



TO: Whom it may concern

FROM: Angela Spickard, Research Manager
Chelsey Geralda Armstrong, Assistant Professor
Historical-Ecological Research Lab
8206 RCB Hall, Indigenous Studies
Simon Fraser University, V5A 1S6

RE: Comments on Prince Rupert Gas Transmission Project: Application for Marine Route Alternative Amendment to EAC #E14-06

DATE: September 3, 2024

We are writing to share our concerns about the **Prince Rupert Gas Transmission Project: Application for Marine Route Alternative Amendment to EAC #E14-06 (the Amendment)**. The Amendment states that it was prepared according to the BC *Environmental Assessment Act 2018* and relevant guidance, and also includes new considerations not previously assessed per Section 25, Assessment Matters, of the *Act*. Specifically the Amendment evaluates the project's impact on biophysical factors and the effects on current and future generations. From our understanding of the PRGT EA, there appears to be egregious omissions in the Amendment Assessment with regard to these and other factors listed in Section 25 that are reviewed here.

(1) To determine material changes that might impact the conclusions of the 2014 PRGT EA Application, the Amendment fails to consider updated and more protective air quality objectives. In its conclusion, the Amendment specifically states, "...*air quality effects from construction and operation are anticipated to be comparable to what was previously assessed, and the conclusions in the Assessment Report remain unchanged*" (Amendment 6, Table 4.1). While it might be true that air quality emissions from the operational phase of the PRGT project would change little if dispersion modeling was repeated in 2024, *the thresholds and conclusions regarding residual effects would most certainly be different.*

In the 2014 PRGT EA, air quality thresholds were chosen to determine whether project emissions of each criteria air contaminant (CAC) would cause unacceptable harm to people and the environment. These thresholds were established by choosing the *most stringent recommended objectives* established in 2014 among several jurisdictions including the Canadian Ambient Air Quality Standards (CAAQS), the BC Ambient Air Quality Objectives (BC

AAQO), the US Environmental Protection Agency, and the World Health Organization (see 2014 PRGT EA Application, 2014, Table 5-2, page 4-7). Since 2014, the Government of Canada has significantly tightened the CAAQS for 1-hour and annual NO₂ emissions to reflect updated science and our current understanding of the human health and environmental impacts of this harmful pollutant (Health Canada, 2023). As of 2020, the 1-hour CAAQS for NO₂ is 60 ppb (112.8 ug/m³) and the annual standard is 17 ppb (32 ug/m³). In 2025, the 1-hour NO₂ standard will change to 42 ppm (79 ug/m³) and the annual standard will be 12 ppm NO₂ (22.6 ug/mg³). In addition, Canada adopted new standards for ozone – a secondary pollutant that is formed by the interaction between NO_x and volatile organic compounds in the presence of sunlight and that was not assessed at all in the original 2014 EA. (Table 1, attached). Significant amounts of both precursors to ozone are emitted from oil and gas developments so it is unclear why this hazardous air pollutant was not assessed with other CAC in the 2014 EA.

Compared to the updated CAAQS, the air quality analysis in the 2014 PRGT EA now demonstrates that all eight compressor stations will violate the 2020 and 2025 NO₂ 1-hour standards (Table 2, attached), including the Ishkeenickh compressor station located in close proximity to the Amendment site at kilometer post 733 (EAO, 2017), but for some reason is not designated on Figure 1.1 of the Amendment. Additionally, the Johnson Creek and Witter Lake compressor sites violate the annual 2025 CAAQS for NO₂. Given these violations of current and future CAAQS as estimated in the 2014 PRGT EA, to permit the construction of the PRGT project at this point in time without additional assessment, mitigation, or decision making would ***knowingly put the environment and human health in danger of continued, polluted air for the life span of this project – an outcome that will surely impact ecosystem functions, services (including outdoor tourism business), and current and future generations of people.***

Additionally, the proponents' air quality review in Section 4 of the Amendment also overlooks the lack of any air quality modeling or quantitative analysis of emissions from construction of the PRGT pipeline and supporting infrastructure. Thus, no air quality impacts from the large fleet of diesel powered trucks and machinery, drilling and blasting, slash-burning, increased traffic, camp developments, or new road construction – all activities listed in the EA as necessary for building the pipeline – have ever been modeled, quantified, or robustly considered.

