

To: Rt. Hon. John Horgan, Premier and President of the Executive Council

CC: Hon. George Heyman, Minister of Environment and Climate Change Strategy; Hon. Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations, and Rural Development; Hon. Michelle Mungall, Minister of Energy, Mines, and Petroleum Resources, Hon. Lana Popham, Minister of Agriculture, Hon. Claire Trevena, Minister of Transportation and Infrastructure

19 November 2018

Dear Premier Horgan,

Thank you for your commitment to improving British Columbia's environmental assessment (EA) process. Environmental assessments are one of the few tools that we have to *prevent* harm to the environment. We, a group of independent academic environmental scientists, agree that there is an urgent need for reform that helps to rebuild public trust and protect the environment. Yet, we are concerned that the proposed process lacks scientific rigour, with significant consequences for the health and environment of all British Columbians.

As scientists based in British Columbia, we know how important it is for environment-related decisions to be made carefully. Rigorous, transparent, and objective science is a critical foundation for effective environmental decision-making. Science that is biased or limited in scope will not adequately reflect the benefits and risks of a project, nor accurately inform decision-making. As exemplified by the Mount Polley tailings pond collapse,<sup>1</sup> there are real ecological and economic consequences when industrial-scale projects fail.

After careful review of your government's recently introduced legislation,<sup>2</sup> we conclude that the proposed environmental assessment process will fall short of your stated goal – to protect the environment and restore public confidence. In particular, the proposed legislation retains three deficiencies of current practice that are at odds with the foundations of science-based decisions, namely, a lack of scientific independence, of peer-review, and of transparency.

**1. Lack of scientific independence.** Under the proposed EA process, project proponents would continue to oversee, collect, and present the vast majority of evidence used as the basis for environmental assessment. In other words, the information required to assess environmental risk would continue to be gathered and analysed by those with a vested interest in project approval. This lack of independence can create a culture susceptible to biased data collection or interpretation, and will continue to erode the public's trust in a process that they expect to be fair and evidence-based.

**Recommendation.** Information used to assess risk must be collected and interpreted independently of project proponents. Assessing the risk or impact that a project may pose to the environment must be rooted in information collected and interpreted by qualified, independent,

professionals who do not stand to gain or lose from the assessment's conclusions. Concurrent with your government's ongoing revisions to the use of certified professionals<sup>3</sup> (external to the public service), such professionals must work independently from the project proponent. Furthermore, such a process must seek and act on the best available evidence, including peer-reviewed studies.

**2. Lack of peer-review of evidence.** Under the proposed EA process, there are no requirements for independent peer-review of the evidence about a project's environmental risk. Evidence would be evaluated by a Technical Advisory Committee, whose composition would in large part include provincial ministry staff that need not be experts on the proposed work. This status quo approach fails to require those responsible for evaluating a project's environmental risk to have the necessary expertise to adequately assess the evidence.

**Recommendation 2.** Evaluation of a project's risk to the environment must be conducted by independent experts in relevant fields, at arm's length from the government, proponent, and the Environmental Assessment Office. Independent evaluation of evidence is standard scientific best practice.

**3. Lack of transparency.** Under the proposed EA process, there is no requirement that all data generated by the proponent, or the evaluation of evidence by the Technical Advisory Committee, be made available to the public. This has been identified as a major flaw of the current EA process in BC.<sup>4</sup> Neither is there inclusion of criteria for how Ministers' final assessment decisions will be made, which will undermine public confidence. Without such transparency, it is impossible to verify conclusions that are drawn regarding the project's risk to the environment.

**Recommendation 3.** Make *all* records and information related to an assessment permanently and publicly available, develop explicit decision-making criteria, and require transparent rationale of factors considered in the final decision. All raw data, results, analyses, and rationale of factors considered in the evaluation of environmental risk from a proposed project should be readily available to the public and experts. This is modern scientific best practice. Sharing information means that conclusions can be verified – helping to build public trust – and that means the data can be used as benchmarks for future studies, including assessing cumulative effects. While we acknowledge that some information (e.g., culturally sensitive or private) must be protected, sharing all other relevant information in a free, searchable, provincial registry should become a condition of the new EA process.

