

Ministers' Reasons for Decision

Pattullo Bridge Replacement Project

Proposed by the Ministry of Transportation and Infrastructure

On April 25, 2019 pursuant to Section 17(3)(c) of the *Environmental Assessment Act*, we, the Minister of Environment and Climate Change Strategy and the Minister of Municipal Affairs and Housing, have issued an Environmental Assessment Certificate for the Project. This document sets out the reasons for this decision.



1.0 NATURE AND SCOPE OF THE DECISION

The environmental assessment (EA) of the Pattullo Bridge Replacement Project (PBRP) began in 2016 and included the establishment of an advisory Working Group, consultation with Indigenous groups and engagement with the public. PBRP includes the replacement of the existing four-lane Pattullo Bridge with a new four-lane bridge, in addition to new connections and approaches. The new bridge would be constructed about 100 metres upstream of, and roughly parallel to, the existing bridge location that connects the City of Surrey (Surrey) and the City of New Westminster (New Westminster), British Columbia (BC) crossing the Fraser River. Once the new bridge is operational, the old bridge will be demolished.

On April 4, 2019, the Environmental Assessment Office (EAO) referred the Ministry of Transportation and Infrastructure (TRAN)'s application for an EA Certificate (Application) to us for a decision. Section 17(3) of the *Environmental Assessment Act* (Act) requires that ministers must consider the Assessment Report and any recommendations accompanying the Assessment Report, and may consider any other matters that they consider relevant to the public interest in making their decision on an application. Ministers must decide whether to issue an EA Certificate with any conditions they consider necessary, to refuse to issue an EA Certificate, or to order that further assessment be carried out.

We considered the documents provided by the EAO including the Assessment Report and Summary Assessment Report, the Recommendations of the Executive Director, the proposed Certified Project Description and EA Certificate conditions, and the separate submissions provided to us by Indigenous groups.

2.0 MINISTERS' CONSIDERATIONS

2.1 EAO'S ASSESSMENT

The EAO, with advice from the advisory Working Group, reviewed TRAN's Application, provided its detailed findings in the Assessment Report, and summarized its findings in the Summary Assessment Report. As described in the Assessment Report and Summary Assessment Report, the EAO worked closely with Indigenous groups, provincial and federal agencies, and local governments to identify issues and seek ways to address these issues and concerns, including proposing 20 EA Certificate conditions for our consideration.

The EAO advised us that it was satisfied that the proposed EA Certificate conditions and project design requirements set out in the proposed Certified Project Description would prevent or reduce potential adverse environmental, social, economic, heritage or health impacts of PBRP, such that no significant adverse effects are expected. We concur with the EAO's conclusion.

2.2 RECOMMENDATIONS OF THE EXECUTIVE DIRECTOR

The EAO's Executive Director considered the Assessment Report, the proposed EA Certificate conditions and the project design requirements set out in the proposed EA Certificate. He recommended that an EA Certificate be issued for PBRP.

The EAO's Executive Director further advised that he was satisfied that the Crown's duty to appropriately consult and accommodate Indigenous groups had been discharged for PBRP. During the EA, the EAO consulted with the Cowichan Tribes, Halalt First Nation, Katzie First Nation, Kwantlen First Nation, Kwikwetlem First Nation, Lake Cowichan First Nation, Lyackson First Nation, Musqueam Indian Band, Penelakut Tribe, Semiahmoo First Nation, Squamish Nation, Stz'uminus First Nation, Tsawwassen First Nation, and Tseil-Waututh Nation.

We are of the view that consultation has been carried out in good faith and that the process of seeking to understand and address outstanding issues and project impacts was reasonable. We are also of the view that the potential for adverse effects on the Aboriginal rights and title (Aboriginal Interests) of Indigenous groups has been appropriately avoided, minimized or otherwise accommodated.

2.3 KEY CONSIDERATIONS

2.3.1 ADVERSE EFFECTS

The EAO examined whether PBRP would have adverse environmental, economic, social, heritage or health effects to a wide range of Valued Components and Intermediate Components. The EAO identified several residual effects to fish and fish habitat, heritage resources, and potential impacts to fishing and marine use, that are expected after the implementation of legally-binding conditions and mitigation measures, as noted below. None of these residual adverse effects were determined to be significant.

