

BRIEFING NOTE

Date:	March 30, 2021
To:	Lesley Ballman / Donald Trapp, Min. Transp. and Infrastructure / Transp. Investment Corp.
From:	Charlie Palmer, Practice Leader (EIA)
Re:	George Massey Crossing Regulatory Path Analysis

EXECUTIVE SUMMARY

This evaluation of the environmental regulatory approval requirements for the George Massey Crossing project was conducted to inform the Ministry of Transportation and Infrastructure (Ministry) of the timeline for each of the crossing options being considered, and the proposed advance Corridor Improvements.

The two crossing options that are under consideration are a long-span bridge and an immersed tube tunnel, both with eight lanes.

In addition to the crossing options, the Ministry is proposing to advance works (George Massey Crossing Corridor Improvements) to improve transit reliability in priority areas of the Highway 99 corridor north and south of the crossing. The Corridor Improvements are complimentary to all crossing options under consideration and would provide transportation benefits even if no crossing option is advanced.

The regulatory path, timelines and key engagement and study requirements for each option and for the Corridor Improvements indicate that the immersed tube tunnel option would have the longest regulatory path and would require 1.5 to 2.5 years longer than the bridge options.

Eight-lane Immersed Tube Tunnel

The Environmental Assessment Office (EAO) issued an Environmental Assessment Certificate (EAC #T17-01) in 2017 for construction of a new ten-lane bridge to replace the existing George Massey Tunnel, which would then have been partially removed as part of the project. The proposed eight-lane immersed tube tunnel option, which will include removal of the existing tunnel and a dry dock, is substantively different from the already approved project such that a new provincial EAC approval under the *Environmental Assessment Act 2018*, (EA Act (2018)) would be necessary.

The regulatory process for approval of the immersed tube tunnel option is expected to have a 3 to 3.5-year duration (**Table 1**). This includes pre-EA engagement tasks, process tasks with legislated time limits, and tasks associated with non-legislated time limits that are under EAO or Ministry control. A full suite of environmental studies and fulsome engagement will also be necessary.

Under the current EA Act (2018) process, consensus with Indigenous nations is sought at four times during the EA process, and consent is sought from Indigenous groups when the EAO makes a recommendation to ministers on whether or not to issue an approval. The consensus milestones present a timeline risk because at each time consensus is not obtained a facilitated 60-day minimum time-bound dispute resolution process, additional to the timelines, will be triggered. Engagement with Indigenous groups, well in advance of these consensus related decision points, is necessary to de-risk this element of the approval process.



The existing George Massey Tunnel is proposed for removal, as part of the immersed tube tunnel option, and the impacts of tunnel decommissioning would be considered during the EA process. The impacts of decommissioning are similar to those of new tunnel construction, and as such there is not considered to be any additional regulatory approval risk associated with such works.

Long-span Bridge

Commonalities between this option and the previously approved George Massey Tunnel Replacement Project indicate that an amendment to the existing EAC would be required. An amendment is estimated at 12 to 18 months duration (**Table 2**), noting that there are no statutory timelines and no experience with complex amendments under the new EA Act (2018). The scope of the amendment would be limited to, and focused on, changes in effects and mitigation needs that result from revisions in project design relative to the approved project. New or updated studies would be required, but likely limited to traffic, air quality, noise, visual, fish and hydrology studies to reflect bridge design changes (location and number of lanes) and alterations to tunnel decommissioning methods. Early engagement on studies will be necessary to avoid the potential for any long-duration studies to extend the timeline for the amendment process.

Engagement and consultation activities, including mandatory public consultation periods, will be required. As the amendment would proceed under the new EA Act (2018), it would also be subject to Indigenous group consensus provisions at three times. With a reduction in lanes, which generated opposition during the previous EA process, it is assumed that there would be no substantive issues that might represent barriers to achieving consensus.