While we are encouraged by the stated intent of reform to the EA process, and believe that British Columbians will applaud many of the proposed changes, the continued lack of scientific independence, peer-review, and transparency in the evaluation of a given project's risk to the environment will serve only to further undermine public confidence. We offer our consensus opinion, representing a diverse range of scientists, as a starting point for further engagement with you or your staff. We are keen to meet with you and your staff, and be a resource for strengthening scientific integrity in British Columbia's environmental assessment process.

Respectfully,



Michael Price, MSc  
PhD Candidate  
Simon Fraser University



Isabelle Côté, PhD  
Professor  
Simon Fraser University



Jonathan Moore, PhD  
Associate Professor  
Simon Fraser University



Wendy Palen, PhD  
Associate Professor  
Simon Fraser University



Chris Darimont, PhD  
Associate Professor  
University of Victoria



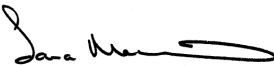
John Volpe, PhD  
Associate Professor  
University of Victoria



Jim Pojar, PhD  
Ecologist



Adam Ford, PhD  
Assistant Professor  
University of British Columbia



Tara Martin, PhD  
Professor  
University of British Columbia



W.J. (Bill) Beese, MF  
Professor  
Vancouver Island University



Katherine Parker, PhD  
Professor  
University of Northern British Columbia



Eric B. (Rick) Taylor, PhD  
Professor  
University of British Columbia



Eduardo Martins, PhD  
Assistant Professor  
University of Northern British Columbia



John Reynolds, PhD  
Professor  
Simon Fraser University

*\*Co-signatories in alphabetical order. Institution affiliation for identification only*

*Co-signed,*

[List will be updated on Monday, 19 November via <https://earthtoceansfu.com/open-letter-on-environmental-assessment/>

<sup>1</sup> Province of BC. 2015. Report on Mount Polley tailings storage facility breach: independent expert engineering investigation and review panel. <https://www.mountpolleyreviewpanel.ca/final-report>

<sup>2</sup> Province of BC. 2018. Bill 51 - British Columbia's Environmental Assessment Act. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>.

<sup>3</sup> Haddock, M. 2018. Professional reliance review. The final report of the review of professional reliance in natural resource decision-making. [https://engage.gov.bc.ca/app/uploads/sites/272/2018/06/Professional\\_Reliance\\_Review\\_Final\\_Report.pdf](https://engage.gov.bc.ca/app/uploads/sites/272/2018/06/Professional_Reliance_Review_Final_Report.pdf)

<sup>4</sup> Murray, C.C., Wong, J., Singh, G.G., Mach, M., Lerner, J., Ranieri, B., St-Laurent, G.P., Guimaraes, A., & Chan, K.M.A. 2018. The insignificance of thresholds in environmental impact assessment: an illustrative case study in Canada. *Environmental Management* 61: 1062-1071.

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1. Peter Abrams, PhD, Professor Emeritus, University of Toronto
  2. Megan Adams, BSc, PhD candidate, University of Victoria
  3. Luke Andersson, MSc, Bamfield Marine Sciences Centre
  4. Peter Arcese, PhD, Professor, University of British Columbia
  5. Torrey Archer, BSc, Biologist and Land Manager, The Land Conservancy of BC
  6. Kyle Artelle, PhD, Postdoctoral Fellow, University of Victoria
  7. William Atlas, MSc, PhD Candidate, Simon Fraser University
  8. Katie Baillie-David, BSc, MSc Candidate, University of Victoria
  9. Llyn Baldwin, PhD, Associate Professor, Thompson Rivers University
  10. Natalie Ban, PhD, Professor, University of Victoria
  11. Steven Barrett, BSc, MET Candidate, Simon Fraser University
  12. Mirjam Barrueto, MSc, PhD Student, University of Calgary
  13. Andrew Bateman, PhD, Research Associate, Pacific Salmon Foundation
  14. Julia Baum, PhD, Associate Professor, University of Victoria
  15. Amanda Baxter, BSc, MSc Candidate, University of Northern British Columbia
  16. Matthew Beedle, PhD, Professor, Coast Mountain College
  17. Regina Bestbier, MSc, Research Biologist, University of British Columbia
  18. Aita Bezzola, BSc, MSc Candidate, University of Northern British Columbia
  19. Sherryl Bisgrove, PhD, Associate Professor, Simon Fraser University
  20. Emily Bishop, BA, MA Candidate, University of Victoria
  21. Morgan Black, BSc, PhD candidate, University of Victoria
  22. Annie Booth, PhD, Professor, University of Northern British Columbia
  23. Ella Bowles, PhD, Postdoctoral Fellow, Concordia University
  24. David Bradley, PhD, British Columbia Director, Bird Studies Canada
  25. Norah Brown, PhD, Postdoctoral Fellow, University of Victoria
  26. Heather Bryan, PhD, Postdoctoral Fellow, University of Victoria
  27. Joanna Burgar, PhD, Postdoctoral Fellow, University of British Columbia
  28. Marie-Helene Burle, BSc, PhD candidate, Simon Fraser University
  29. Cole Burton, PhD, Canada Research Chair, University of British Columbia
  30. Andrea Byfuglien, BA, MA Candidate, University of British Columbia
  31. Lia Chalifour, BSc, PhD Candidate, University of Victoria
  32. Louise Chavarie, PhD, Postdoctoral Fellow, University of British Columbia
  33. Ranah Chavoshi, BSc, MSc Candidate, Simon Fraser University