FISH AND FISH HABITAT

The EA identified that PBRP would have residual adverse effects on fish and fish habitat, specifically a potential permanent loss of aquatic and riparian fish habitat and impacts to fish because of underwater noise during construction and demolition activities. To address the potential effects to fish habitat, the EAO has proposed a fish and wildlife habitat offsetting condition that would require offsetting to exceed in area, and be of higher value, than the habitat that would be affected by PBRP. To address the potential impacts to fish, including from underwater noise, the EAO has proposed a fish and fish habitat monitoring and mitigation condition that requires a description of measures to mitigate effects, the identification of reduced-risk work windows, and on-going monitoring during construction and demolition. The plans for these conditions are required to be developed in consultation with Indigenous groups.

We agree with the EAO's conclusions that PBRP would not have significant adverse residual effects on fish and fish habitat and are satisfied that the EA Certificate conditions and existing and future regulatory requirements will effectively manage project impacts.

MARINE USE AND IMPACTS TO FISHING

We are aware that Indigenous groups expressed concerns related to potential impacts or disruption to Indigenous fishing during construction and demolition activities, as well as concerns with the placement and number of new in-river piers proposed. In response to these concerns, the EAO has proposed:

- A marine and fisheries access condition that would include a description of how any disruption to an Indigenous group's access caused by PBRP would be avoided, mitigated or offset;
- A requirement to undertake supplemental hydraulic modeling based on the detailed design of the in-river components, as well as mitigation measures, including optimization of pier shapes and alignment;
- A description of how construction and demolition schedules for marine-based activities would be communicated to Indigenous groups and other marine users; and
- A complaint resolution process and compensation regime for loss or damage to fishing equipment or gear.

We agree with the EAO's conclusions that PBRP would not have significant adverse residual effects on marine use, including Indigenous fisheries, and are satisfied that the EA Certificate conditions and existing and future regulatory requirements will effectively manage project impacts.

HERITAGE RESOURCES

The EA identified that construction and demolition activities of PBRP would result in residual effects on heritage resources, as ground disturbance could increase the risk of disturbance or loss of heritage resources. Construction and demolition of bridge piers would also result in an increased risk of disturbance to archaeological sites along the shoreline of the Fraser River due to localized shoreline or bank erosion.

During the EA, the Indigenous groups with a strong connection to the area near PBRP raised several concerns related to the potential impacts to the historical village site of *Qiqéyt*. These concerns included the timing of conducting an archaeological impact assessment (AIA), the potential cultural loss at the site, and the potential impacts to cultural resources and ancestral remains. During the EA, several Indigenous groups also expressed deep concern with past and current impacts to heritage and archaeological resources. We understand that TRAN committed to undertaking further AIA work to better understand the potential impacts of construction and demolition on *Qiqéyt* and has committed to a collaborative management approach with Indigenous groups to ensure that they are informed and involved in decisions pertaining to heritage and archaeological resources. We also note that TRAN has committed to collaborating with Indigenous groups to provide opportunities for cultural recognition, interpretation, education and commemoration of the site.

To address concerns about impacts to heritage resources, including *Qiqéyt*, the EAO proposed a number of conditions related to:

- Indigenous monitoring;
- Consultation with Indigenous groups on the project design;
- The development of a cultural and archeological resources management plan;

- The development of an Indigenous cultural recognition plan; and
- Additional plans related to habitat and vegetation restoration that must consider traditional use information provided.

In all cases, these plans must be developed in consultation with Indigenous groups.

We agree with the EAO's conclusions that PBRP would not have significant adverse residual effects on heritage resources and are satisfied that the EA Certificate conditions and existing and future regulatory requirements will effectively manage project impacts.

2.3.2 INDIGENOUS CONSULTATION

The EAO consulted deeply with identified Indigenous groups during the EA. We acknowledge the considerable efforts made to work collaboratively on the PBRP review. Indigenous groups participated in the EA as members of the advisory Working Group and worked closely with the EAO to review, comment on, and contribute to multiple drafts of decision materials. The EAO met regularly with Indigenous groups to discuss and address issues and concerns, and worked collaboratively with Indigenous groups in developing proposed conditions to address concerns raised. We are also aware that TRAN consulted with Indigenous groups and provided funding to Indigenous groups to support their involvement in the EA and to undertake traditional knowledge and use studies.

We are aware that Indigenous groups have requested to be involved in on-going monitoring opportunities for PBRP. We understand that the EAO has proposed conditions that require providing Indigenous groups with monitoring opportunities during construction and demolition, and also in relation to fish and fish habitat and archaeological and heritage resources.

