

**BC Interpretation - Change in Nature and Management of Federal "Screening" Type Environmental Assessments as a Result of *Canadian Environmental Assessment Act 2012* (CEA Act 2012)**

**1. Federal EA Triggers under the Former CEA Act:**

Under the former Canadian Environmental Assessment Act (CEA Act), a federal environmental assessment could be required for 4 reasons:

- When a federal authority proposed a project (i.e. was the proponent);
- When a federal authority granted money or other financial assistance to a proponent for the purpose of enabling a project to be carried out;
- When a federal authority sold, leased or otherwise disposed of land or any interest in land to enable a project to be carried out; or
- When a federal authority exercised a regulatory function in relation to a project (such as issuing a permit or licence) in accordance with a statute or regulation listed in the Law List Regulations.

**2. Different Types of Federal EAs under the Former CEA Act:**

When one of these federal triggers was met, the federal government would determine what level of review was required for the project, based on considerations like size, scale, complexity, and risk. There were three levels of environmental assessment under the former CEA Act: panel reviews, comprehensive studies, and screenings. The largest, most complex, and controversial projects usually received a panel assessment or comprehensive study, while the smaller, less complex and controversial projects usually received a screening assessment.

**3. How were Screenings Different from Other Types of EA?**

Screening-level reviews made up the majority of environmental assessments under the former CEA Act.<sup>1</sup> A screening was a systematic approach to identifying and documenting the environmental effects of a proposed project and determining the need to eliminate or minimize the adverse effects, to modify the project plan, or to recommend further assessment through mediation or an assessment by a review panel. Screenings were used to assess a wide range of projects, and therefore varied in time, length, and depth of analysis, depending on the circumstances of the proposed project. Some screenings required limited analysis of available information and a brief report; others may have needed new background studies and were more thorough. The federal "responsible authority" (typically responsible for making a decision under a statute on the law list) was responsible for ensuring that the screening of the project was carried out.

Public participation in screenings was not required, but was at the discretion of the authority conducting the screening. In addition, no funding was made available to assist groups or individuals to participate in a screening.

In contrast to screenings, comprehensive study environmental assessments focused on large-scale or complex projects that were likely to have significant adverse environmental effects, and in following, comprehensive studies had more requirements than screenings. For example, public participation and implementation of a follow-up program were mandatory elements of comprehensive studies, but not of screenings. Projects like large oil and gas developments, nuclear power developments, major electrical generation projects, and projects of a similar scale would typically be designated as comprehensive studies, not screenings. Examples of screening-level assessments are provided in section 5

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<sup>1</sup> Note: of approximately 500 screening-level reviews under the former CEA Act, federal environmental assessments are continuing on 3 projects.

4. What happened to the federal screenings?

Number of Screenings	EA and permitting Activity Prior to CEA Act 2012	EA and permitting Activity After CEA Act 2012	Projects
492	<ul style="list-style-type: none"> <li>• "EAs" being conducted by a Federal agency</li> <li>• Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>	<ul style="list-style-type: none"> <li>• No formal EA</li> <li>• Still subject to all relevant BC laws, regulations and permitting requirements</li> </ul>	Too numerous to list
17	<ul style="list-style-type: none"> <li>• EAs being conducted by a Federal agency and BC Environmental Assessment Office</li> <li>• Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>	<ul style="list-style-type: none"> <li>• EAs being conducted by BC Environmental Assessment Office</li> <li>• Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>	<ol style="list-style-type: none"> <li>1. Banks Island North Wind Energy Project</li> <li>2. Glacier Howser Hydroelectric Project</li> <li>3. Europa Creek Hydroelectric Project</li> <li>4. Hackney Hills Wind Project</li> <li>5. Kinskuch Hydro Project</li> <li>6. Mickle Wind Energy Project</li> <li>7. Mt. McDonald Wind Power Project</li> <li>8. Nascall River Hydroelectric Project</li> <li>9. Rocky Creek Energy Project</li> <li>10. Ryan River Hydro Project</li> <li>11. Statlu Creek Waterpower Project</li> <li>12. Narrows Inlet (Stl'ixwim Renewable Energy)</li> <li>13. Upper Lillooet Hydro Project</li> <li>14. Upper Pitt River Water Project</li> <li>15. Bear River Gravel Project</li> <li>16. Fording River Operations Swift Project</li> <li>17. Line Creek Operations Phase II Project.</li> </ol>
2	<ul style="list-style-type: none"> <li>• EAs being conducted by a Federal agency and BC Environmental Assessment Office</li> <li>• Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>	<ul style="list-style-type: none"> <li>• EAs being conducted by a Federal agency and BC Environmental Assessment Office</li> <li>• Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>	<ol style="list-style-type: none"> <li>1. Vancouver Airport Fuel Delivery</li> <li>2. Kutcho Copper-Zinc-Silver-Gold Project</li> </ol>
1	<ul style="list-style-type: none"> <li>• EA being conducted by a Federal agency</li> </ul>	<ul style="list-style-type: none"> <li>• EA being conducted by a Federal agency</li> </ul>	<ol style="list-style-type: none"> <li>1. Kitimat Disposal at Sea <i>(note: this project was issued a BC EA certificate)</i></li> </ol>

Number of Screenings	EA and permitting Activity Prior to CEA Act 2012	EA and permitting Activity After CEA Act 2012	Projects
	<ul style="list-style-type: none"> <li>Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>	<ul style="list-style-type: none"> <li>Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>	<i>in 2006. The proponent is required to build its project in accordance with the certificate. Any changes to the design of the project would require the proponent to apply to BC for a certificate amendment. BC has the authority to undertake compliance inspections of the project to ensure certificate conditions are being met).</i>
Total 512			

5. Description and examples of common federal screenings:

Percentage	Triggers for Federal Screenings
<b>A. Federal EA triggered for reasons other than the environment= 81.4%</b>	
44%	<b>Provision of Financial Assistance</b> <ul style="list-style-type: none"><li>Description of trigger: A federal authority was granting money or other financial assistance to a proponent for the purpose of enabling a project to be carried out.</li></ul> Examples: <ul style="list-style-type: none"><li>- <u>Deconstruction of Colwood Bunkers 32, 42, 43, 46, 47, 49 and 50</u>: Deconstruction of eight bunkers at the DND Colwood Supply Depot.</li><li>- <u>Alexis Creek North Subdivision Extension CPMS #5741</u>: 34 lot addition to an existing subdivision.</li><li>- <u>Ashcroft Terminal Improvement</u>: Improvements to an existing rail corridor.</li></ul>
13%	<b>Disposal of Interest in Federal Land</b> <ul style="list-style-type: none"><li>Description of trigger: A federal authority sold, leased or otherwise disposed of land or any interest in land to enable a project to be carried out.</li></ul> Examples: <ul style="list-style-type: none"><li>- <u>Elliott Bay IR 5 Land Reclamation</u>: Investigation and removal of unauthorized wood waste material from the adjacent unauthorized landfill.</li><li>- <u>Ridley Island Terminal Modification Project</u>: Realignment, construction, and expansion on an existing coal terminal.</li><li>- <u>FNWMS Sanitary Sewage System Upgrade - Kitwanga IR# 1</u>: Community sewage collection system, lift station and waste water treatment plant.</li></ul>
12%	<b>Federal Proponent</b> <ul style="list-style-type: none"><li>Description of trigger: A federal authority proposed to develop a project.</li></ul> Examples: <ul style="list-style-type: none"><li>- <u>Application to Build a Small Private Floating Dock</u>: Construction of a floating dock to an existing concrete pier.</li><li>- <u>Campbell River Harbour Float Extension</u>: New float extension at the Campbell River South Harbour.</li><li>- <u>Westridge Subdivision Phase 1 - Gingolx, Kincolith 14</u>: Construction of the first phase of the Westridge subdivision.</li></ul>
8%	<b>Navigable Waters Protection Act Authorization</b> <ul style="list-style-type: none"><li>Description of trigger: An authorization was required under this act, which is concerned with protecting the public right of navigation in Canadian waters.</li></ul> Examples: <ul style="list-style-type: none"><li>- <u>Bear Hole Lake Existing Dam</u>: Operation of a 49.49m sheet pile weir at Bear Hole Lake.</li><li>- <u>Plover Point Finfish Aquaculture</u>: Construction and operation of a finfish aquaculture facility in Clayquot Sound.</li><li>- <u>Victoria International Marine – amended Project</u>: Construction of a 29 slip marina for larger yachts.</li></ul>
2%	<b>Indian Timber Regulations</b> <ul style="list-style-type: none"><li>Description of trigger: An authorization was required under these regulations, which apply to the cutting of timber on surrendered lands and on reserve lands.</li></ul> Examples: <ul style="list-style-type: none"><li>- <u>Cheakamus Selective Harvesting of Second-Growth Timber, Blocks 6, 9 &amp; 10, IR 11</u>:</li></ul>

