



Review Panel Process Information Session

Roberts Bank Terminal 2 Project

THE PROPOSED PROJECT

Project Overview

Location: Delta, British Columbia, directly adjacent to the existing Deltaport and Westshore Terminals.

Project Area: 180 ha including berth pocket, marine terminal, expanded causeway and tug basin.

Capacity: Would provide 2.4 million twenty-foot equivalent units (TEUs) of container capacity.



Potential for Significant Adverse Environmental Effects

- Potential effects to environmental components within federal jurisdiction include;
 - Effects to the southern resident killer whales population, which is designated endangered under *SARA*;
 - Footprint of 180 ha located directly on killer whale critical habitat;
 - Fish and fish habitat, including salmon; and migratory birds.

Project is also subject to an environmental assessment under the BC Environmental Assessment Act

Environmental Assessment – Key Milestones

- January 7, 2014: The Project was referred to a review panel due to the potential for the project to result in significant adverse environmental effects.
- March 27, 2015: Environmental Impact Statement received.
- April 17, 2015:
 - The EIS guidelines were amended to include marine shipping and provincial socioeconomic assessment; and
 - Review Panel Terms of Reference were released.
- October 26, 2015: Marine Shipping Addendum received.
- May 31, 2016: The Review Panel was established.

REVIEW PANEL

Overview

- The Review Panel consists of the following 3 members:
 - Mme. Jocelyne Beaudet, Panel Chair
 - Dr. David Levy, Panel Member
 - Dr. Douw Steyn, Panel Member
- The Minister of the Environment and Climate Change selected the members based on the following criteria:
 - Be unbiased, free of conflict of interest relative to the project; and
 - Have knowledge or experience relative to the anticipated environmental effects of the project.

Review Panel's Terms of Reference

- The Terms of Reference establish the mandate and authority of the Review Panel, as well as the scope of the project, the scope of the assessment and requirements of the *Canadian Environmental Assessment Act, 2012*.
- The document also identifies the review process and time frames for conducting the review.

Mandate

- Review Panel must undertake the following tasks:
 - Conduct an environmental assessment of the designated Project;
 - Ensure that the information that it uses when conducting the environmental assessment is made available to the public;
 - Hold a public hearing in a manner that offers any interested party an opportunity to participate in the EA; and
 - Provide a report to the Minister of Environment & Climate Change.

