Canada.ca \(iaac-aeic.gc.ca\)](https://www.iaac-aeic.gc.ca) or the EAO Project Information Centre (EPIC) at [EPIC \(gov.bc.ca\)](https://epic.gov.bc.ca).

1.2. Purpose of the Plan

This joint assessment plan is prepared and published jointly by the Agency and the EAO, and sets out the intentions for an assessment process that meets the requirements of both a federal impact assessment and a provincial environmental assessment.

The purpose of the joint assessment plan is to outline for each phase of the assessment:

- how the federal and provincial governments will cooperate;

- the assessment process, including participation opportunities and general timelines; and
- roles and responsibilities of the assessment participants.

The joint assessment plan is intended to be high-level to allow the Agency, EAO or the review panel to supplement the approaches described in this plan to accommodate changes that may occur during the assessment.

The joint assessment plan has been developed to incorporate the federal *Impact Assessment Act* requirements for a cooperation plan and a public participation plan. The [Joint Indigenous Engagement and Partnership Plan](#) (JIEPP) and the [Joint Permitting Plan / Regulatory Coordination Plan](#) are separate documents and can be found on the Public Registry and EPIC. This plan has also been developed to incorporate the B.C. Act's requirements for an assessment plan. The draft provincial process order can be found on [EPIC](#).



2. Approach to Cooperation

2.1. Cooperation Agreement

The Agency and EAO are committed to cooperation throughout all phases of the assessment of the project, per the overarching [Impact Assessment Cooperation Agreement Between Canada and British Columbia](#). Through cooperation, the Agency and the EAO will strive to increase efficiency and certainty for all participants, including the proponent and Indigenous nations, to ensure that the best available expertise is shared and applied to the assessment of the project.

To formalize this commitment, the Governments of Canada and British Columbia are developing a project-specific cooperation agreement. This cooperation agreement will build on this joint assessment plan and provide more details about how the review panel and/or federal and provincial authorities will address the requirements of the respective legislations, including roles and responsibilities, timelines, sharing of information, and process. The project-specific cooperation agreement will be developed following the issuance of the provincial process order and federal notice of commencement. A public comment period on the draft cooperation agreement will be conducted.

2.2. Cooperation Opportunities

To date, the Agency and the EAO have coordinated every aspect of the process including the preparation of joint plans and joint guidelines that will guide the remainder of the assessment process for the project. The Agency and EAO have also coordinated public participation opportunities and Indigenous engagement.

While further cooperation opportunities will be identified in the project-specific cooperation agreement, specific areas where the Agency and EAO have currently committed to cooperate include development of:

- a joint Tailored Impact Statement Guidelines/Application Information Requirements ([Joint Guidelines](#)) in a single coordinated document that sets out the information required of the proponent by both governments;

- a single impact statement/application (impact statement) prepared by the proponent to meet the requirements of both a federal impact statement and a provincial application for an environmental assessment certificate (EAC); and
- joint consultation activities with Indigenous nations.

Prior to the appointment of the review panel, the Agency and the EAO will continue to coordinate activities related to the collection and review of information provided by the proponent, Indigenous nations, the public and other participants. Coordinating these activities will increase process efficiency and reduce the burden on all participants. Coordinated activities will include shared project communications to participants, and joint meetings and public comment periods.

Once the review panel is appointed, the review panel will be responsible for leading an independent assessment process, and the Agency and EAO will participate in that process, as appropriate.

The Agency and EAO will make every effort to align timelines and milestones, while respecting respective legislated time limits.

3. Indigenous Engagement

The Agency and EAO are committed to meaningfully engage with Indigenous nations during the assessment of the project. This assessment plan provides a high-level overview of Indigenous engagement during each phase of the assessment.

The [JIEPP](#) details opportunities and methods for meaningful engagement and consultation with potentially affected Indigenous nations throughout the assessment process for the project. The [JIEPP](#) is intended to be flexible and does not preclude the Agency and EAO from making changes to the approaches described in the [JIEPP](#) to accommodate changes that may occur during the assessment process, including adopting revised approaches suggested by Indigenous nations. To complement the [JIEPP](#), interested Indigenous nations may develop community-specific consultation plans, in collaboration with the Agency and EAO, to describe the community's specific objectives for consultation, or any unique features of the assessment and consultation process pertaining to that community.

In addition, the review panel will ensure that Indigenous nations are provided with an opportunity to meaningfully participate in the assessment process. The review panel will be responsible for designing its own approach of engagement with Indigenous nations taking into consideration the principles regarding meaningful engagement included in this document and in its terms of reference and, to the extent possible, in collaboration with Indigenous nations. At a minimum, the review panel will invite Indigenous nations to participate in the review panel's process and, where possible, will hold hearing sessions in communities potentially impacted by the project. At its discretion, the review panel may also explore additional opportunities for engagement with Indigenous nations in order to facilitate the presentation of information.