Percentage	Triggers for Federal Screenings
	Harvesting of mature and second growth forest on the Cheakamus Indian Reserve.
1.5%	<p><b>Indian Act</b></p> <ul style="list-style-type: none"> <li>Description of trigger: An authorization was required under this act, which applies the use of lands in an Indian Reserve for certain purposes such as schools or burial grounds, the disposal of materials on reserve lands, and the allowance of a person to occupy, use, reside, or exercise rights on a reserve through permits.</li> </ul> <p>Examples:</p> <ul style="list-style-type: none"> <li>- <u>Fortis - Transmission Line</u>: New powerlines and transformer stations.</li> <li>- <u>Pacific BioEnergy - Gitwangak Pellet Plant</u>: Construction of a wood pellet plant on Gitwangak Indian Reserve on the site of a former mill and mineral loading facility.</li> </ul>
0.5%	<p><b>Explosives Act</b></p> <ul style="list-style-type: none"> <li>Description of trigger: An authorization was required under this act, which applies to the manufacture, testing, sale, storage and importation of explosives in Canada.</li> </ul> <p>Examples:</p> <ul style="list-style-type: none"> <li>- <u>Brule Mine, Orica Factory Licence, British Columbia</u>: Proposed building of a process vehicle maintenance building on the Brule Mine site property.</li> <li>- <u>Gibraltar, British Columbia, Orica, Amendment to Factory Licence</u>: Proposed construction of a new building to better service the mine and meet expected market demand.</li> </ul>
0.2%	<p><b>Federal Real Property Regulations</b></p> <ul style="list-style-type: none"> <li>Description of trigger: An authorization was required under these regulations, which provide licenses to occupy or use federal Crown land.</li> </ul> <p>Example:</p> <ul style="list-style-type: none"> <li>- <u>Victoria Harbour - Schnitzer Steel Pacific Inc. - Barge Berth Maintenance Dredging</u>: Dredging of Transport Canada owned sediments for the purpose of barge berth maintenance.</li> </ul>
0.2%	<p><b>Timber Regulations, 1993</b></p> <ul style="list-style-type: none"> <li>Description of trigger: An authorization was required under these regulations, which establishes Forest Experimental Areas on Crown lands allowing for the cutting and removal of timber in such areas.</li> </ul> <p>Example:</p> <ul style="list-style-type: none"> <li>- <u>St. Mary's Indian Band Ecosystem Restoration and Fuel Management Harvesting Program</u>: Grassland rehabilitation harvesting and forest fuel modification of approximately 300 Ha.</li> </ul>

Percentage	Triggers for Federal Screenings
<b>B. Federal EA triggered in relation to environmental considerations = 18.6%</b>	
12%	<p><b>Fisheries Act</b></p> <ul style="list-style-type: none"> <li>Description of trigger: The (pre 2012) <i>Fisheries Act</i> dealt with the proper management and control of the fisheries, the conservation and protection of fish and the protection of fish habitat, and prevention of pollution. EAs were required for ensuring adequate flow rates for fish and ova and authorizing habitat destruction.</li> </ul> <p>Examples:</p> <ul style="list-style-type: none"> <li>- <u>Yellow Perch Eradication – Forest Lake and Nellie Lake</u>: Application of a rotenone-based fish toxicant to Forest and Nellies Lakes to eradicate the invasive yellow perch fish species.</li> <li>- <u>Schoolhouse Creek Rehabilitation</u>: Installation of a groundwater cutoff liner and associated elements on the bank of Schoolhouse Creek.</li> <li>- <u>Sakwi Creek Run of River Hydroelectric Project</u>: Construction and operation of a 5 megawatt run of river hydroelectric generating system.</li> <li>- <u>Fraser River Gravel Removal 2011, Powerline Island</u>: Removal of gravel from Powerline Island in the Fraser River to reduce gravel accumulation and flood risk.</li> <li>- <u>Port Mann Bridge Demolition</u>: The demolition of the existing Port Mann Bridge.</li> <li>- <u>BC Hydro - John Hart Generating Station Replacement Project</u>: Replacement of the John Hart Generating Station with a new generating facility adjacent to the existing facility. The new facility would replace penstocks with an underground tunnel, move the intake location for extracting water from the reservoir and install a flow bypass facility.</li> <li>- <u>Line Creek Operations Phase II Coal Mine</u>: Development of two new coal mining operating areas adjacent to existing operations.</li> </ul>
2%	<p><b>Canadian Environmental Protection Act</b></p> <ul style="list-style-type: none"> <li>Description of trigger: Federal EA would have triggered for activities such as: disposal of substances at sea (domestic and international waters); international air pollution regulations; mobile PCB destruction or treatment system.</li> </ul> <p>Examples:</p> <ul style="list-style-type: none"> <li>- <u>Prince Rupert Barge Terminal (Aquatrain Facility)</u>: Reconstruction of part of the terminal.</li> <li>- <u>Vancouver Fraser Port Authority - Amendment to increase permit volume - Maintenance dredging of the Fraser River navigational channels and subsequent disposal at sea</u>: Increase to the volume of material allowed for disposal at sea.</li> </ul>
1%	<p><b>National Energy Board Act</b></p> <ul style="list-style-type: none"> <li>Description of trigger: EA was required for certain oil and gas and electricity activities, such as the construction of pipelines and international and interprovincial power lines.</li> </ul> <p>Examples:</p> <ul style="list-style-type: none"> <li>- <u>NOVA Gas Transmission Ltd. Northwest Mainline Expansion (previously Ekwan Loop, Northwest Mainline Loop and Tanghe Creek Loop)</u>: Expansion of the Northwest Mainline natural gas pipeline.</li> <li>- <u>TMX Anchor Loop - Hinton, AB to Rearguard, BC</u>: Construction to increase the capacity of the existing Trans Mountain pipeline.</li> </ul>
0.2%	<p><b>International River Improvements Regulation</b></p> <ul style="list-style-type: none"> <li>Description of trigger: EA was required for licenses for water projects on</li> </ul>

	<p>international rivers.</p> <p>Example:</p> <p>- <u>Long Lake Hydro Project</u>: A run of river hydroelectric project in the general vicinity of Cascade Creek of approximately 28 megawatts.</p>
0.2%	<p><b>Migratory Birds Regulation</b></p> <ul style="list-style-type: none"> <li>• Description of trigger: EA was required before an authorization was issued: <ul style="list-style-type: none"> <li>○ Release of substance that could have harmed migratory birds:</li> <li>○ Permits for scientific, avicultural, airport kill, taxidermist, migratory game bird hunting and other permits</li> <li>○ Introduction of foreign species of migratory birds into Canada for the purposes of sport, acclimatization, or release from captivity.</li> </ul> </li> </ul> <p>Example:</p> <p>- <u>2009-2013 Population Differences in Rufous Hummingbirds</u>: Project involves collecting feathers from up to 8,750 birds that are captured for banding purposes over a 5 year period.</p>
0.2%	<p><b>Wildlife Area Regulations</b></p> <ul style="list-style-type: none"> <li>• Description of trigger: EA was required prior to permit to carry out a prohibited activity in a wilderness area.</li> </ul> <p>Example:</p> <p>- <u>Water Extraction from wells on Qualicum NWA by Regional District of Nanaimo</u>: Project involves the extraction of water from two domestic wells for local community residential needs.</p>

## Leake, Greg EAO:EX

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**From:** Sturko, Derek EAO:EX  
**Sent:** Wednesday, August 22, 2012 12:46 PM  
**To:** Leake, Greg EAO:EX  
**Subject:** FW: URGENT: Bullets re: Vancouver Sun Article  
**Attachments:** Federal Screenings in BC (Nov.10.2011).xls; Federal Screenings in BC - Common Triggers (Nov.23.11).docx

