

**IN THE MATTER OF  
THE ENVIRONMENTAL ASSESSMENT ACT, S.B.C. 2002, c. 43 (THE ACT)**

**AND**

**IN THE MATTER OF  
AN APPLICATION FOR AN ENVIRONMENTAL ASSESSMENT CERTIFICATE**

**BY THE MINISTRY OF TRANSPORTATION (THE MoT)**

**FOR THE**

**SEA TO SKY HIGHWAY IMPROVEMENT PROJECT (THE PROJECT)**

**ENVIRONMENTAL ASSESSMENT CERTIFICATE T04-01**

**Whereas,**

- A. On July 31, 2003, the Executive Director's delegate of the Environmental Assessment Office (the EAO) accepted for review an application (the Application) from the MoT for an Environmental Assessment Certificate (the Certificate) under the Act for the Project;
- B. The Project comprises an upgrade of the existing Sea-to-Sky Highway between Horseshoe Bay and Whistler, excluding the upgrading of the section of highway between Culliton Creek and Cheakamus Canyon, to improve highway safety and reliability, reduce travel times and accommodate increased traffic during the Vancouver/Whistler 2010 Winter Olympics.
- C. The Application was reviewed by representatives from federal, provincial and local government agencies and by the Squamish Nation, the Lil'wat Nation, the Tsleil-Waututh First Nation and the Musqueam Indian Band;
- D. The MoT provided additional reporting on consultations held with the Village of Lions Bay in the *Sea-to-Sky Highway Improvement Project Clarification Report: Village of Lions Bay, March 2004*;
- E. The MoT provided additional reporting on consultations held with the District of West Vancouver in the *Sea-to-Sky Highway Improvement Project Clarification Report: Horseshoe Bay to Sunset Beach, (West Vancouver Segment), April 2004* (the West Vancouver Clarification Report);

- F. The West Vancouver Clarification Report presents two alignment Options for certification by Ministers, namely, Option B and Option D. Option B is described as an overland route with four new lanes up-slope from the existing Highway 99 corridor and Option D includes a two-lane two way tunnel approximately 1 kilometre in length;
- G. The MoT proposes to develop an Environmental Management Plan (the EMP) that includes a number component plans as described in the Application and in the MoT's "Owner's Commitments and Responsibilities" (the MoT Commitments);
- H. The Executive Director's delegate reported on the potential effects of the Project in a report entitled the "Sea to Sky Highway Improvement Project Assessment Report" (the Assessment Report);
- I. The Project may be constructed in sections referred to as "work packages" in the Application and described in Table 1 of the Assessment Report;
- J. The documentation and correspondence listed in Schedule A, in particular, the MoT's Commitments, includes commitments made by the MoT during the environmental assessment review and is subject to Condition 1 of this Certificate;
- K. The Executive Director has referred the Application, the Assessment Report, and Recommendations of the Executive Director and Reasons for Recommendations pursuant to s.17 of the Act, to the Minister of Sustainable Resource Management (the Minister), the Minister of Community and Aboriginal and Women's Services (the Responsible Minister), and the Minister of Water, Land and Air Protection (hereafter the Ministers); and,
- L. The Ministers have considered the Application, Assessment Report, and Recommendations of the Executive Director and Reasons for Recommendations.

**Now Therefore,**

The Ministers, pursuant to s.17(3) of the Act, hereby issue this Certificate to the MoT subject to the following conditions (the Conditions):

**Conditions**

1. The MoT must cause the Project to be designed, located, constructed, and operated in accordance with the Conditions of this Certificate and the documents and correspondence listed in Schedule A, and the MoT must comply with all of the Conditions of this Certificate to the reasonable satisfaction of the Minister.
2. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A, Condition 1 must be interpreted so that the contents of the later dated document will vary, repeal, rescind or supersede, as the case may be, the contents of earlier dated documents listed in Schedule A.

3. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A and the Conditions which follow, these Conditions must take precedence over and supersede the contents of the documents listed in Schedule A.
4. Despite Condition 1 above, if prior to the start of construction of a work package defined in Table 1 of the Assessment Report and as described in the documents listed in Schedule A, the MoT proposes a material change to the design, location, construction or operation of the Project within that work package and the change may in the opinion of the Executive Director have the potential for significant adverse effects, the MoT must then provide to the Executive Director:
  - a) an application in writing to amend the Certificate pursuant to s.19(1) of the Act; and,
  - b) plans, analysis, records and other information necessary for an effective assessment by the Executive Director of the potential impacts of the proposed change.
5. The MoT must submit, to the satisfaction of the Executive Director, quarterly reports on the status of compliance with the Conditions of this Certificate, and the documents and correspondence listed in Schedule A, from the date of issuance of this Certificate until completion of Project construction on all work packages. The Executive Director may adjust or extend this reporting requirement by providing written notice to the MoT.
6. As part of the compliance reporting responsibilities defined in section 5 above, the MoT must provide each component plan of the EMP to third parties in consultation with the Executive Director, or where required by other statutory requirements. The MoT must report on any required review, amendment or implementation of component plans of the EMP in a manner mutually acceptable to the Executive Director, the MoT and regulatory agencies.
7. This Certificate is of no force or effect until signed by the Ministers.
8. This Certificate does not constitute a permit, licence, approval or any other authority required under any other enactment.
9. The MoT must obtain the written consent of the Minister, such consent not to be unreasonably withheld, prior to disposing, whether legally, beneficially or otherwise, of:
  - a) this Certificate, or any right, title or interest conferred by this Certificate; or,
  - b) the Project.

### **Duration of Certificate**

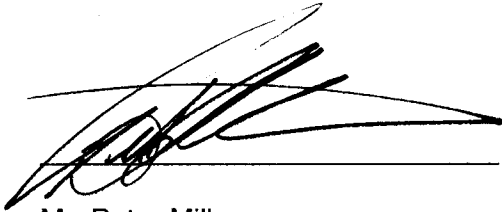
10. The MoT must have, in the reasonable opinion of the Minister, substantially started the construction of the Project within five years of the date of issue of this Certificate, if not this Certificate expires.

### **Suspension, Cancellation and Amendment of Certificate**

11. This Certificate may be subject to cancellation, suspension in whole or in part, amendments, or the attachment of new Conditions, for any of the following reasons:
- a) the Minister has reasonable and probable grounds to believe that the MoT is in default of:
    - i. an order of the Courts under section 35(2), 45 or 47 of the Act;
    - ii. an order of the Minister made under section 34 or 36 of the Act; or,
    - iii. one or more requirements or Conditions of this Certificate or
  - b) The MoT or its officers or employees when acting on behalf the MoT, have been convicted of an offence under the Act, with respect to the Project.

The Conditions of this Certificate are agreed to by the MoT this

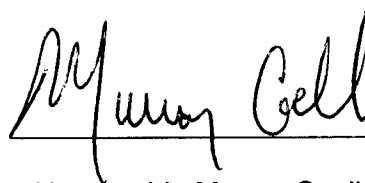
19 day of May, 2004




Mr. Peter Milburn  
Executive Project Director  
Ministry of Transportation



Honourable George Abbott  
Minister of Sustainable Resource  
Management



Honourable Murray Coell  
Minister of Community, Aboriginal  
and Women's Services



Honourable Bill Barisoff  
Minister of Water, Land and Air Protection

Issued this 4<sup>th</sup> day of June, 2004, in Victoria, British Columbia.

