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Via email: Sarah.Duggan@gov.bc.ca

April 28th, 2021

Environmental Assessment Office
Government of British Columbia
2nd Floor 836 Yates St
PO Box 9426 Stn Prov Govt
Victoria BC V8W 9V1

Attention: Sarah Duggan
Project Assessment Director

Dear Sarah Duggan,

Re: BC Hydro Request for Amendment to Environmental Assessment Certificate (EAC) #E14-02: Schedule A (Project Description) – Hauling Material from 85th Avenue Industrial Lands to the Site C Project Dam Site Area (Site C - 85th Ave Hauling Amendment Application)

We are writing you on behalf of the Peace River Regional District (District) to provide you with feedback on the draft work plan for review of the Site C – 85th Ave Hauling Amendment Application.

Also, we raise some initial questions and technical comments in relation to the Application which will be more fully documented, supplemented and expanded as the EAO review process proceeds. We request guidance on how to ensure that comments when provided in letter form like this will be recorded on the TAC comment tracking table.

BACKGROUND

We wish to note that revision of the Amendment Application does not change or diminish the District's requests as outlined in its February 3rd, 2021 letter to Project Assessment Director Kimberly Walters. If anything, our further initial review reinforces the need to implement the requests contained in the District's February 3rd, 2021 letter.



In particular, we note:

1. Chair Brad Sperling reports that this proposal to haul till material for the dam and approach channel, even in its revised form, continues to be of very great concern to residents. This supports the need for a rigorous review process that incorporates multiple opportunities for public input, as provided for in the *Environmental Assessment Certificate and Exemption Order Amendment Policy (Version 1.0, December 15, 2020)*.
2. As noted in the District's February 3rd, 2021 letter to Kimberly Walters, proper assessment of this Amendment Application in accordance with the *Effects Assessment Policy (Version 1.0, April 2020)* and its effects requires specialized expertise, well beyond that of the layperson Technical Advisory Committee (TAC). Even to the layperson, the Amendment Application contains limited, incomplete, in some cases out of date, and not independently verified information and opinion regarding critical items such as:
 - Full range of alternatives to hauling when the conveyor is out of service,
 - Analysis of risk and frequency of conveyor failure, and
 - Transportation, traffic safety, air quality, noise, and human health impacts under both the Gate A (previously contemplated in the draft Amendment Application) and Gate B (current Amendment Application under consideration) hauling options.
3. The April 19th, 2021 BC Hydro PowerPoint only reinforces the need for rigorous review and procedural safeguards in keeping with an application at the complex end of the spectrum.

Here is a small sampling of questions based on the District's preliminary review. We fully anticipate many more questions will arise either a) as follow-up to answers received or b) as the District, District residents, independent experts, and others develop an in depth understanding of the Amendment Application.

Slide 2

- What is the earliest and latest that transport of material can start and end each year?
- What is the detailed year by year workplan for transportation of till?
- What is defined as a "significant" construction delay and what expert analysis has been made of the likelihood of delay?

Slide 3

- Will we be provided with the individual responses from those contacted beginning in January 2021?



Slide 4

- Were concerns about noise, air quality, traffic impacts and safety the only concerns raised?
- What valued components does the EAO consider this truck hauling proposal impacts and what is the rationale, justification and list of valued components that the EAO will exclude? The District understands that BC Hydro denied the interface between a number of valued components and the 85th Ave. hauling proposal in its March 16, 2021 submission, but we request the EAO's determination.
- Was a detailed expert analysis conducted of the cumulative impact of 122 truck trips per hour on issues including but not limited to noise, air quality, traffic, and safety? This cumulative impact analysis must also consider those effects which are already taking place in the vicinity of Site C dam construction in the absence of proposed hauling.
- Were alternatives considered other than stockpiling, constructing another conveyor, and constructing a road beside till haul conveyor?
- Are there other alternatives that could be considered, e.g., temporary stop to transport of till? What are the benefits to residents and costs to BC Hydro of such an option?

Slide 5

- What are the costs and benefits and technical considerations related to using an alternative till material source on a temporary basis while the conveyor is not in operation?
- What specific routes for an additional till conveyor were considered and assessed?
- What analysis was performed regarding the costs, benefits and comparative impacts of a) truck hauling vs. building an additional till conveyor, and b) hauling on service maintenance road?

Slide 6

- What detailed data has been assembled and what detailed analysis has been performed regarding the risk, duration in days, construction implications, and cost of a) regular and planned maintenance or b) conveyor breakdown?
- What detailed data has been assembled and what detailed analysis has been performed regarding the risk, duration in days and cost associated with the conveyor not being operational for each event beyond BC Hydro's control? Further, what detailed analysis has been conducted regarding the potential for a sequence of events (i.e., a series of equipment repairs one after another after another)?
- Will independent (not retained by BC Hydro) experts be provided with full access to the data and above analysis to make an independent assessment of these issues?