**Importance:** High

Derek Sturko  
Associate Deputy Minister  
Environmental Assessment Office  
(250) 356-7475

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**From:** Horsman, Natasha EAO:EX  
**Sent:** Wednesday, August 22, 2012 12:16 PM  
**To:** Sturko, Derek EAO:EX  
**Cc:** Hicks, Tim D EAO:EX; Coccola, Carley EAO:EX; Carr, Michelle EAO:EX; Cochrane, Marlene EAO:EX  
**Subject:** URGENT: Bullets re: Vancouver Sun Article  
**Importance:** High

Hi Derek,

Here are a few bullets that Tim has reviewed in response to this morning's Vancouver Sun article. I have attached the spreadsheet listing the 500+ federal screenings. I have also attached some analysis from November 2011 rolling up how the majority of the 500+ screenings were triggered (note: 270 screenings were led by the Aboriginal Affairs and Northern Development Canada in relation to Indian Reserves). We are pulling out examples of the screenings that no longer exist. Will send more information shortly. Thanks,

Natasha

- The John Hart Generating Station is an existing hydroelectric facility in Campbell River, BC, that was constructed in 1947. BC Hydro is undertaking upgrades on the project, which include a replacement water intake system, replacement of old pipelines, and construction of a replacement generating station and water bypass facility. These changes are being undertaken for reasons of safety (pipelines and generating station may not be able to withstand an earthquake), reliability (the six generating units are in poor condition), and environmental mitigation (potential for river flow reduction if the current generating station were to shutdown). These project modifications are not subject to review under the BC Reviewable Project Regulation. Federal environmental assessment was required prior to the June 2012 amendments to the *Canadian Environmental Assessment Act*, but this requirement ceased with the new Regulations Designating Physical Activities that was introduced on July 6, 2012.
- While the federal government has terminated screening environmental assessments for approximately 500 proposed projects, these projects will still be subject to relevant federal and provincial laws, regulations, and standards (note: this information is included in the Vancouver Sun article).



- Of the previous approximately 500 federal screenings that CEA Agency is no longer involved in, the triggers were:
  - 44% - Provision of financial assistance by the federal government
  - 13% - Disposal of interest in federal land
  - 12% - Fisheries Act authorization
  - 12% - Federal proponent
  - 8% - Navigable Waters Protection Act authorization
  - 2% - Indian Timber Regulations
  - 2% - Canadian Environmental Protection Act
  - 1.5% - Indian Act
  - 1% - National Energy Board Act
  - 0.5% - Explosives Act
  - 0.2% - Federal Real Property Regulations
  - 0.2% - International River Improvements Regulation
  - 0.2% - Migratory Birds Regulation
  - 0.2% - Timber Regulations, 1993
  - 0.2% - Wildlife Area Regulations

Screenings in BC that are active (current, ongoing follow-up programs, on hold) - extracted from CEARIS on November 10, 2011