The scope of an amendment would be limited to those components of the project that have changed relative to the EAC. Removal of the existing George Massey Tunnel was approved by EAC #T17-01 and such effects would be excluded from the scope of the amendment. Effects of changes to tunnel decommissioning methods to maintain dyke stability (i.e., removal of all tunnel elements rather than the central elements only) would be in the scope of the amendment and will require some investigation and assessment.

Corridor Improvements:

The George Massey Tunnel Replacement Project EAC allows for advancement of certain preparatory construction works before all pre-construction tasks are completed. Works advanced in this way must be consistent with the Certified Project Description, which describes the scope of physical works, and with specific elements of the Table of Conditions. Because the proposed Corridor Improvements include both preparatory and final construction activities they cannot be advanced under this allowance.

Two regulatory paths are available to advance the Corridor Improvements. An amendment to specifically include the spatial extent and scope of the Corridor Improvements in the existing EAC would be six-months in duration and involve modest engagement activities and no additional studies. An alternative path is to complete pre-construction EAC requirements (e.g., Construction Environmental Management Plan, establishing community advisory communities, consultation on timelines) to allow a start to construction of the overall George Massey Replacement project. This path, while likely taking longer to complete has the advantage of completing tasks that would eventually be required for construction, particularly for the bridge option. However, this path is not considered practical from the perspective of maintaining compliance with existing EAC requirements. A simple amendment to alter the advance works definition in the existing EAC to include the Corridor Improvements activities is considered to be the most-efficient approach.

1.0 INTRODUCTION

The George Massey Crossing (GMC) Project will replace aging highway tunnel infrastructure at a key location in BC's local, regional and global highway links. Currently, the Ministry of Transportation and Infrastructure (Ministry) is considering two eight-lane replacement options, a bridge or an immersed tube tunnel. The primary purpose of this briefing note is to identify the assumed schedule for obtaining regulatory approvals for each option.

In addition, the Ministry is considering Corridor Improvements to Highway 99 north and south of the existing George Massey Tunnel that are required regardless of which option is selected and whether or not the GMC Project proceeds. As such, a second purpose is to describe how physical activities associated with the proposed Corridor Improvements may need to be reconciled with the terms and conditions of environmental approvals including the Environmental Assessment Certificate (EAC #T17-01) issued by the BC Environmental Assessment Office (EAO), and provide an assumed schedule for an EAC amendment.

In addition to considering the regulatory path associated with meeting BC *Environmental Assessment Act 2018* (EA Act (2018)) requirements, this memo also considers key provincial and federal approvals that may be required for the two options under consideration that may present significant approval risk.

Information to describe each of the regulatory paths includes project-specific assumptions and the associated duration of key steps in required EAO processes. Development of this memo has been supported by discussions with key regulators including the EAO and Transport Canada.

2.0 EIGHT LANE IMMERSSED TUBE TUNNEL

2.1 Project description

A new eight-lane 1 km-long, 47 m wide, immersed tube tunnel would be installed in an excavated trench upstream of the existing George Massey Tunnel. The eight lanes include two transit priority lanes, with multi-use paths for pedestrians and cyclists. The entrance to the new tunnel would be higher in elevation, relative to the existing tunnel, to mitigate potential hydrological impacts to the river and flooding potential. Ground improvements would be necessary around the portals and under and around the tunnel in the Fraser River, and an approximately 25 ha dry dock will be needed for the fabrication of the tunnel elements.

In addition to the main crossing, the eight-lane immersed tube tunnel would include a new, and longer, Deas Slough bridge that will link the new tunnel to the Delta side of the Fraser River. The new Deas Slough bridge will have a similar height profile to the existing bridge and will include piers in Deas Slough.

The existing George Massey Tunnel will be removed, with the approaches and portal areas decommissioned but left in place.

2.2 Assumed regulatory requirements

The project is assumed to be reviewable under the EA Act (2018) based on in-river works required for the project being greater than the *Reviewable Project Regulations* for "Water Management Projects" (Table 9, no.5; >1,000m of linear shoreline or >2 ha in-river disturbance). Substantial differences between this option and approved EAC #T17-01 suggest an amendment path is not available.