We are of the view that the EAO meaningfully and reasonably sought to address concerns raised by Indigenous groups and we note that a majority of the conditions were proposed to establish a strong foundation for ongoing consultation with Indigenous groups. We also note that conditions were proposed to address cultural interests by utilizing Indigenous knowledge and traditional use information and that the EAO sought to adequately reflect and understand concerns raised during the EA that were out of scope of PBRP to promote Indigenous reconciliation.

During the final stages of the EA, we received letters from Musqueam Indian Band and Tsleil-Waututh Nation which detailed their outstanding concerns with PBRP. We note that the EAO delayed the referral of PBRP to ensure it had adequately considered and responded to key concerns raised in the letters, and in several cases the EAO made additional, important revisions to the decision materials, including to the proposed EA Certificate conditions and Certified Project Description, in response to these concerns. We have considered all of the concerns raised in the decision materials and the separate submissions provided by Indigenous groups, as well as the EAO's responses to these concerns, in making our decision.

We are of the view that consultation has been carried out in good faith and that the process of seeking to understand and respond to potentially outstanding issues and project impacts was reasonable. We are also of the view that the potential for adverse effects on Aboriginal Interests of Indigenous groups has

been appropriately avoided, minimized or otherwise accommodated.

2.3.3 PUBLIC CONSULTATION

We are aware of the opportunities for the public to submit comments during the three public comment periods held during the EA, including a comment period on the EAO's draft decision materials. In total, over the course of three public comment periods and four open houses, the public had 90 days of consultation to review materials and submit comments. We note also that these comments, and TRAN's and the EAO responses, were appropriately considered during the EA as reflected in the EAO's Assessment Report and EA Certificate conditions.

2.3.4 PROVINCIAL AND COMMUNITY BENEFITS

We are aware that the existing Pattullo Bridge is in a central location that makes it a vital link to the communities and the goods and services which flow across the Fraser River. The bridge is part of the regional transportation network for people, goods, and services connecting Surrey and New Westminster. Opened in 1937, it is one of the oldest bridges in Metro Vancouver and currently does not comply with modern design standards which represent multiple risks.

We note that the PBRP goals and objectives include providing a structurally sound bridge crossing, maintaining a critical regional connection which improves safety for all users with a variety of modalities while supporting environmental objectives. These goals and objectives would be achieved by building a safer crossing with modern lane widths which accommodates standard passenger and commercial vehicles separated by a centre median that adds improved safety. Dedicated cycling facilities isolated from bridge traffic would be designed and built adding to the improvement of network connections to New Westminster and Surrey.

We are aware that PBRP would provide local, regional and provincial benefits. TRAN estimated that economic benefits would be derived from PBRP construction expenditures of approximately \$1.1 billion (2017 dollars) net of financing and property acquisition costs, and a construction period of six years (five years to design and build, and one year to demolish the existing bridge). Construction is expected to provide \$208.6 million in tax revenue, including direct construction revenues of \$103.8 million accruing to the federal government, \$90.2 million to the provincial government and \$14.6 million to municipal governments.

TRAN estimates that planning and construction expenditures for PBRP would result in direct employment benefits of more than 3,935 direct person years (PY) of employment. Indirect employment benefits would account for more than 3,460 PYs in businesses that support and supply the direct construction activities. Most construction jobs are expected to be filled from within BC, as has been the case with other Lower Mainland transportation projects in recent years.

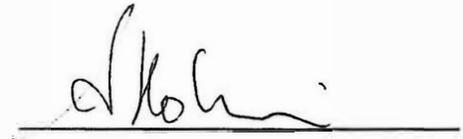
3.0 CONCLUSION

We have considered the EAO's Assessment Report, the recommended Certified Project Description and conditions of the proposed EA Certificate, the Recommendations of the Executive Director, and the separate submissions by Indigenous groups. Now, having regard to our responsibilities under the Act and Crown obligations to consult and accommodate Indigenous groups, we have decided to issue an EA Certificate for PBRP.

The EA Certificate includes enforceable conditions and specifies design parameters. These give us confidence to conclude that PBRP will be carried out such that no significant adverse effects are likely to occur.



Honourable George Heyman
Minister of Environment and Climate Change Strategy



Honourable Selina Robinson
Minister of Municipal Affairs and Housing

signed this 25th day of April 2019