Project ID	CEAR Ref	Proj Status	Project Title	Provincial Agency Involvement (Y/N and Agency Name, i.e. "Yes, Ministry of Environment")	EA Start Date	Lead RA	Lead Tris	Other RA	Other Tris	Other Jurisdiction?	Decision Date	Follow-up?	Follow-up End Date
35767	07-01-35767	Current	Banks Island North Wind Energy Project	Yes, EAO	2007-11-26	TC	Navigable Waters Protection Act (paragraph 5(1)(a))	DFO	Fisheries Act (subsection 35(2))	Yes		No	
31778	07-01-31778	Ongoing Follow-up Program	Bear Mountain Wind Park	Yes, EAO (Certified)	2007-07-24	NRCAN	Provision of financial assistance			No	2009-03-06	Yes	2010-03-30
12761	05-01-12761	Current	Bear River Gravel Project - Gravel Extraction Operation	Yes, EAO	2005-07-11	DFO	Fisheries Act (subsection 35(2))			Yes		No	
62102	11-01-62102	Current	Brand Valley Log Dump reactivation Effingham Inlet Barclay Sound	Yes, FLNRO	2011-05-16	DFO	Fisheries Act (subsection 35(2))			No		No	
60344	11-01-60344	Current	Brule Mine, Orica Factory Licence, British Columbia	Yes, EAO (Withdrawn)	2011-01-11	NRCAN	Explosives Act (paragraph 7(1)(a))			No		No	
39631	08-01-39631	Current	Campbell River Harbour Float Extension	Yes, FLNRO	2008-05-12	DFO	Proponent			No		No	
12651	05-01-12651	Current	Comox Forcemain at Walemar Bluffs pipeline protection works at Balmoral Bluffs	Yes, FLNRO	2005-06-30	DFO	Fisheries Act (subsection 35(2))			No		No	
61333	11-01-61333	Current	Construction of Sea Container Facility, CFB Esquimalt, Colwood Property	Yes, FLNRO	2011-03-15	DND	Provision of financial assistance			No		No	
49280	09-01-49280	Current	Construction of the Port Alice public marina	Yes, FLNRO	2009-07-23	WED	Provision of financial assistance			No		No	
35873	07-01-35873	Current	Crab Lake and Europa Creek Hydroelectric Project	Yes, EAO	2007-12-12	TC	Navigable Waters Protection Act (paragraph 5(1)(a))	DFO	Fisheries Act (subsection 35(2))	Yes (duplicate)		No	
35873	07-01-35873	Current	Crab Lake and Europa Creek Hydroelectric Project	Yes, EAO	2007-12-12	TC	Navigable Waters Protection Act (paragraph 5(1)(a))	EC	Canadian Environmental Protection Act (subsection 127(1))	Yes		No	
58193	10-01-58193	Current	Deconstruction of Colwood Bunkers 32, 42, 43, 46, 47, 49 and 50	Yes, FLNRO	2010-09-21	DND	Proponent			No		No	
58193	10-01-58193	Current	Deconstruction of Colwood Bunkers 32, 42, 43, 46, 47, 49 and 50	Yes, FLNRO	2010-09-21	DND	Provision of financial assistance			No		No	
15253	05-01-15253	Current	Deep Bay Service Area Repair	Yes, FLNRO	2005-10-12	DFO	Proponent			No		No	
64535	11-01-64535	Current	Deltaport Terminal, Road and Rail Improvement Project, Delta, BC	Yes, EAO (Certified)	2011-10-14	VPPA	Provision of financial assistance			No		No	
61158	11-01-61158	Current	Environmental Assessment - CFB Esquimalt Utility Corridor Construction	Yes, FLNRO	2011-01-28	DND	Proponent			No		No	
63584	11-01-63584	Current	Esquimalt Harbour Marine Habitat Compensation Installation	Yes, FLNRO	2011-08-08	DND	Proponent			No		No	
63584	11-01-63584	Current	Esquimalt Harbour Marine Habitat Compensation Installation	Yes, FLNRO	2011-08-08	DND	Provision of financial assistance			No		No	
62041	11-01-62041	Current	Exercise MOUNTAIN SPARTAN	Yes, FLNRO	2011-04-04	DND	Proponent			No		No	
63950	11-01-63950	Current	Expansion of Van Isle Marina, Sidney, BC	Yes, FLNRO	2011-09-16	DFO	Fisheries Act (section 32)			No		No	
63950	11-01-63950	Current	Expansion of Van Isle Marina, Sidney, BC	Yes, FLNRO	2011-09-16	DFO	Fisheries Act (subsection 35(2))			No		No	
55549	10-01-55549	Current	Extension of existing breakwater at Beachcomber Marina, Northwest Bay	Yes, FLNRO	2010-05-20	DFO	Fisheries Act (subsection 35(2))			No		No	
37684	08-01-37684	Current	Glacier / Howser Creeks Hydroelectric Power Project	Yes, EAO	2008-03-17	TC	Navigable Waters Protection Act (paragraph 5(1)(a))	DFO	Fisheries Act (subsection 35(2))	Yes		No	
60479	11-01-60479	Current	Goose Spit Maintenance Dredging	Yes, FLNRO	2011-01-17	DND	Proponent			No		No	
60479	11-01-60479	Current	Goose Spit Maintenance Dredging	Yes, FLNRO	2011-01-17	DND	Provision of financial assistance			No		No	
24259	06-01-24259	Current	Heiltsuk Forest Products - Spiller Inlet Log Handling Facility	Yes, FLNRO	2006-12-12	DFO	Fisheries Act (subsection 35(2))			No		No	
26562	07-01-26562	Current	International Forest Products Ltd. Log Handling Facility near Sandell River, Rivers Inlet	Yes, FLNRO	2007-02-26	DFO	Fisheries Act (subsection 35(2))			No		No	
59126	10-01-59126	Current	IPP (Independent Power Project), Statlu Creek, Tretheway Creek, Shovel Creek, and Big Silver Creek hydro power projects in the Harrison watershed.	Yes, EAO, Ministry of Environment (EP), FLNRO	2010-10-28	DFO	Fisheries Act (subsection 35(2))			Yes		No	
61673	11-01-61673	Current	Johnson Channel Log Handling Facility	Yes, FLNRO	2011-04-15	DFO	Fisheries Act (subsection 35(2))			No		No	
62545	11-01-62545	Current	Kirer's Cove Marina Expansion (2011)	Yes, FLNRO	2011-06-27	DFO	Fisheries Act (subsection 35(2))			No		No	
51672	09-01-51672	Current	Kluskich Hydroelectric Project	Yes, EAO	2009-11-25	TC	Navigable Waters Protection Act (section 5)	DFO	Fisheries Act (subsection 35(2))	Yes		No	
46535	09-01-46535	Current	Kokish River Hydroelectric Project (run-of-river)	Yes, EAO (referred to ministers)	2009-04-07	TC	Navigable Waters Protection Act (section 5)	DFO	Fisheries Act (subsection 35(2))	Yes		No	
36837	08-01-36837	Current	Ladysmith Harbour Stormwater System Upgrade	Yes, FLNRO	2008-02-01	DFO	Proponent			No		No	
52126	09-01-52126	Current	Line Creek Operations Phase II Coal Mine	Yes, EAO, FLNRO	2009-12-18	DFO	Fisheries Act (subsection 35(2))			Yes		No	
59232	10-01-59232	Current	Long Lake Hydro Project	Yes, FLNRO	2010-10-31	EC	International River Improvements Regulations (subsection 10(1))			No		No	
59564	10-01-59564	Current	Marina development at The Shore, Tofino, BC	Yes, FLNRO	2010-12-03	DFO	Fisheries Act (subsection 35(2))			No		No	
59218	10-01-59218	Current	McLymont Creek Hydroelectric Project	Yes, EAO	2010-11-12	TC	Navigable Waters Protection Act (section 5)			Yes		No	
62070	11-01-62070	Current	Milltown Marina and Boatyard Development at Richmond Island, Vancouver	Yes, EAO	2011-05-13	VPPA	Disposal of Interest in federal land	DFO	Fisheries Act (subsection 35(2))	No		No	
62070	11-01-62070	Current	Milltown Marina and Boatyard Development at Richmond Island, Vancouver	Yes, EAO	2011-05-13	VPPA	Disposal of Interest in federal land	EC	Canadian Environmental Protection Act (subsection 127(1))	No		No	
62070	11-01-62070	Current	Milltown Marina and Boatyard Development at Richmond Island, Vancouver	Yes, EAO	2011-05-13	VPPA	Disposal of Interest in federal land	TC	Navigable Waters Protection Act (section 5)	No		No	
61157	11-01-61157	Current	Mooring Pole Replacement and Jetty Repairs - HMCS Malahat, CFB Esquimalt, British Columbia	Yes, FLNRO	2011-01-24	DND	Proponent			No		No	
40336	08-01-40336	Ongoing Follow-up Program	NaiKun Wind Farm Project	Yes, EAO (Certified)	2008-06-25	TC	Navigable Waters Protection Act (section 5)	DFO	Fisheries Act (subsection 35(2))	Yes	2011-03-16	Yes	2014-03-17
40336	08-01-40336	Ongoing Follow-up Program	NaiKun Wind Farm Project	Yes, EAO (Certified)	2008-06-25	TC	Navigable Waters Protection Act (section 5)	NRCAN	Disposal of Interest in federal land	Yes (dup)	2011-03-16	Yes	2014-03-17
40336	08-01-40336	Ongoing Follow-up Program	NaiKun Wind Farm Project	Yes, EAO (Certified)	2008-06-25	TC	Navigable Waters Protection Act (section 5)	PRPA	Disposal of Interest in federal land	Yes (dup)	2011-03-16	Yes	2014-03-17
59630	10-01-59630	Current	NOVA Gas Transmission Ltd. Northwest Mainline Expansion (previously Ekwan Loop, Northwest Mainline Loop and Tanghe Creek Loop)	Yes, FLNRO	2010-12-03	NEB	National Energy Board Act (section 52)	DFO	Fisheries Act (subsection 35(2))	No		No	
59630	10-01-59630	Current	NOVA Gas Transmission Ltd. Northwest Mainline Expansion (previously Ekwan Loop, Northwest Mainline Loop and Tanghe Creek Loop)	Yes, FLNRO	2010-12-03	NEB	National Energy Board Act (section 52)	TC	National Energy Board Act (subsection 108(4))	No		No	
61860	11-01-61860	Current	NOVA Gas Transmissions Ltd. Northwest Mainline Komle North Extension	Yes, FLNRO	2011-04-08	NEB	National Energy Board Act (section 52)	DFO	Fisheries Act (subsection 35(2))	No		No	
61860	11-01-61860	Current	NOVA Gas Transmissions Ltd. Northwest Mainline Komle North Extension	Yes, FLNRO	2011-04-08	NEB	National Energy Board Act (section 52)	TC	National Energy Board Act (subsection 108(4))	No		No	

46530	09-01-46530	Current	Peelay Secure Landfill Project	Yes, EAO (Certified)	2009-03-31	AANDC	Provision of financial assistance			Yes		No	
53970	10-01-53970	Current	Private Moorage Esquimalt Harbour	Yes, FLNRO	2010-03-15	DND	Proponent			No		No	
63864	11-01-63864	Current	Proposed LNG Export Facility Kitimat, BC	Yes, FLNRO	2011-09-09	DFO	Fisheries Act (subsection 35(2))			No		No	
57385	10-01-57385	Current	Renovation/Deconstruction of Building 1090, CFB Esquimalt, British Columbia	Yes, FLNRO	2010-07-19	DND	Proponent			No		No	
58273	10-01-58273	Current	Replace Mooring Piles at Float 2 on G Jetty at CFB Esquimalt (Colwood), BC	Yes, FLNRO	2010-10-01	DND	Proponent			No		No	
64104	11-01-64104	Current	Salmon River Shuswap Lake Delta Fish Passage and Riparian Improvement Project	Yes, FLNRO	2011-09-28	DFO	Provision of financial assistance			No		No	
64731	11-01-64731	Current	Saltspring Island Sailing Club	Yes, FLNRO	2011-10-12	EC	Canadian Environmental Protection Act (subsection 127(1))	DFO	Fisheries Act (subsection 35(2))	No		No	
35662	07-01-35662	Current	Shoal Bay Storage Building Decommissioning	Yes, FLNRO	2007-11-14	DFO	Proponent			No		No	
54381	10-01-54381	Current	Sooke Harbour Turn Around Expansion	Yes, FLNRO	2010-04-15	DFO	Disposal of Interest in federal land			No		No	
54381	10-01-54381	Current	Sooke Harbour Turn Around Expansion	Yes, FLNRO	2010-04-15	DFO	Provision of financial assistance			No		No	
24060	06-01-24060	Ongoing Follow-up Program	South Fraser Perimeter Road	Yes, EAO, Ministry of Environment (EP), and Ministry of Transportation and Infrastructure - Certified	2006-12-04	TC	Navigable Waters Protection Act (paragraph 5(1)(a))	DFO	Fisheries Act (subsection 35(2))	Yes	2008-07-28	Yes	2017-11-01
24060	06-01-24060	Ongoing Follow-up Program	South Fraser Perimeter Road	Yes, EAO, Ministry of Environment (EP), and Ministry of Transportation and Infrastructure - Certified	2006-12-04	TC	Provision of financial assistance	DFO (duplicate)	Fisheries Act (subsection 35(2))	Yes (dup)	2008-07-28	Yes	2017-11-01
57970	10-01-57970	Current	St/Frowm Renewable Energy Initiative Run of River Hydro Project	Yes, EAO, FLNRO	2010-09-09	DFO	Fisheries Act (subsection 35(2))			Yes		No	
48317	09-01-48317	Current	Sun Peaks Access Road	Yes, FLNRO	2009-06-23	WED	Provision of financial assistance			No		No	
64680	11-01-64680	Current	Sun Mine Solar Farm Project	Yes, FLNRO	2011-10-13	WED	Provision of financial assistance			No		No	
39333	08-01-39333	Ongoing Follow-up Program	The Dokie Wind Project 1	Yes, EAO (Certified)	2008-04-22	NRCan	Provision of financial assistance			No	2009-10-13	Yes	2011-10-31
5258	04-01-5258	Current	UPGRADE TO TIDE GRID AT SCHOONER COVE YACHT CLUB	Yes, FLNRO	2004-08-05	DFO	Fisheries Act (subsection 35(2))			No		No	
53860	10-01-53860	Current	Vancouver Airport Fuel Delivery Project	Yes, EAO and Ministry of Environment (EP)	2010-03-08	VEPA	Disposal of Interest in federal land			Yes		No	
13365	05-01-13365	Ongoing Follow-up Program	Vancouver Island Transmission Reinforcement Project (VTR)	Yes, EAO (Certified)	2005-07-25	EC	Canadian Environmental Protection Act (subsection 127(1))	DFO	Fisheries Act (section 32)	Yes	2007-06-26	Yes	2012-06-26
13365	05-01-13365	Ongoing Follow-up Program	Vancouver Island Transmission Reinforcement Project (VTR)	Yes, EAO (Certified)	2005-07-25	EC	Canadian Environmental Protection Act (subsection 127(1))	DFO	Fisheries Act (subsection 35(2))	Yes (dup)	2007-06-26	Yes	2012-06-26
63626	11-01-63626	Current	Wash Rack on Marine Railway at Goose Spit	Yes, FLNRO	2011-08-10	DND	Proponent			No		No	
63626	11-01-63626	Current	Wash Rack on Marine Railway at Goose Spit	Yes, FLNRO	2011-08-10	DND	Provision of financial assistance			No		No	
2151	04-01-2151	Ongoing Follow-up Program	Whistler Nordic Centre	Yes, EAO (Certified)	2004-03-19	PCH	Provision of financial assistance	TC	Navigable Waters Protection Act (paragraph 5(1)(a))	Yes	2005-04-18	Yes	2012-09-01

