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Expert Panel
Review of Environmental Assessment Processes
c/o Environmental Assessment Review Secretariat
Canadian Environmental Assessment Agency

Via online submission

December 22, 2016

Dear Madam Chair and Panel Members:

Re: Georgia Strait Alliance submission to the Expert Panel Review of Environmental Assessment Processes

Thank you for the opportunity to provide input into Canada's review of environmental assessment processes. Please accept this submission on behalf of Georgia Strait Alliance.

Georgia Strait Alliance (GSA) is a registered charity established in BC in 1990. GSA is the only organization focused on protecting and restoring the marine environment and promoting the sustainability of the Georgia Strait, its adjoining waters and communities. GSA represents the voice of coastal community residents on BC's south coast who rely upon, and are concerned about, the health of the Georgia Strait. For the past 25 years, GSA has advocated for the protection of the marine environment of the Georgia Strait, with a particular focus on species at risk and their habitat; pollution impacts, including from oil spills; and marine planning, including trans-boundary collaboration to protect the international waters of the Salish Sea.

In this submission, we use the example of increasing vessel traffic in the Salish Sea as a case study of the need for regional strategic environmental assessment and multi-jurisdictional cooperation.

In addition, we endorse the submission and recommendations made by the Environmental Planning and Assessment Caucus of the Canadian Environmental Network, which provide a comprehensive overview of a next generation environmental assessment model for Canada. We refer to the model throughout our submission in making the case for a joint Canada-US regional strategic environmental assessment of shipping in the Salish Sea.¹

¹ [Environmental Planning and Assessment Caucus of the Canadian Environmental Network, 2016. Achieving a Next Generation of Environmental Assessment: Submission to the Expert Review of Federal Environmental Assessment Processes.](#)

1. Vessel traffic in the Salish Sea

The Salish Sea includes the Strait of Juan de Fuca, the Strait of Georgia, Puget Sound, and all their connecting channels and adjoining waters. There are approximately 8 million people living within the watershed of the Salish Sea which includes the major cities of Vancouver, Victoria and Seattle. The shared waters of the Salish Sea are also home to 125 threatened or endangered species including Southern Resident killer whales, marbled murrelet seabirds, multiple species of rockfish and chinook salmon.

Shipping traffic in the Salish Sea is set to grow dramatically over the next decade, in large part due to major development projects proposed on both sides of the Canada-US border.

Currently there are 20 proposed new, expanded or recently completed projects on the shores of the Salish Sea, which cumulatively would increase large commercial vessel traffic in the Salish Sea by 37%, and add an additional 4,286 annual vessel transits to and from ports in British Columbia and Washington State.² See Appendix A for a map of proposed projects with associated vessel numbers.

An increased volume of large vessel transits in the Salish Sea brings an increased risk of a major oil or fuel spill. According to a recent Vessel Traffic Risk Assessment, if all projects proceed, this will mean an increase of 18% in potential accident frequency and 68% increase in oil spill loss – and up to 375% at one higher risk location.³ More ship traffic will also mean an increase in acoustic disturbance for marine mammals, and a higher rate of accidental ship strikes to whales. The cumulative impacts of increasing vessel traffic could potentially affect 50 species with cultural significance to Coast Salish peoples, including wild salmon, herring, crab, prawns and numerous other species. Other impacts include pollution from discharges of sewage, lubricating oil, engine coolants and other contaminants; emissions affecting local air quality and the global climate; and noise and light pollution from ships at anchor affecting local communities.

Currently, there is no mechanism to assess the impacts of increased shipping at the regional level – a problem significantly exacerbated by the international border. Cumulative effects are assessed at the project level only, and restrictions are often placed on the geographic scope for consideration (for example, a small area around a terminal). Projects are assessed in isolation from one another, and we are left with a significant knowledge gap in terms of how the cumulative impacts of these 20 projects will affect the environment, economies, cultures, and values of the Salish Sea. More broadly, there is no region-wide public or policy conversation taking place about the desired pace and scale of shipping development in the Salish Sea.

2. Regional Strategic Environmental Assessment

The Environmental Planning and Assessment Caucus of the Canadian Environmental Network submission ('the Caucus submission'), states:

² [Friends of the San Juans, 2016. Salish Sea Vessel Traffic Projections.](#)

³ [George Washington University, 2014. Vessel Traffic Risk Assessment.](#)

The growing necessity to address cumulative environmental impacts in EA and to proactively seek out sustainable outcomes calls for a strengthened focus on the strategic and regional levels. Under our suggested model, strategic and regional assessments would not only provide a forum for policy-level discussions to take place at appropriate scales, but should at the same time provide guidance to subsequent project-level EAs (including to project proponents) and better enable EA to serve as a planning tool.⁴

Regional and strategic environmental assessments focus on specific sets of effects or a specific set of activities over a certain geographic scope, and include an assessment of cumulative effects.