34. Libby Chisholm, BA, MA student, University of Victoria
35. Gillian Chow-Fraser, BSc, MSc Candidate, University of Victoria
36. Melanie Clapham, PhD, Postdoctoral Fellow, University of Victoria
37. Alexander Clifford, PhD, Postdoctoral Fellow, University of British Columbia
38. Ilona Clocher, MSc, University of Calgary
39. Angie Coulter, BSc, MSc Candidate, University of British Columbia
40. Laura Cowen, PhD, Associate Professor, University of Victoria
41. Hailey Davies, BSc, Research and Teaching Assistant, University of Victoria
42. Devin de Zwaan, BSc, PhD Candidate, University of British Columbia
43. Christoph Deeg, PhD, Postdoctoral Fellow, University of British Columbia
44. Cora denHartigh, BA, Environmental Anthropologist, University of British Columbia
45. Allison Dennert, BSc, PhD Student, Simon Fraser University
46. Bryant DeRoy, BSc, MSc Candidate, University of Victoria
47. Danielle Derrick, BSc, MSc Candidate, Simon Fraser University
48. Lawrence Dill, PhD, Professor Emeritus, Simon Fraser University
49. Anna Drake, PhD, Postdoctoral Fellow, University of British Columbia
50. Jillian Dunic, MSc, PhD Candidate, Simon Fraser University
51. Lauren Eckert, MSc, PhD Student, University of Victoria
52. Jessica Edwards, BSc, MSc Candidate, Simon Fraser University
53. Rebecca Edwards, MSc, Remote Sensing Analyst, Not-For-Profit NGO
54. Audrey Faber, BSc, MSc Candidate, University of Northern BC
55. Alicia Fernando, MSc, Biologist, Gitksan Watershed Authorities
56. Alina Fisher, MA, Research Manager, University of Victoria
57. Justin Fleming, BSc, Environmental Technician, University of British Columbia
58. Fiona Francis, BSc, PhD Candidate, Simon Fraser University
59. Cameron Freshwater, PhD, Postdoctoral Fellow, Fisheries and Oceans Canada
60. Kelly Fretwell, MMM, Research Assistant, University of Victoria
61. Sarah Friesen, BSc, MSc Candidate, University of Victoria
62. Patricia Gallagher, PhD, Adjunct Professor, Simon Fraser University
63. Julie Galloway, BES, MSc Candidate, University of Victoria
64. Barb Gass, MSc, Science and Technical Officer, University of British Columbia
65. Danielle Gauthier, BSc, MSc Candidate, University of British Columbia Okanagan
66. Pascale Gibeau, MSc, PhD Candidate, Simon Fraser University
67. Michael Gillingham, PhD, Professor, University of Northern British Columbia
68. Haley Glass, BSc, PhD Candidate, University of Calgary
69. Sean Godwin, PhD, Postdoctoral Fellow, Simon Fraser University
70. Louis Gosselin, PhD, Professor, Thompson Rivers University
71. Jennifer Greenwood, MSc, PhD Candidate, University of British Columbia
72. Jared Grummer, PhD, Postdoctoral Fellow, University of British Columbia
73. William Halliday, PhD, Conservation Scientist, Wildlife Conservation Society Canada
74. Tracey Hammer, MSc, PhD Candidate, University of Calgary
75. Gil Henriques, MSc, PhD Candidate, University of British Columbia
76. Margot Hessing-Lewis, PhD, Research Science, Hakai Institute
77. Robert Higgins, PhD, Associate Professor, Thompson Rivers University
78. David Hik, PhD, Professor, Simon Fraser University
79. Aaron Hill, MSc, Executive Director, Watershed Watch Salmon Society
80. Emma Hodgson, PhD, Postdoctoral Fellow, Simon Fraser University
81. Jane Hurlburt, MSc, Clinical Instructor, University of British Columbia
82. Tara Ivanochko, PhD, Director of Environmental Science, University of British Columbia
83. Karen Kalynka, MA, University of Victoria
84. John Karakatsoulis, PhD, Department Chair, Thompson Rivers University
85. Laura Kehoe, PhD, Postdoctoral Fellow, University of British Columbia
86. Susanna Klassen, MSc, PhD Student, University of British Columbia
87. Christopher Kopp, PhD, Science Education Specialist, University of British Columbia
88. Donald Kramer, PhD, Professor Emeritus, McGill University
89. Charles Krieger, PhD, Professor, Simon Fraser University

