



THE CORPORATION OF DELTA

COUNCIL REPORT

REGULAR MEETING

To: Mayor and Council

From: Office of Climate Action and Environment

Date: May 7, 2008

**South Fraser Perimeter Road Environmental Assessment
Draft Project Assessment Report**

The following report has been reviewed and endorsed by the Chief Administrative Officer.

■ **RECOMMENDATIONS:**

- A. THAT staff participate on the Inter-Agency Environmental Review Committee post environmental certification of South Fraser Perimeter Road and report back to Council as required.
- B. THAT in accordance with existing Council direction and previous comments submitted, staff provide comments directly to the Environmental Assessment Office prior to the May 21 deadline for comments, including but not limited to, those noted in Attachment B of this report.
- C. THAT this report be provided to the Environment Advisory Committee for information.
- D. THAT this report be posted on Delta's website.

■ **PURPOSE:**

The purpose of this report is to present an update on the Environmental Assessment process for South Fraser Perimeter Road, including a recent last draft of the Project Assessment Report written by the Environmental Assessment Office.

■ BACKGROUND:

Pre-application activities for the Environmental Assessment of the South Fraser Perimeter Road began in February 2003 which started the process of conducting studies to obtain the necessary information to make a formal application for Environmental Assessment. In August of 2006, the Ministry of Transportation's Gateway Program (Gateway) submitted an Environmental Assessment application to the BC Environmental Assessment Office for the proposed South Fraser Perimeter Road. The South Fraser Perimeter Road is subject to a coordinated review under the *British Columbia Environmental Assessment Act* as well as the *Canadian Environmental Assessment Act*. The South Fraser Perimeter Road is a new 40 km long highway from Deltaport Way to 176th Street in Surrey. The Environmental Assessment application was formally accepted for review by the Environmental Assessment Office on October 10, 2006.

Staff has been participating on an inter-agency Environmental Assessment Office Working Group during the Environmental Assessment review and has provided regular updates to Council throughout the Environmental Assessment process. Delta has made a number of submissions of comments and letters to both the Environmental Assessment Office and Canadian Environmental Assessment Agency detailing Delta's concerns and requests relating to the proposed project. Copies of reports to Council have been posted on Delta's website including details of the Environmental Assessment application and Delta's comments on the application.

The completion of the Environmental Assessment has been delayed primarily due to outstanding concerns by Environment Canada relating to potential impacts of South Fraser Perimeter Road on Burns Bog. A recent change in the South Fraser Perimeter Road alignment shifting the road further west along the western edge of Burns Bog, as shown in Attachment A, was one measure taken to address these concerns. It appears as though these concerns have now been largely addressed and the Environmental Assessment Office has recently circulated a last draft of the Project Assessment Report for Working Group comments. This is the report that will be submitted by the BC Environmental Assessment Office to the Minister of Environment and Minister of Community Services for a decision on issuing an Environmental Assessment Certificate.

■ DISCUSSION:

DRAFT PROJECT ASSESSMENT REPORT

The Project Assessment Report is a strategic-level evaluation of the project, which concentrates on the significant issues that need to be addressed as a basis for a political approval-in-principle decision. If the project is approved, an Environmental Assessment Certificate is issued. The draft Project Assessment Report is a 144 page document plus a number of appendices that identify project related issues and the proposed mitigation and compensation items for each of the potential project related impacts or effects. A full copy of the draft report is available in the Councillor's lounge. When it is finalized, this report will be publicly available on the Environmental Assessment Office website.

The conclusion of each section of the report and the overall conclusion of the draft report is that based on the Environmental Assessment Office's consideration of the Environmental Assessment application, technical reports, supplemental information, comments from agencies

and the public, responses from Gateway to these comments and discussions with the Working Group and the assumption that Gateway will implement all actions described in the table of Owner's Commitments and Assurances (Appendix E to the Assessment Report), the Environmental Assessment Office is satisfied that the Proponent has undertaken sufficient environmental management planning to ensure that the Project will not result in significant adverse impacts on the environment during either Project construction or operation.

In November 2007, Staff provided comments on a previous draft of the Project Assessment Report and the Owners' Table of Commitments and Assurances which is an appendix to the report. Staff comments primarily requested additional detail and firm commitments in the Assessment Report and Table of Commitments. For the most part, there have been no substantive changes in this regard and conversely, the most recent draft of the Table of Commitments and Assurances has been condensed. Delta has on numerous occasions requested additional mitigation and compensation measures along with more clearly defined commitments prior to the issuing of an Environmental Assessment Certificate.

An Environmental Assessment Certificate is a conditional project approval and typically references a number of documents submitted with the EA application. It also includes the Owners' Table of Commitments and Assurances as a list of the conditions to be met through project development and construction. This table refers to sixteen, yet to be approved, environmental management and compensation plans thereby committing Gateway and its subsequent contractor to finalizing these plans with the approval of the appropriate regulatory agencies and review by other agencies. This will be facilitated by an Inter-Agency Environmental Review Committee that has been proposed by Gateway. This committee will act as a continuation of the Environmental Assessment Office Working Group after environmental certification. **It is recommended that Delta staff participate on this Inter-Agency Environmental Review Committee and report back to Council as required (Recommendation A).**

Attachment B is a summary of the requests and comments made by Delta in our original submission to the Environmental Assessment Office in December 2006 regarding the South Fraser Perimeter Road Environmental Assessment and the relevant clauses of the of the draft Environmental Assessment Report that relate to our comments. Staff previously reported to Council on Gateway's response to Delta's comments and for the most part, Gateway's responses have been accepted by the Environmental Assessment Office as sufficient for the purpose of the Environmental Assessment. Delta has reiterated these concerns and requests formally through letters under the Mayor's signature and through direct correspondence between staff and the Environmental Assessment Office. Continued participation on the Environmental Assessment Office Working Group also provided the opportunity to review draft documents and speak to issues of concern to Delta.