Total = 88 projects

Of 88, triggers are:

Fisheries Act	27
Provision of Financial Assistance	17
Navigable Waters Protection / Proponent	15
Fed. Land	14
Canadian Env. Protection Act	5
National Energy Board Act	4
Explosives Act	4
International River Improvements Re	1
	1
Total:	88

## Common Triggers – Federal Screenings in BC

Agency	Trigger	Number of projects
INAC Total 270 screenings	Provision of financial assistance	193
	Disposal of federal lands	50
	Proponent	8
DFO Total 89 screenings	Fisheries Act subsection 35(2) <sup>1</sup>	62
	Proponent	12
	Fisheries Act Section 32 <sup>2</sup>	8
Transport Canada Total 54 screenings	Navigable Waters Protection Act (paragraph 5(1)(a)) <sup>3</sup>	33
	Navigable Waters Protection Act (section 5) <sup>4</sup>	18
	Provision of financial assistance	5
DND Total 50 screenings	Proponent	29
	Provision of financial assistance	17
Environment Canada Total 27 screenings	Environmental Protection Act section 127(1) <sup>5</sup>	10
	Provision of financial assistance	6
	Proponent	6
<b>Total</b>		<b>461</b>

Source: based on custom report run by CEA Agency from the Canadian Environmental Assessment Registry; data extracted on November 10, 2011.

Trigger	Total
Provision of financial assistance	221
Disposal of federal lands	50
Proponent	55
Fisheries Act	70
Navigable Waters Act	51
Environmental Protection Act	10

<sup>1</sup> Fisheries Act: 35. (1) No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat. (2) No person contravenes subsection (1) by causing the alteration, disruption or destruction of fish habitat by any means or under any conditions authorized by the Minister or under regulations made by the Governor in Council under this Act.

<sup>2</sup> Fisheries Act: 32. No person shall destroy fish by any means other than fishing except as authorized by the Minister or under regulations made by the Governor in Council under this Act.

<sup>3</sup> Navigable Waters Protection Act: 5.1 (1) Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13. (2) The work shall be built, placed, maintained, operated, used and removed in accordance with the regulations or with the terms and conditions imposed under section 13. (3) Sections 6 to 11.1 do not apply to works referred to in subsection (1) unless there is a contravention of subsection (2).

<sup>4</sup> Navigable Waters Protection Act: 5. (1) No work shall be built or placed in, on, over, under, through or across any navigable water without the Minister's prior approval of the work, its site and the plans for it.

<sup>5</sup> Environmental Protection Act: 127. (1) The Minister may, on application, issue permits authorizing the loading for disposal and disposal of waste or other matter.

## Leake, Greg EAO:EX

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**From:** Hicks, Tim D EAO:EX  
**Sent:** Wednesday, August 22, 2012 1:28 PM  
**To:** Leake, Greg EAO:EX  
**Subject:** FYI - FW: Examples of federal screening projects

FYI - Forgot to copy you on this Greg....

*Tim D. Hicks*  
Manager of Policy and Project Assessment  
Environmental Assessment Office  
office: 250.387.6758 | cell: 778.678.3167 | fax: 250.356.7440

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**From:** Hicks, Tim D EAO:EX  
**Sent:** Wednesday, August 22, 2012 1:15 PM  
**To:** Sturko, Derek EAO:EX  
**Cc:** Coccola, Carley EAO:EX; Horsman, Natasha EAO:EX; Carr, Michelle EAO:EX; Cochrane, Marlene EAO:EX  
**Subject:** Examples of federal screening projects

Hi Derek,

Here's a sample of the projects that were undergoing federal screenings. The list is organized by trigger then project type.

This list confirms that the projects that were undergoing screenings are typically much smaller than those subject to BC EA. A few examples of projects that appear to be particularly minor are highlighted in yellow to contrast the examples in the newspaper article that give the impression all screenings are major.

Projects highlighted in turquoise are undergoing BC EA.

Bear Mountain Wind is also in this list, which is a certified BC EA project. In this case a federal screening EA was apparently triggered because a follow-up (i.e., monitoring) program may receive federal funding. If this is the follow-up program I'm aware of, which is a program required by the project's BC EA certificate to monitor effects of the project on bats, this example illustrates how different federal EA was from BC EA: even though the monitoring program is a type of mitigation measure, rather than a major project that could cause a significant adverse effect, it triggered an EA.

Please let me know if you need anything further on this.

Tim

*Tim D. Hicks*  
Manager of Policy and Project Assessment  
Environmental Assessment Office  
office: 250.387.6758 | cell: 778.678.3167 | fax: 250.356.7440

### Provision of Financial Assistance

- Improvements/Expansions/Upgrades
  - Ashcroft Terminal Improvement, ALBERT HEAD WATER SUPPLY SYSTEM UPGRADE: Esquimalt, B.C, Alexis Creek North Subdivision Extension CPMS #5741, Sooke Harbour Turn Around Expansion, Baptisite Bridge Replacement CPMS #9272 FNIF

- Closures/Deconstruction/Remediation
  - Alexandria Indian Band Dumpsite Closure IR #3, COL 19 - Sullage Site Deconstruction/Remediation, Deconstruction of Colwood Bunkers 32, 42, 43, 46, 47, 49 and 50
- Follow-up
  - Bear Mountain Wind Park

#### Disposal of interest in federal land

- Upgrade/Modifications:
  - FNWMS Sanitary Sewage System Upgrade - Kitwanger IR# 1, Heiltsuk First Nation Fuel Conveyance System and Wharf Upgrade, Ridley Island Terminal Modification Project
- Remediation:
  - EII Bob IR 5 Land Reclamation

#### Fisheries Act

- Invasive species removal
  - Turtle Valley Lakes - Invasive Species Rotenone Treatment, Yellow Perch Eradication - Forest Lake and Nellie Lake, Miller Lake - Invasive Species Rotenone Treatment
- Creek rehabilitation:
  - Schoolhouse Creek Rehabilitation
- Extensions/Upgrades/Replacements
  - Extension of existing breakwater at Beachcomber Marina, Northwest Bay, Boat ramp, Fraser River - Seabird Island I.R, Tony Peters, Construction of Boat Dock and Boat/Barge Ramp, Quatsino First Nation, MOT Barricade Creek Bridge Replacement
- Run of River hydroelectric projects:
  - Upper Lillooet River, Boulder Creek, North Creek, Sakwi Creek
- Coal mine:
  - Line Creek Operations Phase II Coal Mine (only screening-level mine – federal EA not ongoing under CEA Act 2012).