90. Karine Lacroix, MA, PhD Candidate, University of Victoria
91. Karl Larsen, PhD, Professor, Thompson Rivers University
92. Christian Levers, PhD, Postdoctoral Fellow, University of British Columbia
93. Alan Lewis, PhD, Emeritus Professor, University of British Columbia
94. Patrick Lilley, MSc, RPBio, Senior Biologist, Consultant
95. Leithen M'Gonigle, PhD, Assistant Professor, Simon Fraser University
96. Jeffrey MacAdams, MSc, University of Victoria
97. Misty MacDuffee, BSc, Biologist, Raincoast Conservation Foundation
98. Ailene MacPherson, MSc, PhD Candidate, University of British Columbia
99. Jennifer Magel, BSc, MSc Candidate, University of Victoria
100. Sultana Majid, BSc, MSc Candidate, University of British Columbia Okanagan
101. Justin Meeds, BSc, MSc Candidate, University of British Columbia Okanagan
102. Michael Merchant, MSc, Remote Sensing Specialist, Not-For-Profit NGO
103. Becky Miller, BSc, MSc Candidate, University of Victoria
104. Matthew Miller, BSc, MSc Candidate, University of Victoria
105. Matthew Mitchell, PhD, Postdoctoral Fellow, University of British Columbia
106. Margo Moore, PhD, Professor, Simon Fraser University
107. Evan Morien, MSc, Research Technician, University of British Columbia
108. Rachel Munger, BSc, MSc Candidate, Simon Fraser University
109. Nicolas Muñoz, MSc, PhD Candidate, Simon Fraser University
110. Rylee Murray, BSc, PhD Candidate, Simon Fraser University
111. Sean Naman, PhD, Postdoctoral Fellow, University of British Columbia
112. Maxwell Nichols, MPP, Simon Fraser University
113. Nadia Nowak, BPL, MNRES Candidate, University of Northern British Columbia
114. Mary O'Connor, PhD, Associate Professor, University of British Columbia
115. Debora Obrist, BSc, PhD Student, Simon Fraser University
116. Melissa Orobko, MSc, PhD Student, Simon Fraser University
117. Craig Orr, PhD, Conservation Advisor, Watershed Watch Salmon Society
118. Sarah Otto, PhD, Professor, University of British Columbia
119. Candace Picco, MSc, Fisheries Biologist, T'aaq-wiihak Fisheries
120. Richard Pickard, PhD, Professor, University of Victoria
121. Tony Pitcher, PhD, Professor, University of British Columbia
122. Riley Pollom, MSc, Research Assistant and Red List Officer, Simon Fraser University
123. Beatrice Proudfoot, BA, MSc Candidate, Memorial University
124. Lynne Quarmby, PhD, Professor, Simon Fraser University
125. Samir Qureshi, MSc, Research Associate, University of Calgary
126. William Ramey, PhD, Professor Emeritus, University of British Columbia
127. Erin Rechsteiner, MSc, PhD Candidate, University of Victoria
128. Luba Reshitnyk, MSc, Research Scientist, Hakai Institute
129. Marvin Rosenau, PhD, Fisheries Instructor, British Columbia Institute of Technology
130. Andrew Rosenberger, BSc, Research Biologist, Lake Babine Nation Fisheries
131. Melody Salehzadeh, BSc, MSc Candidate, University of British Columbia
132. Valentin Schaefer, PhD, Assistant Professor, University of Victoria
133. Braeden Schiltroth, BSc, MSc Candidate, Simon Fraser University
134. Richard Schuster, PhD, Adjunct Professor, University of Northern British Columbia
135. David Scott, MRM, PhD Student, University of British Columbia
136. Jordan Seider, BSc, MSc Candidate, University of Victoria
137. Karl Seitz, BSc, MSc Candidate, Simon Fraser University
138. David Shiftman, PhD, Postdoctoral Fellow, Simon Fraser University
139. Ciara Sharpe, MSc, Research Scientist, Simon Fraser University
140. Cora Skaien, MSc, PhD Candidate, University of British Columbia
141. Connie Smith, MSc, Research Technician, Simon Fraser University
142. Connie Smith, MSc, Research Technician, Simon Fraser University
143. Nicola Smith, MSc, PhD Candidate, Simon Fraser University
144. Jenny Smith, BSc, MSc Candidate, University of Victoria
145. Cara Snell, BSc, MSc Candidate, University of Northern British Columbia