There is no excuse for this omission. There exists ample data, previous inventories, emissions factors, and methodologies for quantifying construction-related emissions (see e.g., Ksi Lisims LNG 2023 EA, Section 7.2). It is also most troubling given the ***lack of any recent detailed cumulative effects assessment*** of the PRGT project for the Prince Rupert airshed – a region that as of 2020 remained at a “yellow” management level and in need of preventing further air quality deterioration for NO₂ and PM_{2.5} (BC ECCS, 2020). As a result, the public is unable to ascertain how emissions from all projects in and around the Amendment Area, along with current baseline conditions, will impact human health and the environment. Most notably, these emission sources include current and future shipping traffic, the PRGT Ishkeenickh compressor station, and the Ksi Lisims LNG project that also demonstrates exceedances of the 2025 NO₂ 1-hour CAAQS in its 2023 EA Application (Section 7.2 - Air Quality), among numerous other projects and activities.

(2) The conclusions reached by the Amendment also fail to meet the Section 25(2)(h) requirement for greenhouse gas (GHG) emission. There has never been an assessment of how emissions from the PRGT pipeline project will align with British Columbia's current GHG targets. In 2014, GHGs were considered a valued component and should have been subject to a cumulative effects assessment. Under the 2014 PRGT EA and cumulative effects framework and using GHG inventory estimates established at that time, the proponent found that the construction phase would result in 4.4 million tonnes (Mt) of CO₂ equivalents (CO₂e), while the operations phase – mostly from the gas combustion of the eight compressors – would produce 1.9 Mt CO₂e annually (2014 PRGT Assessment Report, page 91). Based on operation estimates alone, the ***PRGT project would increase provincial GHG emissions by 3.2%*** and national GHG emissions by 0.3% above 2012 levels – a finding that the proponent considered to be a “high” residual effect with “high magnitude” and “long-term duration” that will be “irreversible” (2014 PRGT EA, Section 6, Table: 6-9). *Despite these findings and acknowledging other projects exist in BC that would impact GHG, the proponent conducted no detailed cumulative effects assessment.* In addition, there was no attempt to determine how the PRGT project emissions would impact BC's established GHG reduction objectives of 33% below 2007 emission levels by 2020 or 80% below 2007 emissions levels in 2050 – targets formally established under the *Greenhouse Gas Reduction Targets Act, 2007*. At that time, the proponent claimed that a cumulative effects assessment was not required because GHG emissions are a “global issue” (EAO PRGT Assessment Report, 2014, page 95). We conclude that the proponent is either ignorant of, or callous about, this massive gap in their assessment and it must be attenuated.

Since 2014, much regulatory change has occurred and GHGs are no longer considered under the valued component and cumulative effects framework and are instead expanded under further regulatory requirements. A project assessment must now include its impacts on direct and indirect GHG emissions (i.e., upstream and terminal effects) and carbon sinks, incorporate best available technologies and practices, mitigate for potential climate impacts, determine climate change resiliency, and develop a “net-zero by 2050” plan. The project assessment must also be based on updated emissions factors and determine whether or not it will enable the province to meet its GHG reduction objectives to 40% below 2007 emission levels by 2030 and 60% below 2007 levels by 2040 under the *Climate Change Accountability Act, 2007* (previously called the *Greenhouse Gas Reduction Targets Act*).

With a complete overhaul of the regulatory landscape for determining project effects on GHG, the existence of more accurate GHG emissions factors, significant changes from the original 2014 project purpose and scope, and the lack of accounting of the cumulative effects of GHG in the original 2014 PRGT EA, it is inaccurate to claim that nothing has changed since 2014. This conclusion is particularly salient when it comes to the project's “potential effects on the province being able to meet its targets under the *Greenhouse Gas Reduction Targets Act*” per Section 25(2)(h) – a requirement, to date, that has never been met. *As it presently stands, the public has no basis for understanding how the PRGT pipeline project and any proposed changes to it (e.g., the Amendment) will effect GHG and BC's ability to meet its climate goals.* As such, BC

regulators currently have no way of making sound, scientifically-based decisions about PRGT – a project that could very well have huge impacts on current and future generations across BC – until a complete and thorough evaluation of the project’s effects on BC’s GHG objectives is conducted, as required under current law.

