

## Jackson, Vickie ENV:EX

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**From:** Kennedy, Karla EAO:EX  
**Sent:** Thursday, April 17, 2014 7:29 AM  
**To:** Jackson, Vickie ENV:EX  
**Subject:** FW: Amendments to the Reviewable Projects Regulation  
**Attachments:** 104128 - Fort Nelson FN\_RPR Amendments.pdf

FYI

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**From:** Minister, ENV ENV:EX  
**Sent:** Wednesday, April 16, 2014 7:23 PM  
**To:** 'sharleen.gale@fnation.ca'  
**Cc:** 'LLogan@treaty8.bc.ca'; 'dorr@milib.ca'; 'chief.ltsakoza@prophetriverfn.ca'; XT:Chief, West Moberly First Nations EAO:IN; 'info@saulteau.com'; 'myahey@blueberryfn.ca'; 'ndavis@doigriverfn.com'; 'dhunter@hrfn.ca'; 'admin@hrfn.ca'; 'rphillips@sns.bc.ca'; 'ccasimer@ktunaxa.org'; 'edjohn@fns.bc.ca'; 'judywilson@neskonlithband.com'; 'bob@ubcic.bc.ca'; 'president@ubcic.bc.ca'; XT:Hance, Ray Union of BC Indian Chiefs EAO:IN; 'jody.wilson-raybould@bcafn.ca'; Caul, Doug D EAO:EX; Shoemaker, Wes ENV:EX; Carr, Steve MNGD:EX; Munro, Steve C ABR:EX; Minister, MNGD MNGD:EX; Minister, ABR ABR:EX  
**Subject:** Amendments to the Reviewable Projects Regulation

Good Evening Chief Gale,

Please refer to the attached letter regarding the amendments to the Reviewable Projects Regulation under the Environmental Assessment Act.

Thank you,

Mary Polak  
Minister



Ref: 104128

April 16, 2014

Chief Sharleen Gale  
Fort Nelson First Nation  
RR1 Mile 295 Alaska Highway  
Fort Nelson, BC V0C 1R0  
[sharleen.gale@fnnation.ca](mailto:sharleen.gale@fnnation.ca)

Dear Chief Gale:

I am writing to acknowledge the unfortunate circumstances surrounding the amendments to the Reviewable Projects Regulation under the *Environmental Assessment Act*.

We take full responsibility for not engaging with you on this change or even advising you that it was going to occur prior to the regulation change. This is not how we want to work together now and in the future. As such, Government has made the decision to rescind the amendments to the Reviewable Projects Regulation pending further dialogue with Fort Nelson First Nation and other Treaty 8 First Nations. This will rescind the changes with regard to both sweet natural gas plants and ski resorts.

As you may be aware my June 2013 mandate letter includes the requirement for me to review the Environmental Assessment Office and ensure timelines are appropriate for both economic development and environmental protection objectives and making recommendations as necessary. We remain committed to a strong, respectful and productive relationship with Fort Nelson First Nation and see significant value in having a fulsome discussion with you about the environmental assessment review.

I and my senior officials would like to meet with you at the earliest possible date to discuss these regrettable events. Staff in my office will contact your office to arrange a suitable time and location.

Sincerely,

Mary Polak  
Minister

.../2

cc: The Honourable John Rustad  
Minister of Aboriginal Relations  
[ABR.Minister@gov.bc.ca](mailto:ABR.Minister@gov.bc.ca)

The Honourable Rich Coleman  
Minister of Natural Gas Development  
[MNGH.minister@gov.bc.ca](mailto:MNGH.minister@gov.bc.ca)

Steve Munro, Deputy Minister  
Ministry of Aboriginal Relations  
[Steve.C.Munro@gov.bc.ca](mailto:Steve.C.Munro@gov.bc.ca)

Steve Carr, Deputy Minister  
Ministry of Natural Gas Development  
[Steve.Carr@gov.bc.ca](mailto:Steve.Carr@gov.bc.ca)

Wes Shoemaker, Deputy Minister  
Ministry of Environment  
[Wes.Shoemaker@gov.bc.ca](mailto:Wes.Shoemaker@gov.bc.ca)

Doug Caul, Associate Deputy Minister  
Environmental Assessment Office  
[Doug.Caul@gov.bc.ca](mailto:Doug.Caul@gov.bc.ca)

Regional Chief Jody Wilson Raybould  
BC Assembly of First Nations  
[jody.wilson-raybould@bcfn.ca](mailto:jody.wilson-raybould@bcfn.ca)

Grand Chief Stewart Phillip, President  
Union of BC Indian Chiefs  
[president@ubcic.bc.ca](mailto:president@ubcic.bc.ca)  
[ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)