## **SCHEDULE A**

### **DOCUMENTATION AND CORRESPONDENCE FOR THE SEA-TO-SKY HIGHWAY IMPROVEMENT PROJECT**

1. August 13, 2003: Sea to Sky Highway Improvement Project Application for Project Approval Certificate from the Ministry of Transportation (MoT) Volumes 1 to 5
2. October 7, 2003: Letter from Peter Milburn to Ray Crook re: Re: Sea to Sky Highway Improvement Project Geotechnical Investigations
3. October 10, 2003: Letter from Jim Roberts (Coast River Environmental Services) to Debra Hughes and Sylvia Letay re: Alternative option for replacement of the Horseshoe Bay overhead structure
4. October 24, 2003: Public Consultation Report
5. October 31, 2003: Email from Angela Buckingham to John Turner re: Response to comments on the application
6. November 17, 2003: Letter from Angela Buckingham to Sue Farlinger re: MoT response to DFO Comments
7. November 19, 2003: Email response from Tom Tasaka to Mick Gottardi re: comments on the application
8. November 25, 2003: Letter from Angela Buckingham to Kim Bellefontaine re: response to comments on the application
9. November 26, 2003: Letter from Angela Buckingham to Jennifer Tennant re: Response to comments on the application
10. November 26, 2003: Letter from Angela Buckingham to Dave Carter re: Response to comments on the application
11. November 27, 2003: Letter from Peter Milburn to Chief Gibby Jacob and Council and Chief Leonard Andrew and Council re: Response to First Nations comments on the application (plus attachment).
12. November 27, 2003: Letter from Angela Buckingham to Stephanie Meyn re: response to comments on the application
13. November 27, 2003: Letter from Angela Buckingham to Tom Bell re: Response to comments on the application

14. November 27, 2003: Letter from Angela Buckingham to Michael Willcox re: Response to comments on the application
15. November 27, 2003: Letter from Angela Buckingham to Jacques Dupas re: Response to comments on the application (plus attachment)
16. November 28, 2003: Letter from Angela Buckingham to Dave Carter re: Response to comments on the application (Plus attachment "Technical Information Package")
17. November 28, 2003: Letter from Angela Buckingham to Carl Alleyne re: Response to comments on the application
18. December 12, 2003: Letter from Peter Milburn to Elizabeth Jordan re: Response to comments on the application
19. December 18, 2003: Letter from Tom Tasaka to Paul Shakotko re: Response to comments on the application
20. December 19, 2003: Letter from Tom Tasaka to Marion Town re: Response to comments on the application
21. January 23, 2004: E-mail from Isobel Doyle to Jennifer Tennant re: STS Response to questions from December 4 BTWG meeting (with attachment entitled "Responses to Questions Raised During --STS Biophysical/Technical Working Group Meeting – 04-12-03")
22. February 11, 2004: Letter from Peter Milburn to Chief Maureen Wilson and Council re: Response to Comments on Proposed Sea to Sky Project - Environmental Assessment Application
23. February 2004: Cumulative Effects Assessment Report
24. March 2004: Sea to Sky Highway Improvement Project Clarification Report: Village of Lions Bay
25. April 2004 Sea to Sky Highway Improvement Project Clarification Report: Horseshoe Bay to Sunset Beach (West Vancouver Segment)
26. April 13, 2004: E-mail from Isobel Doyle to Paul Finkel re: Detours - Sea to Sky
27. April 16, 2004: Letter to Dave Carter regarding follow-up to meeting of February 24, 2004 with two attachments (ABC Pipe Cleaners Services Ltd. Report and Summary of Onsite Review with DFO)

28. April 26, 2004: Status Update for EAO Test Section Construction
29. May 5, 2004: Sea to Sky Highway Improvement Project Ministry of Transportation Response to Biophysical/Technical Working Group and Socio-economic Working Group Comments on the Clarification Report, Horseshoe Bay to Sunset Beach, April 2004
30. May 7, 2004: Letter from Peter Milburn to Mayor Douglas Miller and Lions Bay Council re: Outline of the Important Design Elements
31. May 12, 2004: E-mail from Daphne Taylor (on behalf of Tom Tasaka) re: STS - Comment from Lions Bay Rep to the Working Group
32. May 10, 2004 Addendum to the Cumulative Effects Assessment Sea-to-Sky Highway Improvement Project
33. May 18, 2004: Owner's Commitments and Responsibilities - Sea-to-Sky Highway Improvement Project