(3) We have major concerns regarding the Amendment’s conclusion that “the effects from construction and operation of the Project on community infrastructure and services are anticipated to be the same as what was previously assessed.” (Table 4.1) More specifically, the 2014 PRGT EA does not reflect current conditions, as it does not account for the increases in population and demands on social services within northern communities over the past 10 years. To put it mildly, the 2014 PRGT EA is extremely out of date – based on 2006 and 2011 census data – and unrealistic about the current capacities of all assessed indicators for community infrastructures and services. If this Amendment is certified and the project is allowed to move forward, it has the potential to place an unreasonable burden on communities across the region, including those that reside within the scope of the Amendment.

Of particular concern are impacts on law enforcement and protective services. Research has established a clear link between increases in violent crimes and oil and gas developments that require large influxes of workers and “man camps” (e.g., Martin et al., 2019), thus straining communities as they attempt to increase police and social service capacities. Additionally, interruptions of health care services due to lack of staff has been a major issue in northern BC since the COVID 19 pandemic. In May of this year, Northern Health reported to CBC that it was struggling to keep the Prince Rupert Regional Hospital open, as a number of physicians will soon be leaving the area and raising fears among local residents that they may not be able to access the health care that they need (Forward, 2024). Such critical information is not reflected in the 10-year old PRGT EA, and is omitted from the proponents’ considerations of this most important valued component in the Amendment.

Despite these very real changes in current baseline conditions that exist within the Amendment Area and all along the project footprint, the proponents make no attempt to determine whether the PRGT project will have an acceptable impact on local communities based on current information. Furthermore, like all other valued components considered in the PRGT EA, *no detailed cumulative effects assessment for community infrastructure and services has been conducted*¹. ***Equally troubling is the 2014 PRGT EA finding that construction activities will, indeed, have a high residual effect on emergency and protective services, yet the proponent provides no threshold that would trigger a change in project implementation, the implementation of additional mitigation measures, or any means of increased funding to local communities to help them absorb the project’s drain on their resources.*** Given the demographic data that is now up to 18 years out of date, the lack of thresholds to determine whether project impacts will cause unacceptable harm, and the failure to consider changes in

¹ In the 2023 Ksi Lisims EA Application, Section 7.13, the PRGT project is listed as one of 17 projects and activities that will have a cumulative effect on health services. However, there are no estimates or analysis for each interacting project to determine whether their collective impact will exceed the health services capacities in the local area.

population or to services since 2014, it is irresponsible to certify this Amendment or any further advancements of the PRGT project until a new assessment with updated, relevant information for population, law enforcement and emergency staff, health care facilities, and accommodations, among other data, is conducted including a cumulative effects assessment, to ensure that local communities do not bear the burden and consequences of poor planning and lack of resources driven by a project that many of them do not want.

(4) Finally, to date, the PRGT EA includes no detailed cumulative assessment for any valued component. According to the 2014 PRGT EA Application, the proponent argued that the project's residual impacts and presence of other projects and activities were not considered significant enough to warrant any detailed cumulative effects assessment. This conclusion was reached despite the 1,236 watercourse crossings, 166,466 ha of altered land, significant burdens on local communities, and large amounts of GHG and air pollutants required to construct and operate the pipeline project. Most notably, the cumulative effects assessment framework on which the 2014 PRGT EA is based has been determined to be severely flawed according to a 2015 BC Auditor General's report. This report concludes that BC agencies have not been adequately considering cumulative effects in their project approvals, finding deficiencies in the cumulative effects process that consist of a lack of "information about values that define what is important to manage for", "the amount of change to values that is deemed acceptable (acceptable conditions)", and "the existing state of those values (current conditions)". The Auditor General goes on to state that,

"Without up-to-date values, well-defined thresholds for acceptable change, or a clear understanding of the current condition of values, decision-makers are left to make subjective interpretations about risk when deciding if, and how, development should proceed." (page 31).