Federal approval under the *Impact Assessment Act* (IAA) is not required as the project does not exceed "Transport" or "Water Projects" thresholds in the *Physical Activities Regulations*. The dry dock location is

not yet known. If located in an area managed by the Vancouver Fraser Port Authority (VFPA) the dry dock component would be reviewed under s.82 of the *Impact Assessment Act*, using the VFPA Project Environmental Review Process. We assume the VFPA process could be coordinated or harmonized with the provincial process and an approval granted on a similar time frame¹. Funding from federal government, if available, does not trigger an environmental assessment (EA) process.

Provincial approvals are also required in association with the following project activities or components:

- Agricultural Land Reserve impacts – Agricultural Land Commission approval for exclusion or non-farm use of land designated under the *Agricultural Land Commission Act*.
- In-water impacts – BC Ministry of Forests Lands, Natural Resource Operations and Rural Development approval under the *Water Sustainability Act*.
- Archaeological Inspection Permit under the *Heritage Conservation Act* for post-approval works.

Federal approvals would be required in association with the following project activities or components:

- Harmful Alteration Disturbance or Destruction of fish habitat – Fisheries and Oceans Canada approval under the *Fisheries Act*.
- Disposal of river sediment – Environment and Climate Change Canada Disposal at Sea Permit approval under the *Environmental Management Act*.
- Navigation interference – Transport Canada approval for navigation interference under the *Canadian Navigable Waters Act*.

Draft applications for these provincial and federal approvals are expected to be achievable within the overall environmental assessment timeline, with final applications, especially for *Fisheries Act*, approvals, conducted when the final design is completed after the EA process, likely by the design-build contractor.

2.3 Expected Regulatory Timeline

An EA process to gain approval for the eight-lane immersed tube tunnel option is expected to require 3 to 3.5 years (**Table 1**). This includes time to conduct pre-EA engagement tasks required of the new EA Act (2018), process tasks with legislated time limits, and tasks with non-legislated time limits that are under the control of the EAO and the Ministry. The EA Act (2018) is new and there are not yet precedents on which to base timeline estimates. The new Act has been designed to enhance public confidence in the EA process, advance Indigenous nation reconciliation and give certainty of process and clarity of regulatory requirements. While the Act is supported by mandated timelines, schedule management and control rests primarily with proponent (i.e., the Ministry) who is responsible for planning and executing early engagement, required technical studies and EA development/submission,

Anticipated timing for each step in the EA process is given in **Table 1** and **Figure 1**.

Early stakeholder engagement to initiate the EA process could begin soon after an announcement on the chosen crossing option, though a strategy to efficiently stage the EA process and the Corridor Improvements amendment (section 4) is advised.

¹ The timeline for a VFPA Project Environmental Review process for the dry dock is shorter than the provincial EA process, but to avoid fettering a decision by another branch of government we suspect both approvals would be granted on a similar time frame..

During the EA process, expressions of consensus with Indigenous nations are sought at four times, with the option to trigger a 60-day minimum time-bound dispute resolution process (additional to the EA timelines) if consensus is not reached. Prior to these process milestones, during Early Engagement, the Ministry should focus on identifying and resolving substantive areas of concern that may trigger the dispute resolution process.

An understanding of the exact requirements for an EA process cannot be determined until the Process Order is issued by the EAO. However, it is known that the process will require extensive engagement with Indigenous nations and the broader community and a full suite of physical, biological and socio-community studies, some potentially lasting a calendar year. In some cases, information collected to support the approval of the George Massey Tunnel Replacement Project is useful, but it is assumed that due to the age of those studies and their potential spatial limitations, new or updated technical studies will be required.