Mandate

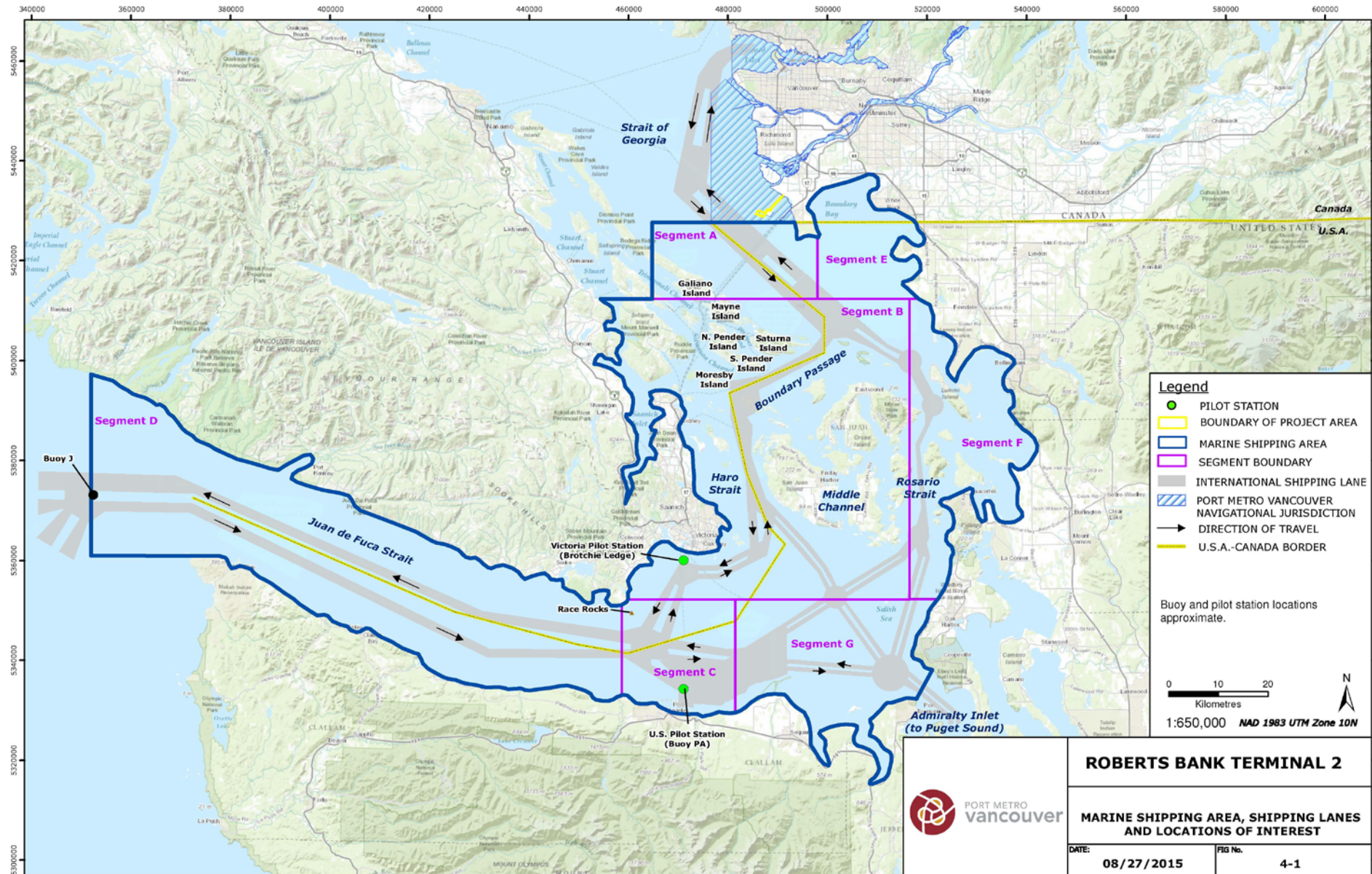
- The environmental assessment includes factors, such as:
 - purpose of the project & alternative means of carrying out the project;
 - significance of environmental effects, including accidents / malfunctions & cumulative effects;
 - comments from the public, including Indigenous persons & groups;
 - community & traditional knowledge;
 - technically & economically feasible mitigation measures;
 - the need for follow-up programs; and
 - changes to the Project caused by the environment.

Mandate – Marine Shipping and Provincial Socio-economic Assessment

- The Minister included two additional factors to be considered in the environmental assessment:
 - Marine shipping associated with the Project which is beyond the care and control of the Proponent and extending to the 12 nautical-mile limit of Canada’s territorial sea (“marine shipping associated with the Project”); and
 - Provincial socio-economic assessment, which comprises assessment of the potential economic, social, heritage and health effects of the Project that would not be encompassed by the definition of environmental effects under CEAA 2012.

The Government of British Columbia will rely on the information produced during the review panel process for the provincial environmental assessment.

Marine Shipping Associated with the Project



Mandate – Marine Shipping

- Marine shipping is within the jurisdiction of the federal government;
- The EA will permit the Panel to collect information on the effects of increased marine shipping associated with the Project; and
- The information will be used by the federal government to develop programs or activities within federal jurisdiction.

Mandate - Aboriginal Rights

- Panel will also accept the following information, on behalf of the Crown, with respect to Aboriginal or Treaty rights:
 - Location, extent and exercise of rights that may be affected by the Project.
 - Potential adverse impacts of the Project on:
 - uses of lands and resources;
 - hunting, gathering, or other traditional uses of land;
 - alterations to access; and
 - the ability of future generations to conduct traditional activities or lifestyles.
 - Measures to mitigate and/or avoid impacts to rights.

Mandate - Aboriginal Rights

- The Review Panel:
 - May use this information to make recommendations that would avoid or mitigate the environmental effects of the Project, including those effects that might adversely impact Aboriginal or Treaty rights; and
 - Will summarize information provided by Indigenous groups in its report.