4. Public Participation

Public participation is an essential part of an open, informed, and meaningful assessment. Both governments are committed to providing participants with the opportunity and capacity to participate meaningfully in the process, and to providing the information needed to participate in an informed way.

Public participation opportunities are designed to take into account diverse needs and interests of the participants. Throughout the assessment process the review panel, or the Agency and/or EAO will notify participants of key steps in the process. Views heard throughout the process will be considered and will inform decision-making.

All segments of the population including, but not limited to, members of the public, non-governmental and governmental organizations, and Indigenous nations, as well as the proponent, are welcome to participate in engagement activities during the assessment.

To ensure meaningful participation during the assessment process, the following communication and participation methods will be used:

- public notices posted on the Public Registry and EPIC, published in newspapers, including online versions and broadcast on the radio;
- emails to the distribution list (see section 7);
- social media updates;
- interactive community and information sessions (in-person or virtual presentations, with questions and answers);
- printed copies of key documents held in viewing centres, if requested;
- [training on the federal impact assessment process](#) and how to effectively participate, available by e-learning and on demand;
- public comment periods to gather participants' input on key documents;
- hearings held by the review panel; and
- other tools based on input from participants during the comment period on this draft joint assessment plan and during the assessment process, or as determined by the review panel.

The Agency and EAO will ensure that documents posted to the Public Registry and EPIC will allow the content to be read aloud by a screen reader so that they are accessible to visually impaired people. The Agency will also encourage the proponent to adopt this practice.

To date, the Agency and EAO have engaged with participants and have held two public comment periods and information sessions. The proposed engagement opportunities for the remainder of the assessment are outlined in section 5 which describes each phase of the assessment.

In addition to the methods described above, the province has a venue for interested members of the public to advise the EAO. More details are provided in section 6 Community Advisory Committee.

- *The Agency and EAO are seeking your opinion on the communication tools listed above. Please tell us your preferences and your suggestions for other communication tools that could facilitate your participation.*
- *The Agency and EAO would also like to know if there are any challenges that could prevent you or your community or organization from accessing participation opportunities for this project, including language barriers, economic or technical challenges, or other factors.*



5. Assessment Process

The cooperation agreement for the project will detail the process and timeline requirements that the Governments of Canada and British Columbia have agreed to in order to meet their respective legislation.

At a high-level, after acceptance of the impact statement, a federally-appointed independent review panel will lead the assessment process, including holding hearings and writing the impact assessment report. The work of the review panel will be guided by its terms of reference which will, consistent with the cooperation agreement, mandate the review panel to consider both federal and provincial matters. Federal and provincial authorities will participate in the review panel process to support the shared objective of “one project, one assessment”. Each jurisdiction will retain its own decision-making authority in accordance with its legislative requirements.

The main upcoming phases of the assessment process are:

1. Impact statement development and review phase
2. Impact assessment phase (part 1) led by the review panel
3. Impact assessment phase (part 2) led by the governments
4. Decision-making phase
5. Post-decision phase (*if the project is approved*)

A general description of the process and participation opportunities for each upcoming phase of the assessment is provided in the following sub-sections. Please note that this section provides an overview of the key upcoming assessment phases; however, specific aspects of the project’s assessment process may be clarified according to the project-specific cooperation agreement or the review panel’s terms of reference.

Specific Indigenous engagement activities as well as role of Indigenous nations in the process are included at a high-level in this plan. Please see the [JIEPP](#) for additional details on Indigenous nations participation in the process.

5.1. Impact Statement Development and Review Phase

Phase Overview

The impact statement phase commences with the posting of the federal notice of commencement and the provincial process order. The federal legislated timeline for this phase is up to three years, from posting of the notice of commencement to posting of the notice that all required information has been provided by the proponent. This timeline can vary if an extension is requested by the proponent and granted by the Agency. Under the provincial legislated timeline, the proponent has up to three years following the issuance of the process order to submit the impact statement and an additional year to provide a revised document. Where

necessary, the EAO may vary provincial timelines to enable this cooperative assessment plan and maintain alignment with the federal process, in accordance with the B.C. Act.

The main steps of this phase are:

- development of the project-specific cooperation agreement and the review panel terms of reference;
- preparation of the impact statement by the proponent that addresses federal and provincial requirements outlined in the [Joint Guidelines](#);
- appointment of the review panel;
- submission of the impact statement by the proponent to the Agency and EAO;
- review of the impact statement to determine if it contains all the information and studies required by the [Joint Guidelines](#);
- if required, directions to the proponent on deficiencies that need to be addressed in the revised impact statement;
- if required, submission of the revised impact statement by the proponent to the Agency and EAO;
- consensus-seeking with participating Indigenous nations on the impact statement; and
- posting of a notice when the impact statement is complete.