Slide 8

- What is the definition BC Hydro proposes for each event?
- What detailed analysis has been conducted regarding the cost and feasibility of stockpiling up to 3, 5, 10, 15, 20 or more days of till?
- How does this stockpiling cost compare to the overall construction budget for the Site C dam Project?

Slide 9

- Will BC Hydro pay all direct and indirect costs associated with truck hauling, including but not limited to District communications costs, emergency planning preparation and response and road maintenance and repair costs?
- Who will decide whether or not one of these events triggers a need to use truck hauling?
- How will the TAC and District, residents and Indigenous groups be meaningfully consulted before a decision to truck haul is made?
- How can the amount of advance notice and the ways in which it is delivered be maximized? Who is responsible for delivering the notice?
- How does the *B.C. Declaration on the Rights of Indigenous Peoples Act* apply to decisions to use truck hauling?
- More generally, how does the *United Nations Declaration on the Rights of Indigenous Peoples* apply to decisions to use truck hauling?

Slide 10

- What are the detailed design specifications for the conveyor system?
- What are the operating specifications and maintenance schedule for the conveyor system?
- What is the minimum, maximum and standard level of operation of the conveyor system in m³ per hour recommended by the manufacturer?
- What detailed information or studies are available regarding the operational performance of this conveyor system and other similar conveyor systems in use around the world?
- What are the detailed specifications for the 25 trucks that are proposed to be used for hauling of till?



AMENDMENT APPLICATION REVIEW WORKPLAN

We have now had an opportunity to make an initial review of the amendment application review workplan. This amendment application is at the complex end of the spectrum, or at least entails much more than a typical application. Accordingly, we request changes to three areas of the workplan:

1. Expand opportunities and length of time period for input of TAC and the Public

It is clear, after only an initial review, that there are numerous unanswered or insufficiently answered questions, including but not limited to, questions related to the necessity of truck hauling, as well as its scope, cost, and duration. These questions need to be rigorously and fully answered before the EAO makes a decision on this Amendment Application.

District residents remain very concerned about this application, even in its revised form. The upcoming public review period will undoubtedly re-confirm this high level of concern.

It is essential to any effort to seek consensus on the Amendment Assessment Report that the District, the Public and Indigenous Nations have all of their questions identified and fully answered to their satisfaction. The related review process must also take into account the ongoing Covid pandemic.

Accordingly, it is strongly recommended that the Workplan be revised to:

- Double the length of TAC and public review periods and be prepared to extend them further in response to reasonable requests for extensions.
- Replace the one-week turnaround time for BC Hydro responses with a more realistic and iterative timetable, that provides BC Hydro a minimum of a month to respond.
- Establish a Community Advisory Committee.
- Provide for public comment periods wherever available including at Step 2, 3 and 4 of the public engagement process. This would ensure, for example that the public have a meaningful role and opportunity for review of draft Assessment Procedures and Supplementary Materials Development, draft Supplementary Materials Submitted, and the draft Amendment Assessment Report.

2. Expert Independent Advice on Amendment Application

The Site C dam project has encountered many engineering and other challenges resulting in a current estimated budget of \$16 Billion. In the circumstances, it is not unreasonable to supplement BC Hydro's data and analysis with independent expert advice on key project issues. This Amendment Application is such an issue.



The District is sufficiently concerned with this Amendment Application that it is in the process of retaining an outside expert to identify questions that need to be addressed beyond those listed above, as well as provide an independent expert report on key issues related to this Amendment Application.

We request that the EAO consider retaining its own objective expert to support the technical aspects of the review process. As well, we seek confirmation from the EAO and BC Hydro that the District's expert will have the same level of access to data and analysis that BC Hydro experts enjoy.

3. Expanded Role of Indigenous First Nations

This Amendment Application is an important opportunity for the EAO to support substantive involvement of Indigenous Nations in the EAO review process. We are concerned given the scope, complexity and importance of Indigenous Nation Treaty Rights that the timelines are unreasonably short and the degree of First Nations involvement is unreasonably limited in light of the *United Nations Declaration on the Rights of Indigenous People* and the *B.C. Declaration on the Rights of Indigenous Peoples Act*.

CONCLUSION

The Site C - 85th Ave Hauling Amendment Application is a matter of great concern to the District and its residents. The District's preliminary review of the Amendment Application raises many questions which need to be fully answered in the course of a thorough review process that is not rushed.

We have provided a variety of suggestions to foster participation and confidence of the District, its residents, and Indigenous Nations in the review process and we look forward to your review and response to our suggestions.

If you have any questions, please do not hesitate to contact me at 250-880-9919.

Yours truly,

ROBERT H. BOTTERELL

Cc: Peace River Regional District Board and Website
Site C - 85th Ave Hauling Amendment TAC