#### Proponent

- Private land developments
  - Application to Build a Small Private Floating Dock
- Extensions/Upgrades
  - Blundell Road Extension, Campbell River Harbour Float Extension

#### Navigable Waters Protection Act

- Run of River hydroelectric projects:
  - Log Creek Run-of-River Hydroelectric Facility, Kokish River Hydroelectric Project, Crab Lake and Europa Creek Hydroelectric Project
- Aquaculture
  - Mud Bay Shellfish Aquaculture Facility, Plover Point Finfish Aquaculture
- Dams
  - Bear Hole Lake Existing Dam

## **Leake, Greg EAO:EX**

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**From:** Leake, Greg EAO:EX  
**Sent:** Wednesday, August 22, 2012 2:03 PM  
**To:** Dalal, Suntanu GCPE:EX  
**Cc:** Rorison, Trish GCPE:EX  
**Subject:** FW: vancouver sun follow story  
**Attachments:** MediaInquiry-VanSun-FedEAAActivity-22AUG12.docx  
  
**Importance:** High

Suntanu:

Responses to Larry Pynn's various follow-up questions. These have been approved by Derek.

Cheers,  
G.

Greg Leake  
Director, Client Communications and Engagement  
BC Environmental Assessment Office  
ph: 250-387-2470

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**From:** Sturko, Derek EAO:EX  
**Sent:** Wednesday, August 22, 2012 10:21 AM  
**To:** Leake, Greg EAO:EX  
**Cc:** Kennedy, Karla EAO:EX  
**Subject:** FW: vancouver sun follow story

Greg -- can you and Karla draft our response ASAP. Thanks

Derek Sturko  
Associate Deputy Minister  
Environmental Assessment Office  
(250) 356-7475

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**From:** Pynn, Larry (Vancouver Sun) [<mailto:LPynn@vancouver.sun.com>]  
**Sent:** Wednesday, August 22, 2012 10:02 AM  
**To:** Sturko, Derek EAO:EX  
**Cc:** Dalal, Suntanu GCPE:EX  
**Subject:** vancouver sun follow story

Derek/Suntanu:

Hoping to write a follow story today....

Could you tell me how many employees are currently employed in the BC Environmental Assessment Office, and how that might change if the province took over from the feds on more assessments, and whether there are specific projects you are referring to for such assessments.

People are saying there is no way the province can fill the knowledge gap created by the feds walking away from 492 project assessments, so if there is anything further you want to add on that.

Thanks,

Larry

---

**From:** Pynn, Larry (Vancouver Sun)  
**Sent:** Tuesday, August 21, 2012 4:23 PM  
**To:** 'Derek.Sturko@gov.bc.ca'  
**Subject:**

Hi Derek:

If you could phone soonest, it would be greatly appreciated.

Story all ready to go except for provincial comment.

Thanks,

Larry Pynn  
Vancouver Sun  
604-605-2362



**Federal Environmental Assessment Activity in British Columbia**  
**Media Inquiry – Vancouver Sun**  
**August 22, 2012**

- How many employees are currently employed in the BC Environmental Assessment Office, and how might that change if the province took over from the federal government on more assessments?
  - British Columbia continues to see growth in the resource sector and increased demand for projects requiring an environmental assessment.
  - There are currently 66 positions in the BC Environmental Assessment Office, an increase of 11 over the previous year. As well, the Office has received \$1.8 million in contingency funding for 2012/13 (in addition to the permanent budget of \$8.8 million), which is being used to support another 14 positions.
  - Staffing levels in the BC Environmental Assessment Office are not affected by changes to the federal government's process. The decision as to whether any particular project requires a provincial environmental assessment is based on provincial criteria, regardless of any federal decision.
- Are there specific projects you are referring to for such assessments?
  - The BC Environmental Assessment Office will not "take over" a federal environmental assessment because the federal government decides not to conduct one. A project will be reviewed by the BC Environmental Assessment Office if it satisfies the criteria for a provincial environmental assessment.
- People are saying there is no way the province can fill the knowledge gap created by the feds walking away from 492 project assessments.
  - Of the 500 plus project screening assessments that the federal government has indicated that they will no longer undertake, over two-thirds of them were originally triggered for reasons that had nothing to do with environment impacts (either because the federal government had provided funding, because they involved the disposal of federal lands or because there was a federal proponent).
  - The province already has – or has access to – the necessary resources to undertake an appropriate environmental review of any proposed development.
  - Every project that might have an impact on the environment is reviewed by the appropriate government agencies (provincial and others) and either issued permits or not, based on the circumstances and the applicable laws. This is true even if the project does not meet the criteria for an environmental assessment.

- Environmental assessments, when they do occur, involve the work of many people from a variety of agencies. The ability of the BC Environmental Assessment Office to call together the appropriate project team for any review is not affected by changes to the federal government's process.
- What happens when a company just meets the threshold vs. a company that just falls short.
  - Projects that are subject to environmental assessment undergo a rigorous process that consists of an assessment of adverse environmental, economic, social, health and heritage effects, through technical reviews, consultation with First Nations, the public setting of legally-binding environmental assessment certificate conditions to prevent or reduce any potential adverse effects and follow-up to verify and, if necessary, enforce compliance with the certificate conditions. If an environmental assessment certificate is granted, proponents must then apply for, obtain and comply with a variety of permits and authorizations and must also comply with any relevant laws.
  - Projects that are not subject to an environmental assessment must go through the same permitting and authorization processes. Potential adverse effects of proposed projects are also reviewed and prevented or reduced through permitting processes. Permitting processes also include consultation with First Nations and the public.

## Leake, Greg EAO:EX

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**From:** Sturko, Derek EAO:EX  
**Sent:** Wednesday, August 22, 2012 2:15 PM  
**To:** Dalal, Suntanu GCPE:EX; Rorison, Trish GCPE:EX  
**Cc:** Murphy, Bernadette GCPE:EX; Leake, Greg EAO:EX  
**Subject:** RE: Rép. : RE: Interview with Derek Sturko - Radio-Canada...  
**Attachments:** Change in Screenings.docx

See Greg's response to Vanc Sun re: budget and staffing and the attached table, that shows the change in screenings.

Derek Sturko  
Associate Deputy Minister  
Environmental Assessment Office  
(250) 356-7475

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**From:** Dalal, Suntanu GCPE:EX  
**Sent:** Wednesday, August 22, 2012 1:53 PM  
**To:** Rorison, Trish GCPE:EX  
**Cc:** Murphy, Bernadette GCPE:EX; Sturko, Derek EAO:EX; Leake, Greg EAO:EX  
**Subject:** Fw: Rép. : RE: Interview with Derek Sturko - Radio-Canada...

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**From:** Sophie Rousseau [<mailto:Sophie.Rousseau@cbc.ca>]  
**Sent:** Wednesday, August 22, 2012 01:49 PM  
**To:** Dalal, Suntanu GCPE:EX  
**Subject:** Rép. : RE: Interview with Derek Sturko - Radio-Canada...

Hi Suntanu,  
Basically we need to know if BC Env Assess Office will pick up these 492 federally dropped assessments, or only some of them, or just none of them, and if BC EAO will receive a boost in budget or staff.  
Also, can you confirm that BC EAO budget is \$8.5 millions, and how much staff is working there?  
In more detail, for later if it takes you too long to gather: I am trying to understand what will be the process to assess fisheries enviro matters, since DFO won't be participating in the process as it had been before. And how will BC decide which of the 492, they will look at ? Criterias?