Study requirements would likely include the following disciplines, must be designed to address the required assessment matters listed in s.25² of the EA Act (2018) and should involve Indigenous nations:

- hydrological (Fraser River) modeling
- sediment quality (contamination)
- year-round fisheries studies, perhaps including specific species at risk
- vegetation and wildlife
- agriculture
- air quality and human health risk
- noise studies including a new baseline
- marine traffic assessment
- road traffic modeling
- socio-community including disproportionately affected populations
- land uses
- visual impact assessment
- archaeology
- traditional use studies

The impacts of removal of the existing George Massey Tunnel as part of the immersed tube tunnel option would be fully considered during the EA process regardless of EAC approvals previously granted for tunnel removal. Independent treatment of tunnel installation and removal activities would likely be considered project splitting and not allowed by the EAO. Because the impacts of removing the existing tunnel are similar to the impacts of new tunnel construction, it is assumed that there is no additional regulatory approval risk.

² The required assessment matters in s.25 of the EA Act (2018) are the factors that each assessment must cover. They are direct and indirect positive and negative effects, risks and uncertainties, accidents and malfunctions, disproportionate effects on populations, ecosystem functions, sustainability, consistency with land use plans, greenhouse gas emissions, technically and economically feasible alternative means, and effects of the environment on the project.

Table 1 Eight lane immersed tube tunnel timelines for specific stages in a BC *Environmental Assessment Act (2018)* EA process.

Process Step	Duration*	Key Milestones	Comment
Early Engagement	270 days: with 90-day EAO review	<ul style="list-style-type: none"> Ministry pre-engagement with Indigenous nations Ministry submits Initial Project Description (IPD) and Engagement Plan EAO conducts public engagement and invites comments (30 days) EAO engagement with Indigenous nations EAO prepares Engagement Summary with requirements for the Detailed Project Description and confirmation of Participating Indigenous nations¹ 	Assume 180 days for Ministry engagement with the community
EA Readiness Decision	90 days	<ul style="list-style-type: none"> Ministry submits the Detailed Project Description (within one year) Consensus with participating Indigenous nations is sought Environmental Assessment formally commences - EAO issued Order 	No statutory timeline The EAO aims for completion within 90 days
Process Planning	120 days	<ul style="list-style-type: none"> EAO prepares and engages on documents supporting the Process Order; Assessment and Permitting plans and Information Requirements EAO conducts public engagement and invites comments (30 days) EAO establishes the Technical Advisory Committee and seeks consensus with participating Indigenous nations on the Process Order EAO issues the Process Order allowing the project to proceed to EA 	The Process Order defines the scope of the project and the EA Alternative assessment options are available to Indigenous nations
Application Development and Review	400 days: with 180-day EAO review	<ul style="list-style-type: none"> Ministry develops the EA Application consistent with the Process Order² Ministry submits a Draft EA Application for 180-day EAO review EAO conducts public engagement and invites comments (30 days) Ministry responds to regulatory and public comments EAO issues directions for Final EA Application Ministry submits Final EA Application (submit within one year) 	Assume 220 days for Application compilation. Long duration studies must start earlier The duration of this stage can be reduced through efficient study execution and application development
Effects Assessment and Recommendation	150 days	<ul style="list-style-type: none"> EAO conducts effects assessment and issues Draft Assessment Report Ministry and others comment on Draft Assessment Report³ EAO conducts engagement and invites comments and consensus (30 days) EAO recommendation to decision maker(s) prepared Participating Indigenous nations have an opportunity to consent 	
Decision	30 days	<ul style="list-style-type: none"> Ministers consider the Assessment Report and EAO recommendation(s) Ministers publish decision and the rationale for their decision. 	Considerations as per s.25 of the EA Act (2018)

* Legislated timelines (in calendar days) are in bold, other timelines are estimates or targets (EA Readiness Decision).

¹ EAO determines the Participating Indigenous nations

² Cooperation with Indigenous nations during EA Application preparation is encouraged.

³ Draft Assessment Report has proposed conditions of approval.