Indigenous Engagement

The objectives of this phase with respect to Indigenous engagement are to:

- increase Indigenous nations' awareness of the assessment process and ensure they are provided the opportunity for **meaningful participation**;
- engage Indigenous nations in conducting an assessment of impacts on Indigenous interests;
- engage Indigenous nations in the development of the impact statement;
- obtain comments and views on the impact statement, the review panel terms of reference, and any other relevant assessment documents; and
- identify potential impacts on Indigenous interests and avoidance, mitigation, or accommodation measures in collaboration with Indigenous nations. Seek consensus with participating Indigenous nations with respect to the provincial sufficiency of the impact statement.

Participants are encouraged to consult the [JIEPP](#) for details regarding Indigenous engagement.



Public Participation Opportunities

The objectives of public participation for this phase are to seek participants' views on the project-specific cooperation agreement, review panel terms of reference, and the impact statement, and to increase understanding of the key steps of the assessment process and how to meaningfully participate.

Expected public participation activities include:

- online comment period on the draft version of the cooperation agreement and the review panel terms of reference;

- posting of the impact statement to the Public Registry and EPIC and email sent to the distribution list (see section 7) to notify participants;
- online comment period on the impact statement. The comments will assist in determining whether the impact statement contains all the information and studies required in the [Joint Guidelines](#) and applicable requirements in the provincial process order, and sufficient information for the review panel to conduct a public hearing; and
- possible information sessions to explain the review panel process.

Roles and Responsibilities

Participant	Roles and Responsibilities
Proponent	<ul style="list-style-type: none"> • Develop the impact statement as per the Joint Guidelines, including conducting studies and/or modelling to provide required information. • Engage and collaborate with Indigenous nations to ensure Indigenous knowledge is integrated in the impact statement and all required information regarding potential effects and impacts on Indigenous interests is provided. • As needed, engage with the Agency and EAO, or other participants, to request feedback or provide information prior to and during the development of the impact statement. • Respond to information requests and revise the impact statement, as required.
Review Panel	<ul style="list-style-type: none"> • Conduct a sufficiency review of the impact statement, and provide input to the Agency to inform the Agency’s decision on whether the impact statement contains the required information and studies. • May be directed to lead the engagement period on the impact statement, including engaging with Indigenous nations.
Agency	<ul style="list-style-type: none"> • Negotiate a project-specific cooperation agreement with BC on behalf of the federal Minister and provide an opportunity for public comment on a draft of the cooperation agreement. • Develop draft terms of reference for the review panel on behalf of the federal Minister and provide an opportunity for comment on the draft terms of reference. • Engage with the proponent during the development of the impact statement. • Appoint the members of the review panel. • Conduct a review of the impact statement against the Joint Guidelines, with the support of federal authorities. • Post a notice when all information and studies have been provided. • Administer the participant funding program.
EAO	<ul style="list-style-type: none"> • Negotiate a project-specific cooperation agreement with Canada on behalf of the provincial Minister and provide an opportunity for public comment on a draft of the cooperation agreement. • Review and provide input into the draft terms of reference for the review panel.



Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> • Engage with the proponent during the development of the impact statement. • Facilitate engagement between Indigenous nations and members of the Technical Advisory Committee (TAC), including to resolve issues identified during the development and review of the impact statement. • Review the impact statement against the provincial process order and seek consensus with participating Indigenous nations on its provincial sufficiency. • If appropriate, issue a notice to the proponent that the revised impact statement meets the applicable requirements and has been accepted.
Crown Consultation – Agency and EAO	<ul style="list-style-type: none"> • Work with Indigenous nations to implement the JIEPP, to develop and implement Indigenous nations-specific consultation plans, where required, and to collaborate on an impact on Indigenous interests assessment. • Notify Indigenous nations of key steps in the process and opportunities to participate. • Increase Indigenous nations’ awareness of the assessment process and facilitate meaningful participation in the review panel process. • Engage with Indigenous nations on the review of the impact statement and any potential consideration of required information. • Engage with Indigenous nations on the review of the draft terms of reference for the review panel. • Begin discussions on the suitability of proponent’s mitigation measures and potential gaps with participating Indigenous nations on provincial sufficiency.
Indigenous Nations	<ul style="list-style-type: none"> • Identify partnership possibilities and the ways Indigenous nations prefer to participate in the assessment process to inform the drafting and implementation of community-specific consultation plans. • Share Indigenous knowledge, as desired by the Indigenous nation, to inform the proponent’s development of the impact statement. • Collaborate with the proponent, and Crown as requested, to assess project impacts on Indigenous interests. • Participate in the review of relevant parts of the impact statement. Review and provide feedback on impact statement, including participating in the public comment period, and reviewing the adequacy of proponent responses, as applicable. • Participate in the review of the draft terms of reference for the review panel. • Participate in consensus seeking with the EAO on the sufficiency of the revised impact statement.
Provincial and Federal Authorities	<ul style="list-style-type: none"> • Provide advice during the development of the impact statement, as required. • Participate with in the assessments of Indigenous interests, as required. • Review and comment on the impact statement.