Thank you  
Sophi

Sophie Rousseau  
Journaliste  
Radio-Canada / CBC TV & Radio

Legislative Press Gallery

Victoria BC  
(250) 380-3761  
cell: (250) 893-1579  
[sophie.rousseau@cbc.ca](mailto:sophie.rousseau@cbc.ca)

Le Telejournal sur internet:  
<http://www.radio-canada.ca/colombie-britannique-et-yukon>  
e .

>>> "Dalal, Suntanu GCPE:EX" <[Suntanu.Dalal@gov.bc.ca](mailto:Suntanu.Dalal@gov.bc.ca)> 8/22/2012 1:22 pm >>>

Hi Catherine and Sophie,

Sorry, Derek Sturko is not available for an interview today.

However, I'm hoping to send you some information by e-mail later this afternoon.

Thanks,

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Suntanu Dalal  
Communications Officer  
Ministry of Environment  
250 387-9745

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**From:** CATHERINE MARINEAU-DUFRESNE [<mailto:CATHERINE.MARINEAU-DUFRESNE@cbc.ca>]  
**Sent:** Wednesday, August 22, 2012 11:53 AM  
**To:** Dalal, Suntanu GCPE:EX  
**Subject:** RE: Interview with Derek Sturko - Radio-Canada...

Hi Suntanu,

I'm leaving for lunch but will still receive calls. Just letting you know that my deadline for radio is around 1:30 pm, but that the reporter in Victoria is available after too, as she is covering for TV.

Catherine Marineau-Dufresne  
Journaliste-reporter  
Colombie-Britannique et Yukon  
Radio-Canada  
Cellulaire: (604) 346-9424  
Bureau: (604) 662-6202  
[catherine.marineau-dufresne@radio-canada.ca](mailto:catherine.marineau-dufresne@radio-canada.ca)

**Change in Nature and Management of Federal “Screening” Type Environmental Assessments as a Result of Canadian Environmental Assessment Act 2012 (CEA Act 2012)**

Number of Screenings	EA and permitting Activity Prior to CEA Act 2012	EA and permitting Activity After CEA Act 2012
492	<ul style="list-style-type: none"> <li>• “EAs” being conducted by a Federal agency</li> <li>• Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>	<ul style="list-style-type: none"> <li>• No formal EA</li> <li>• Still subject to all relevant BC laws, regulations and permitting requirements</li> </ul>
17	<ul style="list-style-type: none"> <li>• EAs being conducted by a Federal agency and BC Environmental Assessment Office</li> <li>• Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>	<ul style="list-style-type: none"> <li>• EAs being conducted by BC Environmental Assessment Office</li> <li>• Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>
2	<ul style="list-style-type: none"> <li>• EAs being conducted by a Federal agency and BC Environmental Assessment Office</li> <li>• Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>	<ul style="list-style-type: none"> <li>• EAs being conducted by a Federal agency and BC Environmental Assessment Office</li> <li>• Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>
1	<ul style="list-style-type: none"> <li>• EA being conducted by a Federal agency</li> <li>• Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>	<ul style="list-style-type: none"> <li>• EA being conducted by a Federal agency</li> <li>• Subject to all relevant BC laws, regulations and permitting requirements</li> </ul>
Total 512		

Of the previous approximately 500 federal screenings that CEA Agency is no longer involved in, the triggers were:

- 44% - Provision of financial assistance by the federal government
- 13% - Disposal of interest in federal land
- 12% - Fisheries Act authorization
- 12% - Federal proponent
- 8% - Navigable Waters Protection Act authorization
- 2% - Indian Timber Regulations
- 2% - Canadian Environmental Protection Act
- 1.5% - Indian Act
- 1% - National Energy Board Act
- 0.5% - Explosives Act
- 0.2% - Federal Real Property Regulations
- 0.2% - International River Improvements Regulation
- 0.2% - Migratory Birds Regulation
- 0.2% - Timber Regulations, 1993
- 0.2% - Wildlife Area Regulations

**Leake, Greg EAO:EX**

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**From:** Rorison, Trish GCPE:EX  
**Sent:** Wednesday, August 22, 2012 2:20 PM  
**To:** Loiacono, Sabrina ENV:EX  
**Cc:** Murphy, Bernadette GCPE:EX; Dalal, Suntanu GCPE:EX; Leake, Greg EAO:EX; Sturko, Derek EAO:EX  
**Subject:** Media Request - Vancouver Sun Larry Pynn Follow-up to Federal EA article

Hi Sabrina;

We have some follow-up questions from Larry Pynn at the Vancouver Sun that we are answering via e-mail as per below. Please review/ approve.

**Deadline:** mid-afternoon (ASAP)

**Request:** Follow-up questions regarding Federal EA process changes.

**Recommended Response:** GCPE to provide answers via e-mail

**Response: (approved by Derek )**

How many employees are currently employed in the BC Environmental Assessment Office, and how might that change if the province took over from the federal government on more assessments?

- British Columbia continues to see growth in the resource sector and increased demand for projects requiring an environmental assessment.
- There are currently 66 positions in the BC Environmental Assessment Office, an increase of 11 over the previous year. As well, the Office has received \$1.8 million in contingency funding for 2012/13 (in addition to the permanent budget of \$8.8 million), which is being used to support another 14 positions.
- Staffing levels in the BC Environmental Assessment Office are not affected by changes to the federal government's process. The decision as to whether any particular project requires a provincial environmental assessment is based on provincial criteria, regardless of any federal decision.

Are there specific projects you are referring to for such assessments?

- The BC Environmental Assessment Office will not "take over" a federal environmental assessment because the federal government decides not to conduct one. A project will be reviewed by the BC Environmental Assessment Office if it satisfies the criteria for a provincial environmental assessment.

People are saying there is no way the province can fill the knowledge gap created by the feds walking away from 492 project assessments.

- Of the 500 plus project screening assessments that the federal government has indicated that they will no longer undertake, over two-thirds of them were originally triggered for reasons that had nothing to do with environment impacts (either because the federal government had provided funding, because they involved the disposal of federal lands or because there was a federal proponent).
- The province already has – or has access to – the necessary resources to undertake an appropriate environmental review of any proposed development.
- Every project that might have an impact on the environment is reviewed by the appropriate government agencies (provincial and others) and either issued permits or not, based on the circumstances and the applicable laws. This is true even if the project does not meet the criteria for an environmental assessment.
- Environmental assessments, when they do occur, involve the work of many people from a variety of agencies. The ability of the BC Environmental Assessment Office to call together the appropriate project team for any review is not affected by changes to the federal government's process.

What happens when a company just meets the threshold vs. a company that just falls short.

- Projects that are subject to environmental assessment undergo a rigorous process that consists of an assessment of adverse environmental, economic, social, health and heritage effects, through technical reviews, consultation with First Nations, the public setting of legally-binding environmental assessment certificate conditions to prevent or reduce any potential adverse effects and follow-up to verify and, if necessary, enforce compliance with the certificate conditions. If an environmental assessment certificate is granted, proponents must then apply for, obtain and comply with a variety of permits and authorizations and must also comply with any relevant laws.
- Projects that are not subject to an environmental assessment must go through the same permitting and authorization processes. Potential adverse effects of proposed projects are also reviewed and prevented or reduced through permitting processes. Permitting processes also include consultation with First Nations and the public.

**Trish Rorison**  
 Public Affairs Officer  
 Ministry of Environment  
 W: 250-953-3698  
 C: 250-580-6723

**Leake, Greg EAO:EX**

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**From:** Rorison, Trish GCPE:EX  
**Sent:** Wednesday, August 22, 2012 2:53 PM  
**To:** Loiacono, Sabrina ENV:EX  
**Cc:** Dalal, Suntanu GCPE:EX; Murphy, Bernadette GCPE:EX; Sturko, Derek EAO:EX; Leake, Greg EAO:EX; Bertrand, Stuart GCPE:EX  
**Subject:** Media Enquiry - CTV Jon Woodward - BC EA questions

Hi Sabrina;

We have a media request from CTV's Jon Woodward to answer some questions re: the change to federal EA and Q and As are below: Not Responsive

**Media:** CTV Vancouver, Jon Woodward [Jon.Woodward@bellmedia.ca](mailto:Jon.Woodward@bellmedia.ca)

**Deadline:** ASAP

**Request:** Questions regarding the 492 federal projects (Vancouver Sun story) and the New Prosperity project.

**Recommended Response:** GCPE provide answers via e-mail

**Response:** Is the province is currently reviewing any of the 492 projects referred to in the Vancouver Sun today? If so, can you give me a list?