In 2021 -- six years after the issuance of the BC Auditor's Report -- the BC Supreme Court also had much to say about the 2015 report and the province's cumulative effects framework in its *Yahey vs. British Columbia* decision. In its final conclusions, the Court states:

"I find that the Province's work on the development of a cumulative effects framework has been plagued by inordinate delay. Much of what the Auditor General said in 2015 regarding lack of progress on cumulative effects assessment and management remains true today. The Province has been unable to show that it is effectively considering or addressing cumulative effects in its decision-making. Current condition reports from the Regional Strategic Environmental Assessment process, whether finalized or in draft, are not currently being incorporated into decision-making and there is a lack of guidance for decision-makers as to how the various tools that are anticipated to emerge from the work on developing a cumulative effects framework are to be used. It is concerning that the Province has continued to proceed with authorizing resource use and extraction in the northeast of BC in the absence of these important tools." (at para 1783; emphasis added)

Two years after the Court's decision, in a November 3, 2023, correspondence from the Ministry of Energy, Mines & Low Carbon Innovation (from Siobhan Clancy, Executive Assistant to Hon.

Josie Osborne; see attached) to Adam Olsen, the EMLI MO states that, “A number of permit conditions must be satisfied prior to commencement of [the PRGT] project construction. ***Most notably, a further cumulative effects assessment must be completed***” (emphasis added). This permit condition seems only appropriate given the 2014 PRGT EA lack of in depth analysis, out-of-date information, and failed cumulative effects framework (according to the BC Auditor General and Supreme Court findings) on which it is based. To our knowledge this permit condition has not been addressed, thus any advancements of the PRGT project including project construction and certification of this Amendment should remain on hold until this required cumulative effects assessment per the EMLI MO is satisfied.

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Yahey v British Columbia, 2021 BCSC 1287 (CanLII), <https://canlii.ca/t/jgpbr>

ATTACHMENTS

Critical Air Contaminant (CAC)	Averaging Period	2014 PRGT AAQO ug/m3 Appendix E - Air Quality	2014 PRGT AAQO ug/m3 Appendix V - Human Health	2021 WHO AAQO ug/m3	2020 CAAQS ug/m3	2025 CAAQS ug/m3
SO2	1-hour	450	200		183	170
	3-hours	375	No Assessment			
	24-hours	150	20	40		
	Annual	30	No Assessment		13.1	10.5
NO2	1-hour	400	189		112.9	79
	24-hours	200	200	25		
	Annual	60	40	10	32	22.6
CO	1-hour	14300	40,000			
	8-hours	5500	10,300			
	24-hours	No Assessment	No Assessment	4000		
PM10	24-hours	50	50	45		
	Annual	No Assessment	20	15		
PM2.5	24-hours	25	25	15	27	
	Annual	8 ³	8 ³	5	8.8	
Ozone	8-hour	No Assessment	No Assessment	100	123	118

Table 1: Comparison of air pollutant indicator thresholds used in the 2014 PRGT EA Application for air quality and human health compared to current CAAQS and WHO recommendations. **Bold values** represent the most stringent values for each CAC, to date – the approach used to select thresholds in the 2014 PRGT EA Application. Since 2014, Canada has adopted new CAAQS for several pollutants. In 2021, WHO updated its recommended air quality objectives, representing the most stringent targets for most pollutants.

NO ₂ - Averaging Period	2020 CAAQS for NO ₂ ug/m ³	2025 CAAQS for NO ₂ ug/m ³	2014 PRGT Environmental Assessment Application NO₂ Estimates – Compressor Site Violations Compressor Site (estimated NO₂ ug/m³)
1-hour	112.8	79	<ul style="list-style-type: none"> ● Johnson Creek (132) ● Callazon Creek (154) ● Witter Lake (169) ● Middle River (148) ● Morrison Lake (157) ● Kispiox (162) ● Borden Lake (160) ● Ishkeenick¹ (116)
Annual	32	22.6	<ul style="list-style-type: none"> ● Johnson Creek (24) ● Witter Lake (29)

Table 2: Comparison of 2014 PRGT EA compressor station emissions estimates to 2020 and 2025 CAAQS. See EA Section 5 - Air Quality, pages 5-22 through 5-37 for specific data. For ease of comparison with the 2014 PRGT EA values, all air quality standards have been converted from ppm to ug/m³ units.