Participant	Roles and Responsibilities
Other participants	<ul style="list-style-type: none"> • Provide local community knowledge and advice on the potential effects of the project to the proponent for the development of the impact statement, if they so choose. • Participate in public comment periods and information sessions, if they so choose, including the review of the impact statement, the development of the project-specific cooperation agreement and the terms of reference for the review panel.

5.2. Impact Assessment Phase led by the Review Panel (Part 1)

Phase Overview

The first part of the Impact Assessment Phase is led by the review panel. It commences when the Agency posts the notice that all required studies and information have been provided by the proponent, which would be informed by the EAO's notice that the application is accepted. The phase ends when the review panel submits its report to the federal Minister. The federal legislated timeline for both parts of the Impact Assessment Phase (Part 1 and Part 2 below) is up to 600 days, unless the Agency is of the opinion that more time is required to cooperate with the provincial process or to take into account circumstances specific to the project. The specific timeline for this phase will be established in the project-specific cooperation agreement. The province plans to principally rely on the federal review panel's impact assessment to meet the provincial requirements for an assessment. Where necessary, B.C. intends to vary provincial timelines to enable this cooperative assessment plan and maintain alignment with the federal process, in accordance with the B.C. Act.

The main steps of part 1 of this phase are:

- the review panel verifies the information in the impact statement and gathers any additional information it needs to fulfill its terms of reference;
- the review panel conducts the hearings;
- the review panel prepares the impact assessment report and submits it to the federal Minister; and
- the review panel may be directed to draft conditions and consult on them

During this phase and the previous phase, any information to be considered by the review panel in its assessment must be posted to the Public Registry.

Indigenous Engagement

The objectives of Indigenous engagement for part 1 of this phase are to:



- increase Indigenous nations' awareness of and involvement in the review panel process;
- promote participation in the review panel process and hearings; and

- gather views on potential project's impacts on Indigenous interests and proposed mitigation and accommodation measures.

Participants are encouraged to consult the [JIEPP](#) for more details on Indigenous engagement.

Public Participation Opportunities

The objectives of public participation for part 1 of this phase are to increase public awareness of the assessment process by a review panel, promote participation in that process, verify information in the impact statement, and seek views of participants on the assessment of potential effects and mitigation measures, including impacts on Indigenous interests and potential accommodation of these impacts.

Objectives related to public participation will be considered for incorporation into the review panel's terms of reference. At a minimum, the review panel is required under the IAA to hold hearings. The purposes of the hearings are to obtain the information required to complete the assessment and for Indigenous nations, the public and other participants to present their views on the assessment of the project and test information on the record. In addition to the hearings, the review panel will undertake other engagement activities that align with any rules or procedures it develops or adopts. Expected public participation activities may include:

- information sessions to explain activities and timelines related to the review panel process;
- online comment periods on key documents or procedures;
- hearings to discuss the project's potential effects and impacts, to be held in the communities most likely to be affected by the project; and
- any additional engagement opportunities the review panel requires to fulfil its terms of reference.

Roles and Responsibilities

Participant	Roles and Responsibilities
Proponent	<ul style="list-style-type: none"> • Respond to information requests, if required, as directed by the review panel. • Participate in meetings with Indigenous nations, including Indigenous community meetings upon a nation's request. • Participate in hearings and any other engagement opportunities offered by the review panel.
Review Panel	<ul style="list-style-type: none"> • Lead this phase of the assessment. • Post updates and information on the Public Registry and maintain an email distribution list to keep participants informed. • May request additional information from any participant, including the proponent, if required. • May organize additional engagement opportunities in order to fulfill its terms of reference. • May organize information sessions to explain hearings procedures and timelines for submissions to the review panel. • Engage with Indigenous nations to collect information on the potential impacts of the project on Indigenous interests.

Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> • Will hold hearings. • May be directed to draft conditions and consult on them; • Draft an impact assessment report containing its rationale, conclusions, and recommendations, as set out in its terms of reference.
Agency	<ul style="list-style-type: none"> • Administer funding to support public and Indigenous participation in the assessment process. • Participate in review panel process by responding to any requests from the review panel and participating in engagement opportunities organized by the review panel, as applicable. This may include providing a technical submission to the review panel or an oral presentation at the hearings. • Support the coordination of federal experts and their submissions to the review panel in preparation of the hearings, and track key issues of federal interest in the assessment. • Post a notice and send an email to the distribution list (see section 7) to notify participants when the impact assessment report has been submitted by the review panel to the federal Minister and posted on the Public Registry.
EAO	<ul style="list-style-type: none"> • Participate in review panel process by responding to any requests from the review panel and by participating in engagement opportunities organized by the review panel, as applicable. This may include providing a technical submission to the review panel or an oral presentation at the hearings. • Post a notice to EPIC to notify participants that the impact assessment report has been submitted by the review panel to the federal Minister and posted on the Public Registry.
Crown Consultation – Agency and EAO	<ul style="list-style-type: none"> • Participate in meetings with Indigenous nations, including Indigenous community meetings upon a nation’s request. • Collaborate with Indigenous nations to submit preliminary analysis, recommendations and conclusions related to potential project impacts on Indigenous interests to the review panel.
Indigenous Nations	<ul style="list-style-type: none"> • Participate in the hearings and additional opportunities organized by the review panel. • Provide any written or oral submissions to inform the review panel process. • Collaborate with the Crown to submit preliminary analysis and conclusions related to potential project impacts on Indigenous interests to the review panel.
Provincial and Federal Authorities	<ul style="list-style-type: none"> • Participate in engagement opportunities offered by the review panel. This may include providing a submission to the review panel or presenting at hearings. • Participate in meetings with Indigenous nations, including Indigenous community meetings upon a nation’s request.



Participant	Roles and Responsibilities
	<ul style="list-style-type: none"> Collaborate with Indigenous nations to submit preliminary analysis and conclusions related to potential project impacts on Indigenous interests to the review panel.
Other participants	<ul style="list-style-type: none"> Participate in engagement opportunities, if they so choose. This may include commenting on key documents or procedures, participating in information sessions, providing a submission to the review panel or presenting at hearings.

5.3. Impact Assessment Phase led by Governments (Part 2)

Phase overview

The second part of the federal Impact Assessment Phase is led by the governments. It begins when the review panel submits its impact assessment report to the federal Minister and the report is made public and ends when the Agency provides its recommendations on potential conditions to the federal Minister. At the provincial level, once the impact assessment report is submitted to the federal Minister and available publicly, the EAO prepares a referral package and refers to provincial Ministers the decision on whether to grant a provincial EAC. The federal legislated timeline for both parts of the Impact Assessment Phase (part 1 above and part 2) is up to 600 days, unless the Agency is of the opinion that more time is required to cooperate with the provincial process or to take into account circumstances specific to the project. The specific timeline for this phase will be established in the project-specific cooperation agreement. Where necessary, the EAO may vary provincial timelines to enable this cooperative assessment plan and maintain alignment with the federal process, in accordance with the B.C. Act.

The main steps of part 2 of this phase are:

Federal

- if the review panel is not directed to develop draft conditions, the Agency will, taking into consideration the impact assessment report submitted by the review panel, develop recommendations on potential federal conditions and will hold a comment period on those conditions;
- if the review panel is mandated to develop draft conditions, the Agency will, taking into consideration the impact assessment report submitted by the review panel, review the conditions and determine whether modifications are warranted. If modifications are made, the Agency would hold a comment period on the potential conditions; and
- taking into consideration comments received from the comment period, the Agency would update the potential conditions and issue its recommendations on the potential federal conditions to the federal Minister.

Provincial

- Based on the impact assessment report submitted by the review panel, the EAO will develop a draft provincial referral package, including draft EAC conditions and project description, a summary assessment report, and recommendations;
- The EAO will hold a comment period on the provincial referral package; and
- The EAO will seek consensus with participating Indigenous nations on the recommendation to provincial Ministers and provincial referral package. Participating Indigenous nations may provide a notice of consent or lack of consent.

Indigenous Engagement

The objectives of Indigenous engagement for part 2 of this phase are to:

- obtain comments from Indigenous nations on the characterization, analysis, conclusions and recommendations **contrained** in the review panel impact assessment report in relation to the impacts on Indigenous interests, and to identify any outstanding impacts on Indigenous interests and to ask for proposed solutions from the Indigenous nations;
- obtain comments from Indigenous nations on the Agency’s recommendations regarding potential federal conditions and on the EAO’s draft referral package;
- **understand a participating Indigenous nation’s consent or lack of consent in advance of decision-making**; and 
- seek consensus with participating Indigenous nations with respect to the provincial referral package.

Participants are encouraged to consult the [JIEPP](#) for more details on Indigenous engagement.

Public Participation Opportunities

The objective of public participation for part 2 of this phase is to obtain comments from participants on potential conditions and the draft provincial referral package.

Expected public participation activities will include:

- federally-led comment period on the potential federal conditions and
- EAO-led comment period on draft provincial referral package.