Mandate - Aboriginal Rights

- The Review Panel does not have the mandate to make any determination as to:
 - The validity of Aboriginal or Treaty rights asserted by Indigenous groups or the strength of those claims;
 - The scope of the Crown's duty to consult Indigenous groups;
 - Whether the Crown has met its respective duty to consult or accommodate in respect to rights recognized & affirmed by section 35 of the Constitution Act, 1982;
 - Whether the Project would be an infringement of potential or established Aboriginal or Treaty Rights; and
 - Any matter of Treaty interpretation (historic or modern).

THE REVIEW PANEL PROCESS

Stages of the Environmental Assessment

The Review Panel will undertake its mandate in three stages:

- Stage 1- Sufficiency review of the EIS
- Stage 2- Conduct a public hearing
- Stage 3- Prepare and submit a report to the Minister

The Review Panel must fulfill its mandate and submit its report to the Minister within 430 days (14 months) of the date of establishment of the Review Panel (May 31, 2016).

Stage 1 - Sufficiency Review

- **Objective:** Determine whether there is sufficient information to proceed to hearing.
- In doing so, the Review Panel will:
 - Hold a public comment period to allow Indigenous groups, government bodies, or other participants to submit comments on sufficiency of information;
 - Review the EIS report, comments received and other relevant information; and
 - Request additional information, as required.

Timeline does not include the time it takes for Proponent to gather information requested by the Review Panel

Stage 2 - Public Hearing

The objectives of the public hearing is:

- To provide the Panel with the opportunity to gather and test the relevant information required to complete the assessment and write its report.
- To provide opportunities for fair, timely and meaningful participation by Indigenous groups, the public, governments, and the Proponent.

The hearing process allows participants to present information before the Panel.

Public Hearing

- Public hearing provides opportunities for:
 - Review Panel to receive information in the form of hearing submissions and oral presentations;
 - Public, government departments, and Indigenous groups to provide information and recommendations, and express concerns to the Review Panel regarding the potential environmental effects of the proposed Project; and
 - Proponent to explain the Project, and respond to concerns and questions raised by other participants.