Environmental Assessment Process (2018)

SUMMARY OF THE PROCESS FROM EARLY ENGAGEMENT TO POST-CERTIFICATE

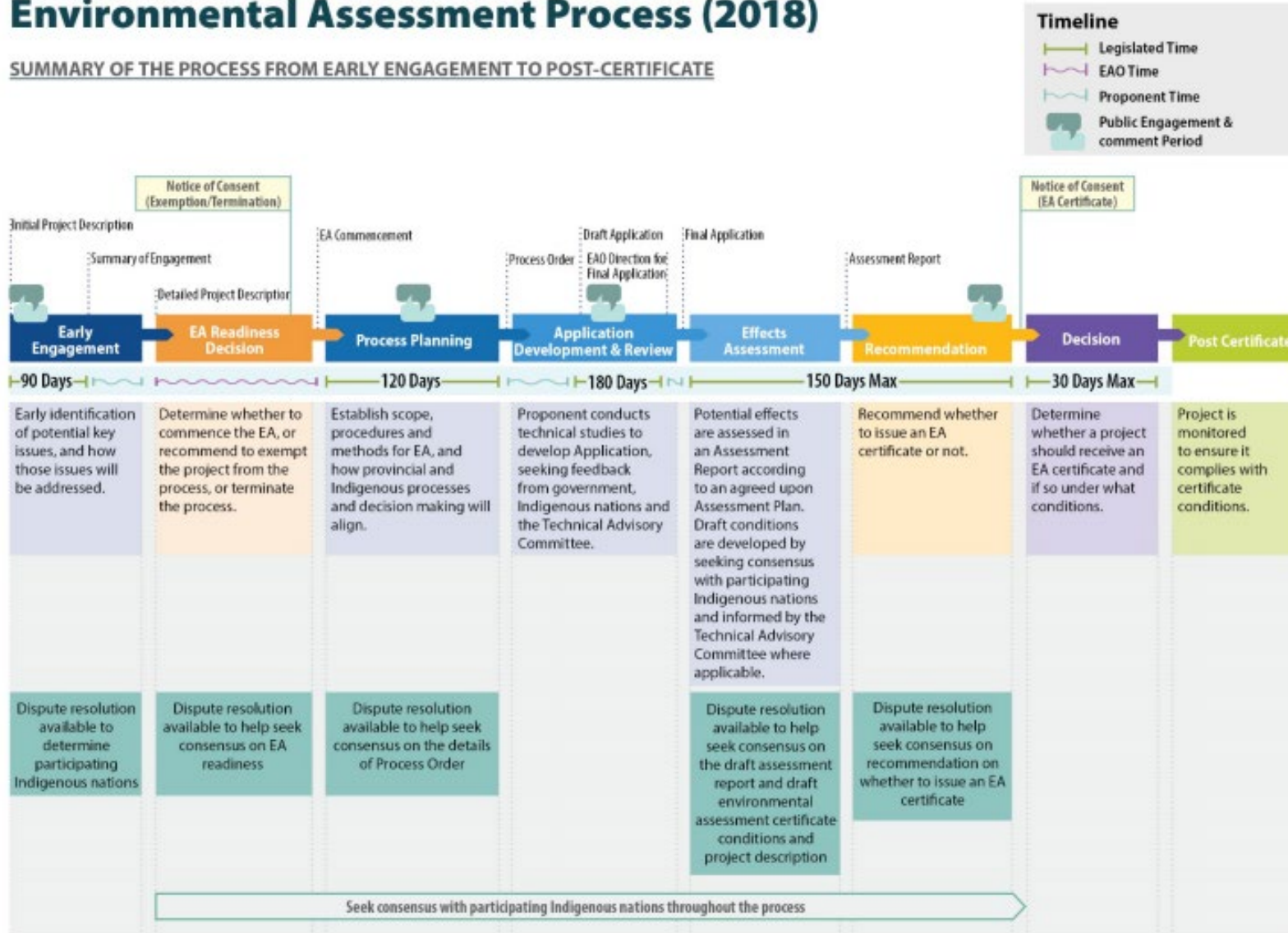


Figure 1 EA Act (2018) Schematic of regulatory process (Source, BC Environmental Assessment Office).