Roles and Responsibilities

Participant	Roles and Responsibilities
Proponent	<ul style="list-style-type: none"> • Participate in public comment periods. • Review and provide feedback to the EAO and participating Indigenous nations on draft provincial referral package. • Participates in discussion on resolving outstanding Indigenous issues, as required.

Review Panel	<ul style="list-style-type: none"> On the federal Minister's request, clarify any of the conclusions and recommendations set out in its impact assessment report.
Agency	<ul style="list-style-type: none"> Analyse the impact assessment report and draft recommendations on potential federal conditions for the project. May hold a public comment period on the potential federal conditions. Issue its recommendations on the potential federal conditions to the federal Minister and post them to the Public Registry.
EAO	<ul style="list-style-type: none"> Develop the draft provincial referral package with advice from participating Indigenous nations, other Indigenous nations and members of the TAC and Community Advisory Committee (CAC). Coordinate responses to public comments, including seeking advice from members of the TAC, in a response document or by making changes to the draft referral package to address the comments received. Order the proponent to provide further information, as required. Develop the final provincial referral package.
Crown Consultation – Agency and EAO	<ul style="list-style-type: none"> Consult on any outstanding impacts on Indigenous interests Work with Indigenous nations towards the resolution of outstanding issues. Provide advice to decision makers on whether consultation for the purposes of the IA/EA decision was adequate. Seek consensus with participating Indigenous nations on the draft provincial referral package. Seek consensus with participating Indigenous nations on the recommendation to provincial Ministers.
Indigenous Nations	<ul style="list-style-type: none"> Provide comments on the review panel report in relation to the impacts on Indigenous interests, and identify any outstanding impacts on Indigenous interests and identify possible solutions to the outstanding issues Provide comments on the potential federal conditions. Provide comments on EAO's draft referral package. Present their points of view to the Crown concerning the adequacy of the consultation throughout the assessment process. Facilitate the consideration of the Referral Package by Indigenous decision makers to inform whether or not they would like to provide a notice of consent or lack of consent. May provide a notice of consent or lack of consent.
Provincial and Federal Authorities	<ul style="list-style-type: none"> Participate in public comment periods. Review, provide feedback and advise the EAO and Agency on their respective documents. Participate in issues resolution and tracking as required. Works with Indigenous nations towards the resolution of outstanding issues.
Other participants	<ul style="list-style-type: none"> Participate in public comment periods, if they so choose.

5.4. Decision-making

Phase Overview

The federal decision-making phase commences when the Agency posts its recommendation to the federal Minister on federal conditions on the Public Registry and ends when the federal decision is communicated publicly. The provincial decision phase begins when the EAO submits a provincial referral package to provincial Ministers and ends when the provincial Ministers decide to issue or refuse to issue an EAC. The legislated federal timeline for this phase of the assessment is 90 days, and the provincial legislated timeline is 30 days. Recognizing that the decisions by both governments are separate, the Agency and the EAO will keep each other informed regarding the timing of the respective decisions and will coordinate the announcements of decisions to the extent practicable.

The main steps of this phase are:

Federal

- the federal Governor-in-council decides whether the project's adverse effects within federal jurisdiction are in the public interest;
- in light of the decision by the federal Governor-in-Council, the federal Minister issues a decision statement with detailed reasons. If the project is approved, the decision statement will include federal conditions with which the proponent must comply; and
- where applicable, the Government of Canada issues a response to the review panel's recommendations that relate to federal mandates and interests.

Provincial

- the provincial Ministers issue or refuse to issue an EAC which includes provincial conditions and a project description;
- the provincial Ministers publish reasons for a decision; and
- where applicable, B.C. issues a response to the review panel's recommendations that relate to provincial mandates and interests.

Indigenous Engagement

The objective of Indigenous engagement for the decision-making phase is to inform Indigenous nations about the federal and provincial decisions.

Public Participation Opportunities

The objective of public participation for the decision-making phase is to ensure public awareness of the federal and provincial decisions.

The federal decision statement, reasons for the public interest determination, and conditions, if applicable, will be posted on the Public Registry, and participants will be informed through the distribution list for the

project when it is available. The provincial decision and reasons for decision will be posted on the EPIC website.