146. Diane Srivastava, PhD, Professor, University of British Columbia
147. Norm Stacey, PhD, Professor Emeritus, University of Alberta
148. Brian Starzomski, PhD, Associate Professor, University of Victoria
149. Chin Sun, PhD, Lecturer, University of British Columbia
150. Emily Sunter, BSc, MSc Candidate, University of British Columbia Okanagan
151. Elissa Sweeney-Bergen, BSc, MSc Candidate, Simon Fraser University
152. Ildiko Szabo, BA, Beaty Biodiversity Museum, University of British Columbia
153. Amy Teffer, PhD, Postdoctoral Fellow, University of British Columbia
154. Ian Theaker, BSc, MSc student, University of British Columbia
155. Jessica Theoret, BSc, MEd. Candidate, University of Calgary
156. Ken Thompson, MSc, PhD Candidate, University of British Columbia
157. Tanya Tran, BSc, MSc Candidate, University of Victoria
158. C. Susannah Tysor, BSc, PhD Candidate, University of British Columbia
159. Aisha Uduman, BA, MSc Candidate, University of British Columbia
160. Lalangi Uduman, MSc
161. Wade VanderWal, BSc, Research Assistant, Simon Fraser University
162. Amanda Vincent, PhD, Professor, University of British Columbia
163. Ryan Walquist, BSc, MSc Candidate, Simon Fraser University
164. Cecilia Wang, BSc, MSc Candidate, University of British Columbia Okanagan
165. Lena Ware, BSc, MSc Candidate, Simon Fraser University
166. Luke Warkentin, BSc, MSc Candidate, Simon Fraser University
167. Hannah Watkins, BSc, MSc Candidate, Simon Fraser University
168. Natalie Westwood, MSc, PhD Candidate, University of British Columbia
169. Charlotte Whitney, MSc, PhD Candidate, University of Victoria
170. Sara Wickham, MSc, PhD Student, University of Waterloo
171. Kirsten Wilcox, BSc, MSc Candidate, Simon Fraser University
172. Kyle Wilson, PhD, Postdoctoral Fellow, Simon Fraser University
173. Samantha Wilson, MSc, PhD Candidate, Simon Fraser University
174. Serena Wong, BSc, MSc Candidate, Simon Fraser University
175. Pamela Wright, PhD, Professor, University of Northern British Columbia
176. Shea Wyatt, BSc, BEd, MSc Candidate, University of Victoria
177. Helen Yan, BSc, Research Assistant, Simon Fraser University
178. Shahab Zareyan, BSc, MSc Candidate, University of British Columbia
179. Alejandra Zubiria Perez, BSc, MSc Candidate, University of Victoria