3.0 EIGHT LANE LONG-SPAN BRIDGE

3.1 Project Description

A new eight-lane cable-stayed long-span bridge with main piers on either side of the Fraser River would be built upstream of the existing George Massey Tunnel. The eight lanes include two transit priority lanes, with multi-use paths for pedestrians and cyclists. The long-span bridge will be integrated with a new Deas Slough crossing with in-river piers that is slightly east of the existing Deas Slough bridge, which is to be removed. The long-span bridge design has 62.5m clearance at the navigation channel, which is slightly higher than was approved in EAC #T17-01 and is slightly upstream of the previously approved location.

The existing George Massey Tunnel will be fully removed with the approaches and tunnel portals decommissioned. The approval granted by EAC #T17-01 was based on removal of the central in-river tunnel elements only, the variation being required to maintain dyke stability in a seismic event.

3.2 Assumed Regulatory Requirements

The project would trigger requirements under the EA Act (2018) because tunnel removal exceeds the thresholds for “Water Management Projects” (Table 9) in the *Reviewable Project Regulations*. However, commonalities between this option and the previously approved George Massey Tunnel Replacement indicate that an amendment to EAC #T17-01 would be necessary.

Federal approval under the *Impact Assessment Act* is not required as the project does not exceed “Transport” or “Water Projects” thresholds in the *Physical Activities Regulations* and the project site is outside Vancouver Fraser Port Authority managed land. Funding from federal government, if available, does not trigger an impact assessment process.

Provincial approvals would be required in association with the following project activities or components:

- Agricultural Land Reserve impacts – Agricultural Land Commission approval for exclusion or non-farm use of land designated under the *Agricultural Land Commission Act*.
- In-water (Deas Slough and Green Slough) impacts – BC Ministry of Forests Lands, Natural Resource Operations and Rural Development approval under the *Water Sustainability Act*.
- Archaeological Inspection Permit under the *Heritage Conservation Act* for post-approval works.

Federal approvals would be required in association with the following project activities or components:

- Harmful Alteration Disruption or Destruction of fish habitat – Fisheries and Oceans Canada approval under the *Fisheries Act* for piers in Deas Slough.
- Navigation interference – Transport Canada approval for navigation interference under the *Canadian Navigable Waters Act* and air navigation obstacle marking under the *Aeronautics Act / Canadian Aviation Regulations*.

Draft applications for these provincial and federal approvals are expected to be achievable within the overall environmental assessment timeline. Final applications for these approvals, especially for *Fisheries Act*, approvals, would be submitted when the final design is completed after the EA process, likely by the design-build contractor.

3.3 Assumed Regulatory Timeline

Based on assumptions gathered during engagement with the EAO we anticipate the need for a “complex” amendment under the new EA Act (2018). This is the most involved of the amendment types and is reserved for material changes to already approved project that have the potential for impacts with valued components, and that require complex engagement processes.

There is no experience with amendments under the new legislation, as such the duration has been estimated based on experience with the previous legislation. A complex amendment is likely to take 12 to 18 months in duration (**Table 2**), an estimate based on expected public and Indigenous nation interest in the project and the Fraser River, as well as the complexity and scope of the amendment. There are no legislated timelines for amendment process steps, although early discussions with the EAO have been conducted to understand the timelines and requirements of amendments under the EA Act (2018).

Early engagement with the community to initiate the amendment process could begin soon after an announcement on the chosen crossing option, though a strategy to efficiently stage this amendment and the Corridor Improvements amendment (section 4) is advised. During the amendment process consensus with Indigenous nations is sought at three stages (**Table 2**).