Public Hearing

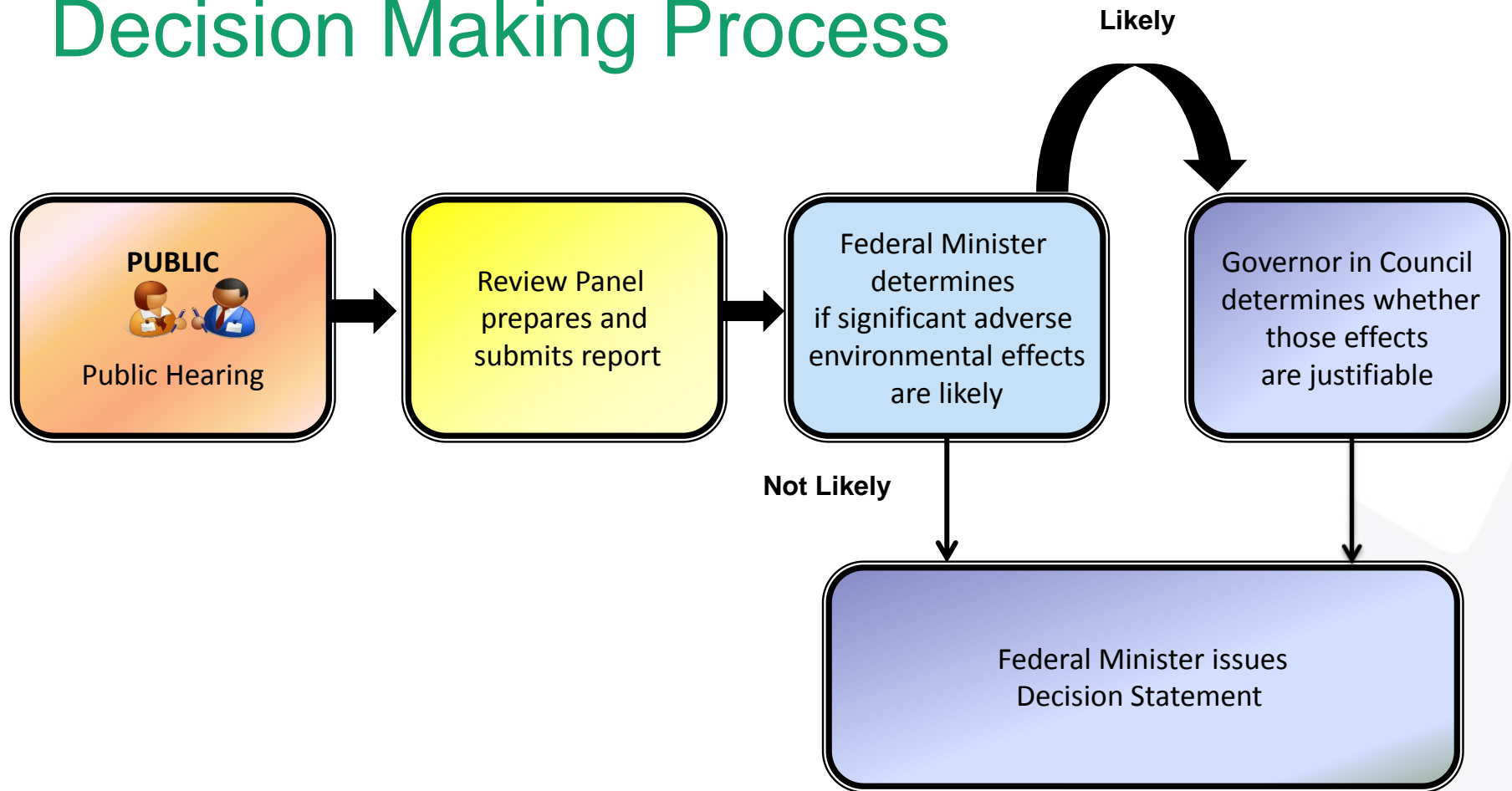
- Review Panel will:
 - Provide 60 days' notice before commencement of hearing;
 - Endeavor to hold hearing sessions in areas in closest proximity to Project, including Indigenous communities; and
 - Take into account the timing of traditional activities in Indigenous and local communities when setting the time and location of the public hearing.
- All documents relating to public hearing, including written transcripts, will be posted on the public registry.

Stage 3 - Review Panel Report

- After the public hearing, the Review Panel will prepare and submit a report to the Minister of Environment and Climate Change.
- Report will contain:
 - Summary of the views of participants,
 - Rationale, conclusions and recommendations on the environmental assessment of the Project, and
 - Recommended mitigation measures and follow-up programs.

The Minister of Environment and Climate Change will make the report available to the public.

Decision Making Process



How to Participate in the Review

- You can participate in the review panel process by:
 - Signing up for our email distribution list to stay informed on key steps & opportunities for comment;
 - Providing comments on documents posted to the public registry;
 - Writing to the Review Panel to share your views; and
 - Requesting to participate in the public hearing.

Documents sent to the Review Panel during the environmental assessment are posted on the public registry.

Public Registry

- The Agency must maintain a public registry for review panels from the referral to submission of a Review Panel's report.
- Public registry is a record of the review process which:
 - increases the transparency of the panel process;
 - provides convenient public access to all records relating to the review; and
 - allow for effective public participation.

Documents posted on the public registry must be related to the environmental assessment of the Project.

Next Steps in the Process

Next Steps	Timelines
Public comment period on the draft Hearing Procedures and Sufficiency of Information received up until July 6, 2018	July 6 to October 5, 2018
Information sessions on environmental assessment process	Fall 2018
Review Panel requests additional information from Proponent	Ongoing and as required by the Review Panel
Public comment period on remaining information	Minimum 30 days once announced by Review Panel
Announcement of public hearing	60 days once the Review Panel has determined it has sufficient information
Hearing submissions	30 days prior to start of public hearing
Public Hearing	TBD by Review Panel
Submission of Review Panel Report	Within 14 months of the Review Panel's appointment as required by CEAA 2012

Additional Information

- To learn more about the review panel process, visit the Agency website at canada.ca/ceaa, registry number 80054
- To stay informed about the Project provide a mailing or email address to:

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