

**VANCOUVER-RICHMOND-AIRPORT RAPID TRANSIT PROJECT
(the "PROJECT")**

**RECOMMENDATIONS OF THE EXECUTIVE DIRECTOR
AND REASONS FOR RECOMMENDATIONS**

Pursuant to section 17 of the *Environmental Assessment Act* S.B.C. 2002, c. 43 (the "Act"), the Executive Director of the Environmental Assessment Office (EAO) provides the following recommendations and reasons relating to the Project. In preparing this document, the documentation that has been considered includes:

- RAV Project Management Ltd. (the "Proponent") Application for an Environmental Assessment Certificate (the "Application");
- the Proponent's Application Supplement, providing further details of the Project as selected for implementation (the "Supplement"); and,
- EAO's Richmond-Airport-Vancouver Rapid Transit Project Assessment Report (the "Assessment Report").

The Executive Director recommends that an Environmental Assessment Certificate for the Project be issued for the following reasons:

1. The environmental assessment was carried out in accordance with the scope, procedures and methods identified in the section 11 Order, issued on September 10, 2003.
2. The environmental assessment of the Project addressed the effects identified in the Approved Application Terms of Reference issued on November 19, 2003 including the potential effects on and implications for: fisheries and aquatic habitat; the terrestrial and biophysical settings; the arboriculture environment; socio-economic and socio-community issues; site contamination; air quality and GHG emissions; noise and nuisance; archaeological and heritage resources; electric and magnetic field issues; cumulative environmental effects; environmental effects of accidents and malfunctions; effects of the environment on the Project; and First Nations' asserted aboriginal rights.
3. Measures relating to the distribution of information and the identification of public views and interests have been carried out in accordance with the section 11 Order, including the holding of open houses and meetings with interested parties carried out by the Proponent and EAO.
4. The Project falls within the asserted traditional territories of the Musqueam Indian Band; the Squamish Nation; the Tsleil-Waututh First Nation; the Sto:Lo; and the Tsawwassen First Nation. Due to the Project's proximity to the Katzie First Nation's asserted traditional territory, this First Nation was also invited to participate in the Project review as having potential interest in the Project.

5. Measures relating to the distribution of information and consultations with First Nations have been carried out by the Proponent in accordance with the section 11 Order, including providing Project documentation at various points in the review process, and being available to meet with First Nations who wished to be consulted. EAO has also supported this Project information distribution and consultation and has copied the identified First Nations on all relevant review material shared by government agencies.
6. The identified First Nations were invited to participate on the Technical Working Group and the Socio-economic Working Group established by EAO to advise on the Project. Only the Tsawwassen First Nation and the Katzie First Nation attended some of the working group meetings. EAO provided all First Nations with the same information on the Project that was issued to the two identified working groups, including the Proponent's Application and Application Supplement.
7. Issues identified by the public, federal, provincial agencies and local governments, that fall within the purview of the environmental assessment (EA) review of the Project, have been considered, and the Assessment Report identifies and discusses the key issues, which included:
 - the impact on fisheries in the North and Middle Arm of the Fraser River and the fish habitat compensation plan required under section 35(2) of the federal *Fisheries Act*;
 - the navigability in the above two sections of the Fraser River and the preliminary approval of bridge design and clearance by Transport Canada;
 - potential air quality impacts during construction, but accepting that greenhouse gas (GHG) emissions will be reduced with the projected ridership of the Project, resulting in reduction of diesel buses and vehicle commuters;
 - potential impacts on vegetation, largely focused along Fraser River marshes and on Sea Island outside the perimeter of the Vancouver International Airport;
 - potential human health impacts related to excavation of contaminated soils and resulting from construction noise, in particular relating to the cut-and-cover tunneling methodology proposed along Cambie Street;
 - disruption to business and public accessibility along the northern sections of Cambie Street towards the proposed 2nd Avenue station during construction;
 - arboricultural issues and preservation of the Cambie Street Heritage Boulevard and existing trees under the elevated guideway along No. 3 Road in Richmond; and,
 - First Nations' positions on the Project and potential cultural, heritage and asserted aboriginal rights impacts.

8. Additional issues identified by the First Nations that fall within the purview of the EA review of the Project have been considered, including duties associated with asserted aboriginal rights and title. The Assessment Report identifies and discusses the key issues asserted by First Nations, which included:
 - the impacts on the Musqueam Indian Band's aboriginal fisheries in the area of the proposed bridges over the North Arm and the Middle Arm of Fraser River;
 - release of deleterious substances into fish-bearing aquatic habitat associated with the Fraser River and several ditches on Sea Island;
 - potential air quality impacts (including toxic substances and GHG emissions during construction); and,
 - economic development opportunities associated with the construction and operation of the Project.


9. While the Musqueam Indian Band (MIB) has not, within the timeframe for review, provided specific information to fully identify and address Project impacts on MIB aboriginal fisheries, the Proponent has committed to continue to consult with MIB on the extent of MIB's aboriginal fisheries and associated impacts and to seek appropriate accommodation (where indicated) for any adverse impacts on MIB's right to fish for food, cultural and ceremonial purposes.

10. All potential significant adverse environmental, economic, social, heritage, health effects identified by the public, local governments, provincial agencies and federal agencies that fall within the purview of the environmental assessment of the Project, are considered to be manageable to an acceptable level through:
 - the implementation of Proponent commitments to mitigation identified in the Application, in the Application Supplement and in the *Owner's Commitments and Assurances*, submitted to EAO
 - compliance with the conditions of the Environmental Assessment Certificate (including the design, construction, operation and maintenance of the Project); and,
 - compliance with subsequent statutory permits, licences and approvals and other authorization requirements.

11. All potential significant adverse environmental, economic, social, heritage, health and asserted aboriginal rights impacts identified by First Nations that fall within the purview of the environmental assessment of the Project are considered to be manageable to an acceptable level and/or have been appropriately addressed. Legal duties owed to First Nations are considered to have been met, as follows:
 - Extensive consultations, or attempts to consult, were carried out by the Proponent and EAO both prior to and during the Project review;

- The Proponent will continue to carry out appropriate consultations with First Nations that are willing to participate;
- Issues identified by First Nations during the review were carefully considered and were addressed to the degree possible by means of impact mitigation measures; and,
- Where possible, and to the extent that information on those values was shared, practical means have been identified through conditions to the Environmental Assessment Certificate and Proponent commitments to prevent, reduce or accommodate, to an acceptable level, any potential significant adverse residual effects of the Project on First Nation interests, including any effect on, or change to, asserted current use of lands and resources for traditional purposes by aboriginal persons in the urban corridor of the Project.

12. The Project is in the broad public interest and it provides significant economic benefits to the Province of British Columbia and the Lower Mainland.



Joan Hesketh
Executive Director and Deputy Minister
Environmental Assessment Office

Dated: April 13, 2005