The long-span bridge is generally similar to the previously approved project described in EAC #T17-01. As such, the scope of the amendment will be focussed on only those components of the project that have changed relative to the project as previously described, these include the location change to slightly upstream, increased bridge height, and variation in tunnel removal and approach and portal decommissioning methods. Some of the changes, for example fewer lanes, are expected to introduce reduced impacts and perceived benefits over the previously approved project.

The amendment will need to be supported by a small number of focused studies to address incremental changes in effects and mitigation needs as compared to the previously submitted impact assessment used to gain the approval in EAC #T17-01. The following investigations and or studies are expected to be required: air quality, road and marine traffic movement, noise and visual impact, and fish studies and hydraulic modelling to address removal of all six tunnel elements instead of just the central four in-river elements as previously approved. The scoping of these studies will have to be a part of the early engagement discussions to begin them early and avoid the potential for any required and long-duration studies to extend the timeline for the amendment process.

Regardless of variations between the long span bridge as now conceived and the previously approved project, the conditions in EAC #T17-01 are general and are thought to be broad enough in scope to address the impacts of a different bridge design without substantial mitigation changes.

Table 2 Expected regulatory timeline for an amendment (complex) under the BC *Environmental Assessment Act* (2018)

Process Step	Duration*	Key Milestones	Comment
Early Engagement	60 days	<ul style="list-style-type: none"> Ministry engages with EAO, then Indigenous nations and stakeholders to discuss the need for EAC amendment Ministry drafts initial Amendment Application containing requirements of the Amendment Policy¹ Ministry submits the initial Amendment Application to the EAO. EAO accepts the application via a confirmation letter Technical Advisory Committee and Indigenous nations² collaborate 	
Process Planning ³	90 days	<ul style="list-style-type: none"> EAO, Ministry, Indigenous nations and Technical Advisory Committee collaborate to determine the information requirements³ and a work plan³ for the amendment EAO estimates review duration, fees and timeline for fee payment 	Elements of the Process Planning Policy apply
Application Development	90 days	<ul style="list-style-type: none"> Conduct investigations and engagement, complete supplementary information requirements and materials Supplementary material submitted (if required) 	
Effects Assessment Recommendation ³ Decision ³	120 days (includes 30-day decision period)	<ul style="list-style-type: none"> Amendment application³ and any supplementary materials reviewed by the Indigenous nations and the Technical Advisory Committee EAO Amendment Report³ and recommendation³ reviewed by Technical Advisory Committee and Indigenous nations. Amendment decision by Chief Env. Assessment Officer or delegate 	

*Durations are estimates and in calendar days. There are no legislated timelines for amendment processes.

¹ Amendment Policy due mid 2020

² Participating Indigenous nations are determined by the EAO.

³ Consensus seeking milestone

4.0 CORRIDOR IMPROVEMENTS

4.1 Project description

In advance of selection and construction of an option for replacing the existing George Massey Tunnel, the Ministry is considering undertaking improvements (George Massey Crossing Corridor Improvements) to Highway 99 interchanges north and south of the crossing location. The proposed improvements promote increased system reliability, improve transit connections and cycling infrastructure that collectively realize immediate benefits to congestion relief and/or safety at the existing George Massey Tunnel, including connections to the north and south. They are required whether or not the Project is advanced and regardless of which replacement option may be selected. The Corridor Improvements are as follows:

- Bridgeport access ramps and control signals for transit, pedestrian and cycle path improvements.
- Steveston / Highway 99 interchange twinning / replacement, on- and off-ramp improvements, and cycling improvements
- Highway 17A transit priority lane on and off Highway 99, plus cycle lane improvements.
- Highway 99 transit lanes and associated on- and off-ramps between highways 10 and 17 for bus priority passage.

4.2 Assumed regulatory requirements

EAC #T17-01 remains valid until February 2022 (plus five-year extension) regardless that the project has not been advanced. The Certified Project Description associated with the EAC includes similar infrastructure to that associated with the proposed Corridor Improvements. Under the terms of the EAC, any element of the GMTR project that is advanced must:

- Be compliant with the Certified Project Description which describes the spatial scope of physical works, and the extent and nature of construction and operational activities; and
- Comply with specified conditions (the Table of Conditions) including requirements for mitigation plans, additional permitting to be obtained and stakeholder and Indigenous group engagement.