As noted in Attachment B, many of Delta's comments and requests have been addressed in some form through formal commitments in the draft Project Assessment Report. However, there are many issues that remain to be addressed through the finalization of the various management and compensation plans that will be a condition of an Environmental Assessment Certificate. Delta is not provided the assurance of specific commitments in a number of areas of concern to Delta such as those relating to noise mitigation, tree planting and heritage. Details on noise mitigation have been deferred to pre-design and detailed design phases of the project with the general commitment that it meets Ministry of Transportation noise policy. General commitments relating to working with Delta to identify areas where tree planting can be used to mitigate air quality, noise and visual impacts are noted in the draft report, however

despite Delta's requests, there are no specific goals or targets with respect to actual areas or quantities of trees proposed to replace those lost during construction. Gateway has committed to working with the Heritage Advisory Commission on heritage issues but there are no firm commitments with respect to funding or compensation for heritage impacts.

Engineering related comments and requests relating to road and utility infrastructure have not been specifically addressed through the Environmental Assessment process. There are general commitments to work with local government to address issues throughout the construction process but no related commitments to build related infrastructure. It is left to Delta to address these issues directly with Gateway. Meetings and consultation between Delta staff and Gateway are continuing in this regard and Council is provided regular updates on these meetings.

As an exception to the above general statement, the Agricultural Enhancement Strategy will contain a number of specific transportation and irrigation improvements for agriculture. Details of this strategy will be provided directly to Council by Gateway for discussion.

ENVIRONMENT CANADA

As noted previously, the Environmental Assessment process has been delayed due to ongoing negotiations with Environment Canada with respect to its concerns regarding potential impacts of South Fraser Perimeter Road on Burns Bog. It appears as though these concerns have been primarily addressed through commitments to shifting the alignment of the road to the west of Crescent Slough as shown in Attachment A. This resulted in approximately a 60 meter shift to the west of the alignment from the previously proposed alignment. Although this shift has reduced potential impacts to Burns Bog, it has increased impacts to actively farmed land and the aquatic and riparian habitat of Crescent Slough. Specific details of how this section of road will be constructed have not yet been provided.

Other commitments made by Gateway include a detailed Mitigation Monitoring Plan for key wildlife and vegetation values with specific emphasis on impacts to Greater Sandhill Crane and the monitoring of the mitigation measures proposed. This specifically relates to the effects on the Sandhill Cranes that are currently using foraging habitats west of Crescent Slough and the monitoring and adaptive management of mitigation measures that are implemented.

Also in response to Environment Canada concerns, additional work was conducted by Gateway to address the potential impacts of deposition of road dust on Burns Bog generated through the construction and operation of South Fraser Perimeter Road. This work found that the incremental contribution of particulate matter to Burns Bog as a result of South Fraser Perimeter Road is extremely low, such that no adverse effects to the Bog's hydrochemistry or the plant communities that define the Bog are anticipated. Gateway has also committed to a Burns Bog Air Quality Management Plan.

Final details of a wildlife compensation plan have yet to be approved but discussions between Gateway and the Canadian Wildlife Service along with the provincial Ministry of Environment are ongoing. Finalization of these plans will be a condition of an Environmental Assessment Certificate, should it be issued.

Staff has not been privy to recent discussions between Gateway, Environment Canada and the Environmental Assessment Office and do not know whether or not the additional measures proposed by Gateway has fully addressed Environment Canada's concerns. It is stated in the draft Project Assessment Report that the Environmental Assessment Office is satisfied that

Gateway has satisfactorily addressed these concerns for the purpose of the Environmental Assessment.

NEXT STEPS

Staff has been provided only two weeks to provide comments on the final draft of the Project Assessment Report with comments due by May 21. **It is recommended that in accordance with existing Council direction and previous comments submitted, staff provide comments directly to the Environmental Assessment Office prior to this date, including but not limited to, those noted in Attachment B of this report (Recommendation B).** In the draft Project Assessment Report the Environmental Assessment Office has noted that all of the comments received from the reviewing agencies have been satisfactorily addressed by Gateway for the purpose of the Environmental Assessment. It is unlikely any substantive changes in the document will be made prior to finalizing.

It is anticipated that the Project Assessment Report will be finalized shortly after the May 21 deadline and submitted to the Ministers for a decision. The Ministers have up to 45 days to make a decision. This is a coordinated Provincial and Federal environmental assessment process. The Canadian Environmental Assessment Agency has advised that the outcome of the Federal review will be concurrent with the Provincial process. For the Federal process, approval is required by Transport Canada and Department of Fisheries and Oceans senior staff as Responsible Authorities for the project. Environment Canada provides advice to Transport Canada and Department of Fisheries and Oceans; however Environment Canada approval is not required for the Federal review. Federal Minister approval is also not required for the South Fraser Perimeter Road Environmental Assessment.

■ CONCLUSION:

Details pertaining to the final draft of the Project Assessment Report for South Fraser Perimeter Road and the next steps in the Environmental Assessment process are provided for information. It is expected that the Project Assessment Report will be finalized before the end of May and a decision relative to an Environmental Assessment Certificate could be made by the Ministers in June. Many of the environmental management and compensation plans have yet to be finalized and will be reviewed by an Inter-Agency Technical Review Committee prior to implementation. It is recommended that staff participate on this committee and report back to Council as required.

Mike Brotherston
Manager of Climate Action and Environment

Department submission prepared by: Mike Brotherston

■ ATTACHMENTS:

- A. New proposed alignment of South Fraser Perimeter Road along the western edge of Burns Bog
- B. Table of staff comments and relevant sections of the draft Project Assessment Report