¹ The Ishkeenick compressor station is located at kilometer post 733, less than 18 km from the proposed Nass Bay Approach in the Amendment.

November 3, 2023, correspondence from the Ministry of Energy, Mines & Low Carbon Innovation (from Siobhan Clancy, Executive Assistant to Hon. Josie Osborne) to Adam Olsen, Member of the Legislative Assembly, stating that "a further cumulative effects assessment is required to satisfy permit conditions prior to construction." (emphasis added)

From: "Olsen, Adam" <A.Olsen@leg.bc.ca>
Date: October 3, 2023 at 3:52:19 PM EDT
To: "Heyman, George" <G.Heyman@leg.bc.ca>, "Osborne, Josie" <J.Osborne@leg.bc.ca>
Cc: "Bishop, Emily" <Emily.Bishop@leg.bc.ca>
Subject: Prince Rupert Gas Transmission Project

Dear Minister Osborne and Minister Heyman,

It has come to my attention that the Prince Rupert Gas Transmission (PRGT) project has requested an application for a permit extension from the Province. Given that much has changed since the project was initially approved in 2015, I have several questions I am seeking answers to, in particular:

- What stage is the Province at in reviewing PRGT's permit extension application? When can a decision be expected?
- On what basis would the permit extension be granted?
- If granted, when does PRGT plan on beginning construction?
- Will the Province consider requesting PRGT to enter the EA process again?
- In order not to repeat the mistakes made under the Coastal GasLink project, how will the permitting and regulatory regime be different for the PRGT project, if approved?
- How will the Province approach working with the Gitksan First Nation differently than they did with the Wet'suwet'en First Nation?

I would be happy to speak more about this over a briefing, if possible.

Thank you, I eagerly await your response.

HÍSWŪŪ,
Adam Olsen (he/him)
Member of the Legislative Assembly
Saanich North and the Islands
BC Green Caucus

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9828 Fourth St., Sidney, BC V8L 2Z3
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From: Clancy, Siobhan EMLI:EX <Siobhan.Clancy@gov.bc.ca>
Sent: Friday, November 3, 2023 3:22 PM
To: Olsen, Adam <A.Olsen@leg.bc.ca>
Cc: Bishop, Emily <Emily.Bishop@leg.bc.ca>; Ward, Mary ENV:EX <Mary.Ward@gov.bc.ca>
Subject: RE: Prince Rupert Gas Transmission Project

Hi MLA Olsen –

Thanks for your inquiry last month regarding the Prince Rupert Gas Transmission (PRGT) project. Below is a joint response from EMLI and ENV in response to your questions.

Ministers have asked that, in the future, if you could please send in your inquiries to myself (Siobhan.clancy@gov.bc.ca) from the EMLI MO and [Mary Ward](mailto:Mary.Ward@gov.bc.ca) (mary.ward@gov.bc.ca) from the ENV MO, instead of sending them to their MLA email addresses that are not supposed to be used for ministry business. This is the practice that all MLAs follow and will help ensure a more timely response to your inquiries.

- The Prince Rupert Gas Transmission (PRGT) project is a proposed pipeline planned to transport natural gas from northeast BC, near Hudson's Hope, to northwest BC, near Prince Rupert.
- The project received an Environmental Assessment Certificate (EAC) in 2014 and acquired the associated primary project permits in 2015.
- A number of permit conditions must be satisfied prior to commencement of project construction. Most notably, a further cumulative effects assessment must be completed.
- The BC Energy Regulator (BCER) has also written to TC Energy directing them to engage Treaty 8 First Nations on a number of key concerns that have been raised since initial issuance, primarily regarding routing through areas of cultural or ecological significance and cumulative effects.
- If the project moves forward to construction, it would be standard practice for EAO compliance and enforcement officers to engage with First Nations representatives to collaborate on compliance and enforcement activities, including accompanying officers on inspections.
- The EAC for PRGT continues to be valid and will expire November 25, 2024, unless the project has been substantially started.
- If the project is not substantially started by November 25, 2024, the EAC will expire, and the project would have to go through the environmental assessment process again to be approved to proceed.
- In 2018, the *Environmental Assessment Act* was revitalized to strengthen the laws that protect a broader range of effects that matter to the people of British Columbia, and to fully recognize the rights of Indigenous Peoples.
- This created a more robust assessment process going forward as well as better compliance and enforcement for all projects, whether approved under the former or current legislation.
- Although the PRGT project received the EAC in 2014, the compliance and enforcement tools from the new *Environmental Assessment Act* can be incorporated into the enforcement for the construction and operations phases of the pipeline.

