

# ACHIEVING SUSTAINABILITY: A VISION FOR NEXT-GENERATION ENVIRONMENTAL ASSESSMENT IN BRITISH COLUMBIA

The commitment of the government of British Columbia to overhaul environmental assessment in the province is welcome and sorely needed. BC's current assessment regime is broken, and it is time to replace the *Environmental Assessment Act* with a new law and a new approach.

We, the undersigned, envision a next generation of environmental assessment in British Columbia, one that serves communities, protects ecosystems and advances reconciliation. This is our vision of the future of assessment in BC.

## NEXT GENERATION ASSESSMENT IN BRITISH COLUMBIA...

### ... ESTABLISHES SUSTAINABILITY AS A CORE PURPOSE AND OUTCOME

Assessment law has an explicit purpose: to enhance sustainability in all its senses – environmental, economic, social, cultural and health – without exceeding ecological limits. Sustainability-based criteria apply to guide assessments and their outcomes.

### ... ENSURES CLIMATE TARGETS ARE MET

Assessment decisions must be consistent with BC doing its share to meet the Paris Agreement commitment to limit global temperature rise to well below 2 degrees Celsius above pre-industrial levels, and cannot impair BC's ability to meet its legislated greenhouse gas reduction targets.

### ... RECOGNIZES FIRST NATIONS AS DECISION-MAKERS

First Nations are clearly recognized as jurisdictions with decision-making authority regarding assessment processes, outcomes and follow-up consistent with the *UN Declaration on the Rights of Indigenous Peoples*.

### ... PROMOTES COOPERATION AMONG JURISDICTIONS

All jurisdictions collaborate in carrying out their assessment responsibilities to the highest standard. Legislation establishes an early engagement phase to foster cooperation among jurisdictions on the assessment process and enable early public input.

### ... ENSURES THE PUBLIC PLAYS AN INTEGRAL ROLE

Public participation, including through assessment hearings, is enshrined in a new assessment law. The public plays an integral role in all levels of assessment through early, ongoing and deep public participation, informed by easy and comprehensive online access to information from assessments, monitoring and compliance.

### ... PROTECTS HUMAN RIGHTS

Assessment law includes in its purposes the protection of human rights under domestic and international law, including the rights of women and Indigenous peoples, and incorporates human rights obligations and environmental justice in the assessment process.

## **... ADDRESSES “BIG PICTURE” REGIONAL AND STRATEGIC ISSUES UP FRONT**

Higher-level assessment and planning addresses big-picture regional and strategic issues up front, such as how to effectively manage cumulative impacts in a region, in order to establish management requirements that apply to project assessments and provincial decisions.

## **... IS INDEPENDENTLY OVERSEEN**

A body, independent from the interests of proponents and the provincial government, is established to provide oversight, support and guidance to ensure the assessment regime is meeting its purposes, including through higher-level assessment and planning.

## **... ASSESSES MORE PROJECTS**

The types and scope of projects and activities that are subject to mandatory assessment increases significantly in order to meet sustainability objectives. Legislation also establishes a set of basic process requirements for provincial regulatory approvals, which apply regardless of whether an undertaking is subject to assessment, in order to assist in managing cumulative impacts.

## **... ENSURES DECISIONS ARE BASED ON THOROUGH AND BALANCED EVIDENCE**

Assessments ensure that evidence comes not only from the proponent, but also from the knowledge of Indigenous peoples (with safeguards for culturally-sensitive information), local communities, government and independent scientists, and others with relevant information and expertise. Assessment studies and underlying data are subject to peer review. These requirements are resourced by proponent funding contributions.

## **... REQUIRES TRANSPARENT, ACCOUNTABLE DECISIONS**

Decision-makers must provide reasons that meet clear requirements – including addressing specific criteria for how the decision meets sustainability objectives, identifying the evidence relied upon, and addressing how public input was considered and how it influenced the decision.

## **... PROVIDES A RIGHT OF APPEAL**

Both procedural and final assessment decisions are subject to a right of appeal in order to ensure accountable and thorough assessments that meet the purpose of the law.

## **... ENSURES ROBUST MONITORING AND COMPLIANCE**

Monitoring and compliance programs are expanded, strengthened and subject to robust oversight that is independent from proponents, in order to ensure assessment requirements are achieved and updated in an ongoing manner as necessary. Indigenous monitoring and public involvement are key.

## **... RECEIVES ENOUGH FUNDING**

Assessments receive ample, stable and apolitical funding to accomplish their objectives, with funding contributions from proponents to cover costs related to assessment of their proposals.

### **SUPPORTED BY:**

Amnesty International Canada • Barkley Sound Alliance • Canadian Centre for Policy Alternatives • Clayoquot Action • Divest Victoria • Dogwood • Douglas Channel Watch • Ecojustice • Environmental Law Centre (UVic) • Fair Mining Collaborative • Friends of the Lardeau River • Georgia Strait Alliance • Kamloops Moms for Clean Air • Kitimat Terrace Clean Air Coalition • My Sea to Sky • Northern Confluence • Northwest Institute • Pacific Centre for Environmental Law and Litigation • Save Hullcar Aquifer Team • Sierra Club BC • West Coast Environmental Law Association • Wildsight • Yellowstone to Yukon Conservation Initiative