

May 10, 2018

Hon. George Heyman
Minister of Environment and Climate Change Strategy
Room 112 Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister Heyman,

We greatly appreciate the opportunity to co-chair your Environmental Assessment Advisory Committee. Our final report is intended to represent the experience and practical advice from our committee members as a contribution to revitalizing the EA process.

Your charge to the committee directed us to examine how best to reflect the objective of reconciliation with indigenous peoples of the province, to increase public trust, to reflect principles of sustainability and to ensure that “good projects” are properly considered.

The most far reaching of these requirements was to address how the EA process should take the principles embedded in the UN Declaration on the Rights of Indigenous Peoples from aspiration to action. We have tried to ensure that those rights are reflected in active recognition and respect throughout the EA process from the earliest engagement of proponents with indigenous people in the areas of proposed projects to the preparation of independent decisions to the Minister at the close. This involves legislated recognition of title and rights, indigenous governance models, traditional knowledge and the validity of oral transmission of that knowledge with the world view that it represents. It also involves the necessary provision of support for capacity to engage and the establishment of a dedicated dispute resolution mechanism that we have termed a “reconciliation commission”.

Public trust has been addressed by increasing the legislated opportunities for public engagement in the EA process steps, provision of funding support for the participation of local governments and public advocacy organizations and the preparation of plain language summaries of key information and decisions. Early engagement in project design considerations can help lead to better definition of issues that must be addressed and the means by which projects deal with information needs, enhancements and mitigation efforts.

Sustainability has been addressed by ensuring that the entire EA process is based upon considerations for both positive and negative project implications across the five pillars of environment, economy, social, health and culture. We have also addressed how the ongoing issue of how to consider cumulative effects could be enhanced by regional environmental assessments.

Certainty of process for project proponents looms large with any revisions to the established EA process. We have addressed this by increasing the definition of “decision gates” within the EA process, with explicit information and decision making criteria, engagement of indigenous peoples and the public, and effective closure of each gate once it is formally passed. The quality of considerations that lead to passage from gate to gate in the EA process is what eventually defines a “good project” from ones that should not proceed.

We did not have time within the compressed period of 6 weeks that the committee had to prepare its recommendation to seek consensus on every aspect. We have dealt with that in two ways, one to include in the text the range of ideas lying behind the formulation of the recommendations and second to present a last chapter of "residual concerns" provided by committee members.

We close by remarking on the support of the EAO Senior Staff and the help of the secretariat members from the First Nations Energy and Mining Council. We never heard a discouraging word, and we probed regularly for their sense of the propriety and practicability of what was emerging as recommendations. Their response was always "we can do that" and enthusiastic technical and logistic support was fully provided. While the objective was to revitalize the EA process, whatever government eventually intends to do they will find that, to accomplish it, a thoroughly competent EAO leadership and staff is already in place.

Best Regards,



Lydia Hwitsum



Dr. Bruce Fraser

Co-Chairs
Environmental Assessment Advisory Committee