

Comment Template for the Review Panel Terms of Reference and the Canada-British Columbia Cooperation Agreement for the GCT Deltaport Expansion – Berth Four Project

This comment template has been prepared to guide your review of the following documents:

- Draft [Canada-British Columbia Cooperation Agreement on the Coordination of the Environmental and Impact Assessment Processes for the GCT Deltaport Expansion – Berth Four Project \(Cooperation Agreement\)](#): describes how the Impact Assessment Agency of Canada (the Agency) and the British Columbia Environmental Assessment Office (EAO) will coordinate during the assessment of the Project.
- Draft [Review Panel Terms of Reference \(Terms of Reference\)](#): identifies the mandate of the Review Panel and sets out the framework for the assessment led by the Review Panel.

The Terms of Reference and the Cooperation Agreement are intended to be complementary and to provide clarity for participants on the process and on the roles and responsibilities of the Review Panel, the Agency, and the EAO for the remainder of the assessment of the proposed GCT Deltaport Expansion – Berth Four Project (the Project).

Please feel free to record your comments using the comment template provided on page 3 of this document. Comments should be submitted via the Canadian Impact Assessment Registry for the Project (reference number 81010) using the “submit a comment” button, or via email to deltaport@iaac-aeic.gc.ca.

Guiding Questions:

The following questions have been prepared to help guide your review:

Terms of Reference

- Does the Terms of Reference clearly describe the process for the parts of the impact assessment led by the Review Panel? If no, which clauses are unclear and why?
- Does the Terms of Reference clearly describe the mandate of the Review Panel? If no, which clauses are unclear and why?
- Is the Review Panel’s mandate, as described in the Terms of Reference, inclusive of areas of concern to you / your organization? If no, what areas of concern what you like to see added?
- Does the process described in the Terms of Reference promote the participation of Indigenous nations, federal and provincial authorities, non-government organizations, and the public in the assessment of the Project? Identify any challenges that you or your community are facing that would prevent you from taking part in the public participation opportunities outlined in the Terms of Reference. Examples of challenges could include, for example, those of a linguistic, social, economic, or technical nature.

Cooperation Agreement

- Does the Cooperation Agreement provide clarity on the roles and responsibilities of the Agency and the EAO during the assessment? If no, which clauses are unclear and why?
- Are there any additional opportunities for cooperation between the Agency and EAO during the assessment of the Project that should be included in the Cooperation Agreement?

Time Limits for Public Participation Opportunities

- Are the following proposed time limits for public participation opportunities sufficient to facilitate the participation of Indigenous nations, federal and provincial authorities, non-governmental organizations, and the public?
 - 60 day public comment period for the review of the Impact Statement;
 - 30 days notice prior to the start of a public hearing;
 - 60 days for the public hearing;
 - 21 day comment period for Indigenous nations to review draft sections of the impact assessment report; and
 - 30 day public comment period to comment on potential conditions for the Project, the draft referral package and summary assessment report.

Participant: [Michelle Baudais]

Organization (if applicable): []

General Comments: []

Comment Template

Information Source <i>(Clause of Cooperation Agreement or Terms of Reference)</i>	Comment or Requested Change	Rationale
<p>Draft Terms of Reference: Section 3.13 a≈</p>	<p>I am encouraged that section 3.13 a) states that the cumulative effects of the proposed project must be considered. However, I would like the terms of reference to be made more explicit and state the evaluation of the cumulative effects of the project must consider its impact on the entire bioregion and beyond.</p>	<p>The entire Fraser Estuary is already highly industrialized (70% or more of natural areas have already been lost), and faces increasing development pressure as the human population increases.</p> <p>There is currently no governing body for the Estuary that can provide coordination between the many agencies and levels of government that are active here. No one is responsible for the health of the Estuary as a whole, and no one has the authority to evaluate the overall impact of the many individual development that are planned or in progress. In the absence of any such body, the Impact Assessment process must not evaluate individual proposed projects in isolation. The focus must be on the overall health of the Estuary, and how increasing industrialization is impacting the entire ecosystem. This ecosystem-level focus should be made explicit in the terms of reference for evaluating this project, especially given how important the Fraser Estuary is to the ecology of the entire Pacific Flyway.</p>

Information Source <i>(Clause of Cooperation Agreement or Terms of Reference)</i>	Comment or Requested Change	Rationale
<p>Draft Terms of Reference: Section 3.14, and 3.16</p>	<p>I am concerned that the scope of the appraisal in sections 3.14 and 3.15 appears to be limited to the project’s potential impact on endangered species. Development pressures within the Fraser Estuary are so extreme that any additional project that we add has the potential to have a sudden and dramatic impact on species that are not currently at risk. This must be recognized in the terms of reference.</p>	<p>Taking action to mitigate the impact of a project only when it affects a species already at risk of extinction is equivalent to only treating Stage 4 cancer – we can and must act sooner. Doing so is simpler, cheaper, and much more effective than waiting until ecological damage borders on irreversible.</p>
<p style="text-align: center;"><i>Please use as many pages as necessary.</i></p>		