

**Responses to Environmental Assessment Revitalization Discussion Paper**

Kamloops Area Preservation Association (KAPA) worked for 6 ½ years to identify issues and concerns associated with the process and research leading to the development of KGHM’s proposed Ajax mine. Additionally, six KAPA members individually represented various groups on the Community Advisory Committee (CAG) to the BCEAO. Due to our collective and individual experiences with the BC environmental assessment process we can provide valuable and informed feedback on the Discussion Paper.

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**Focus on Public Confidence – page 8**

These points need to be included to support public confidence in Environmental Assessment and ensure meaningful public participation:

#1. Build public trust.

- \* The EAO must be independent from the government. It must not be bound to a government’s agenda to approve a number of projects per year, for example.
- \* The EAO also needs to be adequately staffed to handle the research and oversight required for an environmental assessment.

#2. Rigorously oversee decision-making by professionals.

- \*The proponent’s consultants must not determine the terms of reference (AIR)
- \*Professional reliance in preparing NI 43-101 report must be reviewed.
- \*The EAO must take a greater oversight role in Value Components (VCs) that do not have experts who are backed by professional organizations that have oversight rules or bodies.
- \*Develop assessment processes on controversial VCs that involve steering committees representing several perspectives (proponent, community, First Nations, etc.) to jointly develop the scope and method of study.
- \*Engage an independent third party to ensure valid methods and appropriate data standards are employed by the professionals during their research.

#3. Rigorous objective scientific assessment.

- \*Establish a Science Commission (SC) that is independent of the BC Environmental Assessment Office and government ministries to direct objective research into scientific and technical questions that need to be addressed not only for environmental assessments but for other government decisions as well. The SC could be administered by a small full-time staff, while SC members could be drawn from the BC academic community, and outside if the necessary expertise is not available in BC. Questions to be addressed by the SC could be initiated by a petition process similar to the petition process used by the Federal Commissioner of the Environment and Sustainable Development in the Auditor-General’s Office. This involves providing a background statement providing the rationale for the questions to be assessed. Public accountability could be accomplished by the SC holding public forums on selected topics where scientific opinions can be debated.

#4. Establish provincial equivalent of a federal panel review.

- \*Establish criteria for provincial panel reviews of major projects.

#5. Improve public engagement process.

\*Open mic sessions between the public and the proponent must be held so there is a public record of questions and answers.

\*The Community Advisory Group must consult with the Technical Working Group.

#6. Active involvement of all levels of government.

\*All levels of government (including municipal) must have active involvement with no substitutions, and equal decision-making responsibility in the environmental assessment process.

#7. Improve transparency of EA Process.

\*Government agencies must hold public meetings before a project decision is made, where the agency assessment decisions are disclosed to the public, and the public is given an opportunity to question these decisions.

### **Focus on the Environment and Offering Clear Pathways to Sustainable Project Approvals - page 11**

These points need to be included:

#1. Restrict or eliminate adaptive management.

\*Adaptive management (deferring the assessment of environmental risks and mitigation measures until the permitting stage or project operation) must only be practised where there has been a significant effort to rigorously assess specific environmental risks. A Scientific Commission could play a key role in making this determination.

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#2. Require Human Health Risk Assessment .

\*Where a project impacts nearby populations, the environmental assessment process must include a full Health Impact Assessment as described by Canada's National Collaborating Centre for Healthy Public Policy.

These points need to be included:

#1. Financial soundness test.

\*To reduce the risk to taxpayers of abandoned/orphaned mines, the best practices principle suggests that the federal and provincial governments need to enact financial soundness test legislation.

\*The taxpayers' financial risks for a project must be identified in the environmental assessment process in conjunction with the financial soundness test. Key information that needs to be included is the corporate ownership structure of the project.

\*Financial security on the part of the proponent to cover any liabilities, either through bonding or insurance, must be a mandatory issue in the environmental assessment.

### **Building Blocks - page 16**

These building blocks need to be added to support a clear, effective Environmental Process:

#1. Community consultation and collaboration on scoping issues.

\*Issues scoping sets up the direction for the entire environmental assessment review process. In the case of the BC environmental assessment process, there is heavy reliance on the proponent's judgment and its opinions on the topics that follow. This creates challenges for a transparent process, as much of this will appear to the public as a "behind closed door" exercise. It is essential that clear and transparent scoping of the issues around value components are undertaken.

\* The local community must be allowed to provide substantive and meaningful input to issues scoping. While the EAO utilized the Community Advisory Group in the case of Ajax, this process was not designed to encourage meaningful input from its participants. A better example, would be to review the scoping and issues identification process undertaken by BC Hydro in the lead up to their EA process for the Site C project.

\*The EAO needs to be better resourced to undertake environmental assessments when complex valued components are in play.

\*The EAO must be prepared to bring in the appropriate resources that can provide expertise on specific topics. This must include expertise from the appropriate Ministries and specialized independent consulting resources.

#2. BC mining laws must consider the impacts of mining projects in close proximity with communities.

\*Modernize BC Mining laws, including requiring approval from established communities within 10 km of a mining application.

\*Use regional land use plans and official community plans as a framework for decisions about suitability of mining project development.

\*Communities must have equal authority to provincial and federal governments in decision-making.

This item needs to be added to give confidence in the data and studies that inform the Environmental Assessment:

#1. Baseline data must be required in all aspects of the EA process.

\*The environmental assessment process must establish comprehensive criteria for baseline studies which would create foundations against which to measure future data collected in studies by the proponent.

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Thank you for reviewing our submission on behalf of the Kamloops Area Preservation Association.

- Don Barz, KAPA director
- Paula Pick, KAPA director
- Anne Neave, KAPA director
- Randy Sunderman, KAPA director