

Via email

September 29, 2023

Hon. George Heyman
Minister of Environment and Climate Change Strategy
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Rm 112, Parliament Buildings
Victoria, BC V8W 9E2
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Dear Minister Heyman,

RE: Meeting BC's Commitment to an EA Public Participation Funding Program

On October 15, 2021, many of our organizations wrote to you expressing concern that your government was not delivering on two of its key commitments to enhance public confidence in the environmental assessment ("EA") process, namely implementing a public participant funding program and ensuring meaningful community advisory committees. You replied on December 7, 2021, reiterating your government's commitments, without providing specific timelines or details. Our concern has only grown since that time, in light of the ensuing inaction. We are particularly concerned that the prolonged failure to implement a public participation funding program now jeopardizes the fulfilment of this important EA revitalization promise.

We write to request a specific timeline for a path to establish the EA participant funding program before the October 2024 election, including steps for meaningful public engagement with regard to its development.

Public Participant Funding Program

As you are aware, BC's 2018 Intentions Paper on EA revitalization committed to the establishment of a public participant funding program, and you personally repeated this commitment to the Legislature during debate on the *Environmental Assessment Act*. In your December 7, 2021 letter, you reiterated: "I understand that the EAO remains committed to engaging on options for public participant funding, as outlined in the Intentions Paper. Further details of future engagement will be provided when they are available... The intention is to apply public participant funding in the future to projects being assessed under the Act."

Nearly two years have passed since our organizations' joint letter to you, and over five years have elapsed since the participant funding program was first promised, yet there has been no tangible progress whatsoever towards establishing the program. In communications with some of our

organizations over the past two years, EAO officials have continued to repeat their intention to develop a public participant funding program, while refusing to make any concrete commitments or offer specific timelines for its establishment. Entire projects are now proceeding to decision under the new Act¹ without communities having ever had access to the promised participant funding.

This is a broken promise on the part of your government. In the result, the public's ability to meaningfully engage in the assessment of projects that impact their communities is being significantly limited.

The participant funding program should be prioritized, such that it is up and running before the October 2024 provincial election, in order to maintain the credibility of your government's commitment. We understand that the EAO is also working on other important priorities, such as dispute resolution with Indigenous Nations. We support that work, but it does not provide an excuse to fail to deliver on key public participation commitments. It is more than reasonable to expect the establishment of a public participant funding program within six years from the time it was promised.

We therefore repeat the question posed – and never answered – in our October 2021 letter: what is the specific timeline for establishment of the EA participant funding program, including steps for meaningful public engagement with regard to its development?

Community Advisory Committees

While we emphasize the priority of establishing the participant funding program, we also note that you made the following commitment regarding Community Advisory Committees in your December 7, 2021 letter: "I have previously directed the EAO to evaluate the effectiveness of the Community Advisory Committee Guidelines, and I understand that this work is underway. Your comments regarding the committee have been shared and will be considered for any potential future updates. I understand that further engagement is contemplated by the EAO in 2022 to inform this work as well as further public engagement updates. The EAO will be reaching out to key stakeholders, including yourself, to seek feedback."

This stakeholder and public engagement has not occurred. In the meantime, the experience of existing Community Advisory Committee members under the new Act has been described as frustrating, disappointing and disempowering.² We hope and expect that there will be follow-

¹ For example, the Cariboo Gold Project.

² See "Final Cariboo Gold CAC Meeting Minutes" (August 30, 2023), online: <https://projects.eao.gov.bc.ca/api/public/document/64fa0695492d1200223c71ad/download/August%2030%2C%202023%20-%20Final%20CG%20CAC%20Meeting%20Minutes.pdf>

through on the commitment to engage about revising the Community Advisory Committee Guidelines.

Thank you for your attention to these matters.

Sincerely,

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