Roles and Responsibilities

Participant	Roles and Responsibilities
Proponent	<ul style="list-style-type: none"> • Opportunity to be heard by the EAO, if the reasons for notification of consent, or lack of consent, are contrary to the recommendations or introduce new information that has the potential to materially impact the decision, or similarly with respect to information provided at a meeting held pursuant to the B.C. Act between participating Indigenous nations and the Provincial Ministers.
Review Panel	<ul style="list-style-type: none"> • On the federal Minister's request, clarify any of the conclusions and recommendations set out in its report.
Agency – Federal Minister	<ul style="list-style-type: none"> • Inform the proponent and the participants about the federal decision statement. • Post the federal decision statement on the Public Registry, including the reasons for the public interest determination and, if the project is approved, conditions for the project with which the proponent must comply. • Where applicable, issue a Government of Canada response to the review panel's recommendations that relate to federal mandates or interests.
EAO	<ul style="list-style-type: none"> • Support participating Indigenous nations' meeting with provincial Ministers, if needed. • Provide notice to the proponent of any meeting with a participating Indigenous nation and the provincial Ministers, and provide the proponent with any new information provided by a participating Indigenous nation that has the potential to materially impact the decision. • Distribute and post Provincial Ministers' reasons for the decision and final provincial referral package on the EPIC website.
Crown Consultation – Agency and EAO	<ul style="list-style-type: none"> • Continue ongoing dialogue with Indigenous nations, brief them on the federal decision statement and provincial referral package, and provide them with opportunities to learn about next steps post-impact assessment decision. • Support participating Indigenous nations' meeting with provincial Ministers, if needed.
Indigenous Nations	<ul style="list-style-type: none"> • Continued dialogue with the Crown and proponent if there are remaining outstanding issues.

5.5. Post-Decision (if the project is approved)

Under the federal legislation, the post-decision phase commences when the federal decision statement is posted. At the federal level, there is no set timeline for this phase but, if the project is approved, the federal Minister would require the proponent to substantially begin to carry out the project within a certain period set out in the federal decision statement. The federal decision statement would expire if the proponent does not begin substantial work within that timeframe.

During this phase the Agency would post follow-up and monitoring documents to the Public Registry. Compliance and potential enforcement activities would also be posted to the Public Registry. If applicable, the Agency would post a notice inviting public comment on draft amendments to the federal decision statement. The comments would inform whether the conditions in the federal decision statement are amended. Participants could also be invited to take part in follow-up and monitoring activities, and inform the Agency of potential non-compliance.

Provincially, this phase commences when the EAC is issued. If a provincial EAC is issued, post-certificate activities may include certificate amendments, extensions, transfers, and substantial start determinations. If the project has not substantially started by the specified deadline in the EAC, the EAC expires. Otherwise, the EAC remains in effect for the life of the project, subject only to suspension or cancellation, as applicable.

The Compliance & Enforcement branch of the EAO conducts compliance inspections of regulated parties and projects, and, where required, uses enforcement to ensure that projects are designed, built, operated, and decommissioned or reclaimed, in compliance with the legally binding requirements of the B.C. Act, its regulations, and the project's EAC. Find more information about provincial post-certificate activities and working with partner Agencies and Indigenous nations on the EAO's [Guidance webpage](#).

6. Provincial Committees

Technical Advisory Committee

The TAC is formally established by the EAO in the process planning phase to provide technical advice to the EAO and participating Indigenous nations throughout the assessment of a proposed project. The TAC is chaired by the EAO and made up of representatives with the mandates and technical expertise relevant to the assessment of a proposed project, including appropriately qualified provincial experts and regulators, Indigenous nations and experts from local governments. A terms of reference for the TAC will be developed and posted on EPIC, when available.

The TAC is the provincial forum for the detailed technical review of a proponent's documents and technical studies. The TAC will contribute to a rigorous and comprehensive regulatory process that aims to ensure durable decisions. It plays a vital role in establishing information requirements for the assessment, assessing the potential effects of the proposed project, and assessing the adequacy of any proposed mitigation measures. The EAO will rely on the advice of the TAC when considering the impact assessment report and developing a draft EAC including proposed conditions and project description. Participating Indigenous nations may also choose to rely on the advice of the TAC to support their decision-making respecting a project.

As needed, the TAC members will be invited to participate in any engagement activities offered during the federal review panel process.

Community Advisory Committee

Under the B.C. Act, the CAC is a way for interested members of the public to advise the EAO on the potential effects of the project on their community and to actively participate in and stay informed about an assessment by:

- learning more about a proposed project;
- staying up to date on the progress of the assessment; and
- being informed of opportunities to provide their input and advice during the public comment periods and other engagement activities.

CAC members can provide local knowledge of the community, the environment, and the use of the proposed project area. Feedback from CAC members contributes to a better understanding of the potential effects of the proposed project on the community, and input and advice from CAC members is considered by EAO throughout the assessment. The EAO will reflect how and where CAC and other public input has been considered to ensure that the issues, concerns and knowledge provided are considered by provincial Ministers when making their decision on whether to issue an EAC.

Subscription to the CAC is done through the [EPIC website](#) until the end of the public comment period in the process planning phase, and individuals are asked to provide their name, email address, location, and interest in the project. This information is collected by the EAO for the purpose of sending CAC members project and assessment information and updates. Individuals registering to be part of the CAC should also sign up for the federal distribution list (see section 7) to receive updates from the Agency and the review panel.