The conditions associated with EAC #T17-01 contains allowances for “site preparation in advance of construction” to advance elements of the project that influenced overall project schedule before the selection of a contractor, and without addressing the full suite of EAC conditions. The permitted site preparation activities are defined in the EAC and are distinct from construction of the main works. The nature and location of the Corridor Improvements were reviewed against the advance works described and defined in the Certified Project Description and the Table of Conditions associated with EAC #T17-01 to understand if they may be advanced. The Corridor Improvements are:

1. Consistent with the location and nature of physical works defined in the Certified Project Description because they will be constructed within the “Certified Project Corridor,” with two minor exceptions; one within the existing interchange at Bridgeport and one at the Steveston Interchange.
2. Not well aligned with the highway preparatory activities defined in the EAC as supporting “site preparation in advance of construction” because the Corridor Improvements include both preparatory activities and the construction of permanent infrastructure such as new structures.

The Corridor Improvements do not align with the current requirements for advance works in EAC #T17-01. As such, two regulatory approval approaches were considered and discussed with the EAO for advancing the Corridor Improvements, with the EAC amendment being the preferred approach:

1. Amend the EAC to Allow the Full Suite of Corridor Improvement Activities - Amend the definition of “site preparation in advance of construction” to include the proposed Corridor Improvements. This approach would allow the Corridor Improvements to proceed with a smaller number of EAC-required conditions, but not trigger the requirement for the full suite of pre-construction conditions in EAC #T17-01. The proposed amendment would add spatially limited highway and structure construction and finishing activities in the Certified Project Corridor around the Bridgeport, Steveston and Highway 17A interchanges and on Highway 99 south of Highway 17A, and re-name the early works provision in EAC #T17-01 to clearly articulate the inclusion of construction of permanent infrastructure, e.g., “site preparation and construction for interchange upgrades”.

This is the preferred approach because it can be customised to the needs of the Corridor Improvements, and it minimizes future compliance for EAC #T17-01, which would remain active regardless of the crossing option that is selected. Depending on the crossing option selected, there could be two EAC in place during construction of the ITT option, or one (EAC #T17-01 as amended) in the case of the long-span bridge.

2. Address the Pre-construction EAC Requirements and Start Construction - Completing the pre-construction tasks in EAC #T17-1 would allow any associated construction to proceed without an amendment. Nine commitments would need completion to proceed with this approach, plus, the need for a Construction Environmental Management Plan and associated sub-plans. The EAO does not support this approach because they cannot relieve the Ministry from pre-construction requirements for activities unrelated to Corridor Improvement activities (i.e., Table of Condition requirements related to marine mammal, marine access and fisheries mitigation associated with tunnel removal). In addition to EAO concerns, the burden to complete these requirements would make advancing this approach inefficient for the Ministry.

4.3 Assumed Regulatory Timeline

A simple amendment to revise the definition of “site preparation in advance of construction” in EAC #T17-01 to include Corridor Improvement activities is expected to take six months, including three to four months for the EAO’s formal review part of the process. Similar administrative / technical amendments have recently been approved by the EAO (e.g., Woodfibre LNG 2019), and have not required additional studies and included only limited consultation and engagement requirements.

The alternative approach would not require an amendment. However, the time required to achieve compliance with the pre-construction EAC conditions is considerable (i.e., development of management plans, establishing community advisory groups and conducting engagement activities). It is assumed such work would be done concurrent to, and as part of, procurement of the Corridor Improvements.

For both approaches, the Ministry will need to communicate to Indigenous nations and key stakeholders that the Corridor Improvements will support whatever crossing option is selected and it is anticipated that there may be a further amendment, or a new EA undertaken, once a preferred crossing option is selected.