



COWICHAN VALLEY NATURALISTS' SOCIETY

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July 20, 2018

Environmental Assessment Office
2nd Floor 836 Yates Street
PO Box 9426 Stn Prov Govt
Victoria BC V8W 9V1

Dear Sir or Madam,

Re: Environmental Assessment Revitalization Process

The Cowichan Valley Naturalists' Society is in general agreement with the intent of the Environmental Assessment Revitalization Process. It is clear that British Columbia's environmental process is in need of an overhaul. "There have been too many instances where development has failed to ensure the health and safety of our local communities. This has left communities and First Nations with no choice but to use the courts to advocate for their own protection" (1).

A recent paper by West Coast Environmental Law (WCEL) identified several shortcomings in the current environmental assessment process in BC (2). These include a failure to recognize Indigenous jurisdiction and to meet the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) targets, a lack of consideration of the cumulative effects of development, and weak public participation.

The Introduction to the Discussion Paper on Environmental Assessment Revitalization (3) states that the process will result in changes to EA legislation, regulation, policies, and practices that will (1) enhance public confidence, transparency, and meaningful participation; (2) advance reconciliation with First Nations; and (3) protect the environment while offering clear pathways to sustainable project approvals.

The Cowichan Naturalists support the full implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the Truth and Reconciliation Commission (TRC) Calls to Action, included in the purpose section of the new EA legislation. Indigenous nations must be recognized as decision-makers in their territories, and relationships must be established with these nations before EA reviewable projects are proposed. The new EA legislation includes options for collaborative and indigenous-led EAs. This presents an opportunity to draw on millennia of expertise in

land and resource management, which has resulted in sustainable ecosystems, communities, cultures, and economies.

According to the Discussion Paper, project EAs in the future will include assessment of cumulative effects, informed by the province's Cumulative Effects Framework. Even though any given project may have a relatively small effect on the environment (and our well-being), the impacts of other developments on the ecosystem(s) must be considered. Too often in the past, the EA process has focused on mitigating short-term effects, while ignoring the long-term consequences. Furthermore, legislated decision criteria must be consistent with BC's climate targets and strategies. In the Cowichan Valley, we are dealing with the consequences of a rapidly-changing climatic regime, and this must be factored into any future development when considering sustainability into the future.

The revitalized EA process aims at increasing public engagement throughout the EA. This needs to be clearly set out in the legislation, along with timelines and criteria for decision-making. There is also a proposed requirement to publish the reasons for any decision. This will assist in increasing public confidence in the process.

A significant barrier to meaningful public participation, especially by community groups and individuals, is the lack of funding. A public participation funding program is being considered. This will greatly assist stewardship groups such as the Cowichan Valley Naturalists' Society with expenses related to preparing submissions and travelling to meetings.

The Cowichan Valley Naturalists (and other BC Nature Clubs) are made up of dedicated citizen scientists who have a wealth of local knowledge. They are ready and willing to provide information about the potential effects associated with a proposed project, including cumulative effects. Our members could also assist with post-certificate compliance monitoring.

We would be pleased to discuss this further.

Yours sincerely,



Carol Milo
Co-chairs, Cowichan Valley Naturalists' Society

Eric Marshall

1. Statement on Environmental Assessment Process Revitalization. Media release. Sonia Furstenau, MLA Cowichan Valley, March 7, 2018.
2. Why It's Time to Reform Environmental Assessment in British Columbia. Backgrounder. West Coast Environmental Law, January 2018.

3. Environmental Assessment Revitalization Discussion Paper. Government of BC, June 18, 2018.

cc Sally Soanes, President, Arrowsmith Naturalists
Peter Ballin, Conservation Chair, BC Nature