Depending on the level of community interest, the EAO may directly seek the advice of CAC members and may also establish other engagement opportunities, such as surveys or virtual CAC meetings, among others. During the public comment period, comments received from the CAC will help inform the extent and type of engagement activities by the EAO during the assessment. Terms of reference for the CAC will be developed and posted to EPIC at the end of the process planning phase. See the [Community Advisory Committee Guideline](#) for further information.

The CAC is intended to complement, not displace, other public engagement opportunities occurring throughout the assessment of the project. Members of the public are not required to be members of the CAC to participate throughout the assessment process. The communication and participation methods, described in section 4 Public Participation of this document, will be available to all participants.

- *If members of the public are interested in joining the CAC, they can do so on the [EPIC website](#).*
- *If members of the public sign up for CAC, the EAO would like to know how members of the CAC would like to be engaged.*



7. Federal Distribution List

Throughout the assessment process, the Agency and/or the review panel's secretariat will develop and maintain a distribution list of participants in the assessment. Individuals and organizations on the distribution list will receive updates and notices about the project's assessment as the process unfolds. The distribution list is distinct from the CAC and participants will need to register for both if they wish to receive updates from both the CAC and the review panel.

At any time, participants can send an email with their full name and email address to Deltaport@iaac-aeic.gc.ca to request to be added to the distribution list.

If you indicated that you would like to be added to the distribution list when you signed in to the online Public Registry or at an information session, you do not need to sign up again.

8. Submitting comments

For the review panel to consider comments, they must be part of the project record and posted to the Agency's Public Registry. Therefore, during the assessment, the Agency and EAO will rely primarily on the Agency's Public Registry as the public record for comments during the assessment. The Agency and EAO will work to streamline the collection and public dissemination of information while ensuring each jurisdiction's legislative requirements are satisfied.

Comments may be submitted at any time during the process by using the "Submit a comment" feature on the project's page on the Agency's Public Registry (reference number 81010, at <https://www.iaac-aeic.gc.ca/050/evaluations/proj/81010>). Attachments can be uploaded using this feature. Note that the "Submit a comment" feature may be disabled from the time the review panel closes the record and prepares its report until the submission of the report to the federal Minister. Should the Agency conduct a comment period after the release of the report, the function would be reactivated.

If you have any difficulties with the submission process, please contact the Agency or the review panel's secretariat (following the establishment of the review panel), using the contact information below. Comments may also be submitted by email to Deltaport@iaac-aeic.gc.ca, by regular mail or by phone.

Comments and other documents received by the Agency or review panel will form part of the project record and will be posted on the Public Registry. The [Agency's Submission Policy](#) determines what information can be shared publicly and what information should remain private. For more information on how we protect your privacy, please refer to the [Agency's Privacy Notice](#). If you do not want your comment to be posted on the Public Registry, please contact the Agency before submitting your comment.

During the Impact Statement Development and Review Phase and the Impact Assessment Phase led by the review panel, the EAO encourages participants to provide comments using the Agency's Public Registry. The EAO will continue to meet the legislative requirements to publish documents and provide notice of

comment periods or other engagement opportunities to facilitate public access to information on EPIC. Comments submitted through the Agency's Public Registry on the Impact Statement will be publicly available and the EAO will consider those comments as required by the B.C. Act. After the review panel provides its report to the federal Minister, the EAO will use EPIC to collect public comments on the draft provincial referral package.

9. Participant Funding

Federal

For information about the activities that are eligible for funding or to apply for funding please see the Funding Program Guidelines and application forms on the following page <https://www.canada.ca/en/environmental-assessment-agency/services/public-participation/participant-funding-application-environmental-assessment.html>.

Provincial

During the early engagement phase, the EAO provided participating Indigenous nations capacity funding to support their consideration of the Initial Project Description, Joint Summary of Issues and Engagement, and Detailed Project Description. Consistent with the B.C. Act, the EAO expects the proponent to provide appropriate capacity resourcing to participating Indigenous nations following early engagement, including the process planning phase and the phases covered by this plan.

10. Contact Information

The Agency office designated for administering the impact assessment for the project is:

Impact Assessment Agency of Canada: GCT Deltaport Expansion - Berth Four Project

160 Elgin Street, 22nd Floor
Ottawa ON K1A 0H3
Tel.: 343-572-7144
Email: Deltaport@iaac-aeic.gc.ca

The EAO's office designated for the project is:

BC Environmental Assessment Office

2nd Floor 836 Yates St
PO Box 9426 Stn Prov Govt
Victoria BC V8W 9V1
Email: EAO.DP4@gov.bc.ca

EAO Contacts: <https://projects.eao.gov.bc.ca/p/5f7229183f4bc0002165e839/project-details> - see Contacts section.