- There were over 500 projects that the federal government had originally intended to undertake screening assessments for.
- Nineteen of those projects were subject to screening by both British Columbia and Canada. Of those, two (Kutcho and Vancouver Airport Fuel Delivery) are continuing as joint screenings.
- A further 17 screening projects that were formerly subject to assessment by both British Columbia and Canada and which are no longer subject to federal assessment will continue to have a full environmental assessment conducted by British Columbia. The 17 projects are:
  - Banks Island
  - Europa Creek
  - Glacier Howser
  - Hackney Hills
  - Kinskuch
  - Miekle
  - Mount MacDonald
  - Nascall
  - Rocky Creek
  - Ryan River
  - Statly
  - Stl'ixwim
  - Upper Lillooet



- Upper Pitt
  - Bear River
  - Fording River
  - Line Creek Operations
- All 492 of the remainder of the former federal screenings fall below British Columbia's *Environmental Assessment Act* thresholds for environmental review and will not be subject to an environmental assessment by British Columbia. Over two-thirds of the federal screenings were originally triggered for reasons that had nothing to do with environment impacts (either because the federal government had provided funding, because they involved the disposal of federal lands or because there was a federal proponent).
  - All of these projects will still be subject to all relevant BC laws, regulations and permitting requirements.

Not Responsive

**Trish Rorison**  
Public Affairs Officer  
Ministry of Environment  
W: 250-953-3698  
C: 250-580-6723

## Leake, Greg EAO:EX

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**From:** Rorison, Trish GCPE:EX  
**Sent:** Wednesday, August 22, 2012 3:23 PM  
**To:** Loiacono, Sabrina ENV:EX  
**Cc:** Sturko, Derek EAO:EX; Dalal, Suntanu GCPE:EX; Murphy, Bernadette GCPE:EX; Leake, Greg EAO:EX  
**Subject:** Media Request - CBC Radio-Canada Vancouver - Sophie Rousseau EAO questions  
**Importance:** High

Hi Sabrina: we have an another request from CBC Radio-Canada in Vancouver for response. I've outlined the questions and answers below. These are based on approved responses from previous questions.

**Deadline:** 3:30 p.m.

### Recommended Response: (approved by Derek)

Will the BC Env Assess Office pick up these 492 federally dropped assessments, or only some of them, or just none of them, and if BC EAO will receive a boost in budget or staff.

- The BC Environmental Assessment Office will not "take over" a federal environmental assessment because the federal government decides not to conduct one. A project will be reviewed by the BC Environmental Assessment Office if it satisfies the criteria for a provincial environmental assessment.
- There were over 500 projects that the federal government had originally intended to undertake screening assessments for.
- Nineteen of those projects were subject to screening by both British Columbia and Canada. Of those, two (Kutcho and Vancouver Airport Fuel Delivery) are continuing as joint screenings. The other 17 screening projects that were formerly subject to assessment by both British Columbia and Canada and which are no longer subject to federal assessment will continue to have a full environmental assessment conducted by British Columbia.
- All 492 of the remainder of the former federal screenings fall below British Columbia's *Environmental Assessment Act* thresholds for environmental review and will not be subject to an environmental assessment by British Columbia. Over two-thirds of the federal screenings were originally triggered for reasons that had nothing to do with environment impacts (either because the federal government had provided funding, because they involved the disposal of federal lands or because there was a federal proponent).
- While there has been an increase in the number of staff in the BC Environmental Assessment Office, that is the result of growth in the province's resource sector. Staffing levels in the BC Environmental Assessment Office are not affected by changes to the federal government's process.

Also, can you confirm that BC EAO budget is \$8.5 million, and how many staff are working there?

- British Columbia continues to see growth in the resource sector and increased demand for projects requiring an environmental assessment.

- There are currently 66 positions in the BC Environmental Assessment Office, an increase of 11 over the previous year. As well, the Office has received \$1.8 million in contingency funding for 2012/13 (in addition to the permanent budget of \$8.8 million), which is being used to support another 14 positions.

**Trish Rorison**

Public Affairs Officer  
Ministry of Environment  
W: 250-953-3698  
C: 250-580-6723

## Leake, Greg EAO:EX

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**From:** Leake, Greg EAO:EX  
**Sent:** Wednesday, August 22, 2012 3:57 PM  
**To:** Rorison, Trish GCPE:EX  
**Cc:** Dalal, Suntanu GCPE:EX; Sturko, Derek EAO:EX; Murphy, Bernadette GCPE:EX  
**Subject:** RE: Media Request -- Time Colonist

Trish:

The John Hart Generating Station is an existing hydroelectric facility in Campbell River, BC, that was constructed in 1947. BC Hydro is undertaking upgrades on the project, which include a replacement water intake system, replacement of old pipelines, and construction of a replacement generating station and water bypass facility. These changes are being undertaken for reasons of safety (pipelines and generating station may not be able to withstand an earthquake), reliability (the six generating units are in poor condition), and environmental mitigation (potential for river flow reduction if the current generating station were to shutdown). These project modifications are not subject to review under the BC Reviewable Project Regulation.

G.

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**From:** Rorison, Trish GCPE:EX  
**Sent:** Wednesday, August 22, 2012 3:54 PM  
**To:** Leake, Greg EAO:EX  
**Cc:** Dalal, Suntanu GCPE:EX; Sturko, Derek EAO:EX; Murphy, Bernadette GCPE:EX  
**Subject:** RE: Media Request -- Time Colonist

We do need to know what to say re: the John Hart Dam specifically.

Thanks,

T

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**From:** Leake, Greg EAO:EX  
**Sent:** Wednesday, August 22, 2012 3:50 PM  
**To:** Rorison, Trish GCPE:EX  
**Cc:** Dalal, Suntanu GCPE:EX; Sturko, Derek EAO:EX  
**Subject:** Media Request -- Time Colonist

Trish:

Judy Lavoie from the Times-Colonist (250-380-5349) just called our office. She would like to know:

- Is the province is going to pick up the remaining projects that the feds will not be assessing (especially the John Hart Dam).

She needs a response within the hour.

G.

Greg Leake  
Director, Client Communications and Engagement



## Leake, Greg EAO:EX

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**From:** Hicks, Tim D EAO:EX  
**Sent:** Thursday, August 23, 2012 11:05 AM  
**To:** Sturko, Derek EAO:EX  
**Cc:** Leake, Greg EAO:EX; Coccola, Carley EAO:EX; Horsman, Natasha EAO:EX  
**Subject:** Screenings: examples of small and larger scale projects

Hi Derek – as requested, here are examples of small scale and larger scale projects that are no longer subject to a federal screening and are not subject to BC EA.

Carley and Natasha are compiling the rest of the information.

### Small scale projects

#### CN Rail Culvert Replacement, Lower Sikanni Chief River

- **Project description:** A railway crossing over a creek requires a culvert replacement (culvert size: approximately 37 m long by 2 m diameter).
- **Reason for a federal screening assessment:** Fisheries and Oceans Canada considered authorizing a harmful alteration, disruption or destruction of fish habitat under the *Fisheries Act*.

#### Boat ramp, Seabird Island Indian Reserve, Fraser River

- **Project description:** Construction of a boat ramp to be utilized by a fishing guide and eco-tour business. Construction of a 70m x 50m parking lot with camp-sites.
- **Reason for a federal screening assessment:** Fisheries and Oceans Canada considered authorizing a harmful alteration, disruption or destruction of fish habitat under the *Fisheries Act*.

### Larger scale project

#### Beaver River Hydropower Projects (Alder/Cupola/Ventego Creeks)

- **Project description:** Three interconnected hydroelectric facilities with a combined capacity of 44 megawatts. (Power projects of 50 megawatts or greater are reviewable under the BC *Environmental Assessment Act*.)
- **Reason for a federal screening assessment:** Fisheries and Oceans Canada considered authorizing a harmful alteration, disruption or destruction of fish habitat under the *Fisheries Act*.

*Tim D. Hicks*  
Manager of Policy and Project Assessment  
Environmental Assessment Office  
office: 250.387.6758 | cell: 778.678.3167 | fax: 250.356.7440