All the best,

Siobhan Clancy (she/her)
Executive Assistant to Hon. Josie Osborne
Ministry of Energy, Mines and Low Carbon Innovation
Cell: 250 361-5714 | siobhan.clancy@gov.bc.ca

From: Bishop, Emily <Emily.Bishop@leg.bc.ca>
Sent: Monday, December 18, 2023 11:27 AM
To: Clancy, Siobhan EMLI:EX <Siobhan.Clancy@gov.bc.ca>; Ward, Mary ENV:EX <Mary.Ward@gov.bc.ca>
Cc: Olsen, Adam <A.Olsen@leg.bc.ca>
Subject: RE: Prince Rupert Gas Transmission Project

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hello Siobhan and Mary,

Thanks so much for providing this helpful context about the Prince Rupert Gas Transmission project. We have several follow up questions regarding the cumulative effects assessment referenced in your response. The joint response states that "A number of permit conditions must be satisfied prior to commencement of project construction. Most notably, a further cumulative effects assessment must be completed."

Given this information, can your ministries please provide clarity on the following:

1. Once the Minister receives the cumulative effects assessment, is there any prohibitions put on the project or does it stop the pipeline from moving forward?
2. Does the Minister have the power to stop the pipeline from moving forward based on the outcome of the cumulative effects assessment?
3. If the cumulative effects assessment determines that the pipeline puts the area over a certain threshold, is there a trigger that would then prohibit the pipeline from moving forward?
4. Is the cumulative effects assessment tied to decision making? If so, how? If not, why not?

Thank you for working with us to better understand cumulative effects assessments and the PRGT project. We look forward to your responses to these questions.

Happy holidays,
Emily

From: Clancy, Siobhan EMLI:EX <Siobhan.Clancy@gov.bc.ca>
Sent: Tuesday, January 30, 2024 3:34 PM
To: Bishop, Emily <Emily.Bishop@leg.bc.ca>
Cc: Olsen.MLA, Adam <Adam.Olsen.MLA@leg.bc.ca>; Ward, Mary ENV:EX <Mary.Ward@gov.bc.ca>
Subject: RE: Prince Rupert Gas Transmission Project

Some people who received this message don't often get email from siobhan.clancy@gov.bc.ca. [Learn why this is important](#)

Hi Emily,

I hope you've been well and I hope 2024 is off to a good start! Please find responses to your and MLA Olsen's follow up questions below.

- Permitting decisions are made by independent Statutory Decision Makers, not the Minister.
- The Statutory Decision Maker has the authority to determine whether the project can commence construction, and if so, whether additional permit conditions may be appropriate or necessary.
- The condition regarding the cumulative effects assessment is intended to better understand what has changed with respect to cumulative effects since the time the project was first permitted and was put in place in response to concerns raised by First Nations along the proposed route to the BCER in the time passed since initial permit issuance. It is among several pre-construction conditions that must be met before construction could commence.

Thanks very much and please let me know if you have any additional questions.

Siobhan Clancy (she/her)
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From: Bishop, Emily <Emily.Bishop@leg.bc.ca>
Sent: Monday, December 18, 2023 11:27 AM
To: Clancy, Siobhan EMLI:EX <Siobhan.Clancy@gov.bc.ca>; Ward, Mary ENV:EX <Mary.Ward@gov.bc.ca>
Cc: Olsen, Adam <A.Olsen@leg.bc.ca>
Subject: RE: Prince Rupert Gas Transmission Project