A regional environmental assessment (REA) can be defined as an assessment of a regional scale that is not limited in what it considers. These may also be called regional cumulative effects assessments. Strategic environmental assessments (SEA) fall into two main categories: SEAs of federal plans, policies and programmes governed by Cabinet Directive; and *proactive* strategic assessments of a regional scope that are limited in some regard. This second form of SEA is also sometimes referred to as regional strategic environmental assessment (R-SEA).⁵

A Canadian Council of Ministers of the Environment (CCME) report goes further in describing what a regional strategic assessment may allow for:

R-SEA [Regional strategic environmental assessment] is designed to systematically evaluate the cumulative effects of multi-sector land and resource uses and surface disturbances under different future scenarios. The focus is on creating images of the future state of development, natural change, and cumulative change in a region, asking “what if” questions concerning alternative development options. The focus is on informing the development or evaluation of alternative strategic policies, plans, or programs for a region and then comparing those alternatives based on their potential for cumulative environmental change, and in consideration of various socio-economic, environmental, and planning objectives.⁶

The Caucus submission recommends the following legislated triggers for regional and strategic environmental assessment:

1. For federal policies, programs, and plans
2. Where cumulative effects are significant
3. Where significant development is foreseeable
4. Where there are significant socio-economic or health concerns

As described in Section 1 above, the current situation in the Salish Sea would meet triggers 2 and 3, and most likely 4. In addition, the Caucus submission recommends that legislation should establish a

⁴ [Environmental Planning and Assessment Caucus of the Canadian Environmental Network, 2016. Achieving a Next Generation of Environmental Assessment: Submission to the Expert Review of Federal Environmental Assessment Processes.](#)

⁵ [West Coast Environmental Law, 2016. Preliminary submission on next generation environmental assessment.](#)

⁶ [Canadian Council of Ministers of the Environment, 2009. Regional Strategic Environmental Assessment in Canada: Principles and Guidance.](#)

mechanism that would allow any person, government or review panel, or a standing Expert Advisory Committee, to trigger a regional or strategic assessment by submitting an application that meets prescribed criteria. The Minister should be required to respond with reasons within a prescribed time limit and to proceed with the assessment, unless prescribed criteria are not met.

3. Multi-jurisdictional cooperation

The conversation about multi-jurisdictional environmental assessment most often focuses on the linkages between federal and provincial assessment processes. The Caucus submission rightly raises the need for environmental assessment to include Indigenous and local governments. In the case of shipping in the Salish Sea, in which development resulting in increased shipping traffic is proceeding rapidly on both sides of the Canada-US border, and in which the international border is irrelevant to marine life, pollution and other impacts, multi-jurisdictional cooperation must be extended to include American partners.

The cooperative model of environmental assessment recommended by the Caucus submission involves all affected jurisdictions working together to carry out an EA cooperatively, with all jurisdictions actively involved in the design of the process, its implementation, decision-making, and post EA follow-up.

The Caucus recognizes that conditions may not always be such that a cooperative approach with all affected jurisdictions is possible. An alternative approach is for jurisdictions to agree on the scope and process, with only one jurisdiction carrying out the EA process. Each jurisdiction then uses the results of the EA process for its own decision-making and post EA follow-up.

A hybrid model would be appropriate for an international assessment, whereby Canada and the US work together (including involving all levels of federal, provincial/state, local and Indigenous governments) to define the scope and process, establish a joint entity to implement the assessment, and then each partner uses the results of the process for decision-making and follow up.

Agreements and entities such as the EPA-Environment Canada collaborative agreement, the BC/Washington Environmental Cooperation Agreement, the Pacific Coast Collaborative, the British Columbia-Washington Coastal and Ocean Task Force and the Pacific Salmon Commission provide examples of pre-existing cooperative frameworks that could be leveraged to establish a joint entity to implement the assessment.

An alternative to the joint implementation model, although less preferable, would be for Canada and the US to work together to define the scope, and enter into an agreement to run independent assessments in which information would flow between the two, and the results of which would be combined to inform post-assessment decision making and follow up.

In both of these models, a harmonized information gathering process is separated from decision-making, which continues to rest with each individual jurisdiction.

The UN Espoo Convention on Environmental Impact Assessment in a Transboundary Context,⁷ to which Canada is a signatory, provides best practice guidance on strategic environmental assessment across international boundaries, as well as case studies of successful collaborative international assessments.

For example, in response to a proposal for a methane gas pipeline running between Italy and Croatia:⁸

- In October 1998, a Joint Body was established under a bilateral agreement to represent both governments.
- The Joint Body oversaw the transboundary EIA procedure for this project. Even though the EIA procedure concerned the whole project, the final decision was taken by each state only in relation to its own part of the project.
- The public of each country had access to detailed EIA information on the potential environmental impact on their territory and to a summary of the EIA information for the other country.
- The competent authorities in the two countries then exchanged the public comments received.

4. Conclusion

The Salish Sea is facing an unprecedented rise in vessel traffic that could transform the region from one of iconic natural beauty on the doorstep of Canada's third-largest city, to a heavily industrialized marine highway. Shipping traffic in the Salish Sea, along with concentrated developments in other parts of Canada, such as the Ring of Fire in Ontario and the Golden Triangle in BC, demonstrate the need for a next-generation environmental assessment framework that allows for a comprehensive regional understanding of the combined impacts of such development, as well as a public conversation about the desired trajectory for the region.

Thank you for considering this submission. If you have any questions or would like to discuss further, please do not hesitate to contact us.

Yours sincerely,

Alexandra Woodsworth
Energy Campaigner
Georgia Strait Alliance

⁷ <http://www.unece.org/env/eia/eia.html>

⁸ [Convention on Environmental Impact Assessment in a Transboundary Context \(Espoo, 1991\), 2004. Case study fact sheet #2: Undersea Methane Pipeline between Croatia and Italy.](#)