Chief Bob Chamberlin, Vice President  
Union of BC Indian Chiefs  
[bob@ubcic.bc.ca](mailto:bob@ubcic.bc.ca)

Kuk Pi7 Judy Wilson, Secretary-Treasurer  
Union of BC Indian Chiefs  
[judywilson@neskonlithband.com](mailto:judywilson@neskonlithband.com)

.../3

Grand Chief Edward John  
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Marvin Yahey  
Blueberry River First Nations  
[myahey@blueberryfn.ca](mailto:myahey@blueberryfn.ca)

Nathan Parenteau  
Saulteau First Nations  
[info@saulteau.com](mailto:info@saulteau.com)

Roland Willson  
West Moberly First Nations  
[rwillson@westmo.org](mailto:rwillson@westmo.org)

Lynette Tsakoza  
Prophet River First Nation  
[chief.ltsakoza@prophetriverfn.ca](mailto:chief.ltsakoza@prophetriverfn.ca)

Derek Orr  
McLeod Lake Indian Band  
[dorr@mlib.ca](mailto:dorr@mlib.ca)

Tribal Chief Liz Logan  
Treaty 8 Tribal Association  
[LLogan@treaty8.bc.ca](mailto:LLogan@treaty8.bc.ca)



# AGENDA

**ATTENDING:** Minister Polak; Matt Mitschke; Martina Kapac de Frias, Tom Hancock; Wes Shoemaker; Vickie Jackson; David Crebo; Shauna Brouwer; Lori Halls (dialing-in); Tim Lesiuk; Mark Zacharias; Jim Standen; Doug Caul; Greg Leake;

**ABSENT:**

~ All items are verbal updates unless otherwise noted ~

TIME	TOPIC	LEAD
3:15	<p>Not Responsive</p> <ul style="list-style-type: none"> <li>Rollout of Fees and Reviewable Projects Regulation</li> </ul> <p>Not Responsive</p>	Hon. Mary Polak
3:25		Wes Shoemaker
3:35		David Crebo
		Greg Leake
3:45		Tim Lesiuk
3:50		Lori Halls
3:55		Mark Zacharias
4:05		Doug Caul
4:10		Jim Standen

Not Responsive

## Jackson, Vickie ENV:EX

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**From:** Jackson, Vickie ENV:EX  
**Sent:** Thursday, April 24, 2014 9:20 AM  
**To:** Karn, David GCPE:EX  
**Subject:** RE: Request for comment - Fort Nelson Chief's request for meeting with Premier  
**Attachments:** 200-2014.pdf; 201-2014.pdf

Possibly but here are the rescinding orders in case that helps.

*Vickie Jackson  
Manager of Executive Operations  
Ministry of Environment  
Victoria  
250 356-5763*

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**From:** Karn, David GCPE:EX  
**Sent:** April-24-14 8:59 AM  
**To:** Jackson, Vickie ENV:EX  
**Subject:** RE: Request for comment - Fort Nelson Chief's request for meeting with Premier

Okay, just wasn't sure how that worked. Is there a website that shows the rescind order?

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**From:** Jackson, Vickie ENV:EX  
**Sent:** Thursday, April 24, 2014 8:41 AM  
**To:** Karn, David GCPE:EX  
**Subject:** RE: Request for comment - Fort Nelson Chief's request for meeting with Premier

Yes, the two orders (sweet gas and resorts) were rescinded on April 16.

*Vickie Jackson  
Manager of Executive Operations  
Ministry of Environment  
Victoria  
250 356-5763*

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**From:** Karn, David GCPE:EX  
**Sent:** April-24-14 8:30 AM  
**To:** Jackson, Vickie ENV:EX  
**Subject:** FW: Request for comment - Fort Nelson Chief's request for meeting with Premier

Crebo suggested you might know the answer to the query below?

**From:** Mychaylo Prystupa [<mailto:mychaylo@thevancouverobserver.com>]  
**Sent:** Wednesday, April 23, 2014 5:07 PM

**To:** Karn, David GCPE:EX

**Subject:** Re: Request for comment - Fort Nelson Chief's request for meeting with Premier

Hi David,

A question has come up as to whether the B.C. gov't has actually rescinded a recent Order in Council regarding the removal of environmental assessments for sweet natural gas processing plants.

1) Has the government done so? If not, why not?

My deadline is Thursday 11am.

Thank you kindly,

On Tue, Apr 22, 2014 at 2:45 PM, Karn, David GCPE:EX <[David.Karn@gov.bc.ca](mailto:David.Karn@gov.bc.ca)> wrote:

Mychaylo, in response to your query.

- Premier Christy Clark is happy to meet with Chief Gale, timing to be determined by mutual schedules.

Here is the minister's statement from April 17.

For Immediate Release

2014ENV0025-000501

April 16, 2014

Ministry of Environment

STATEMENT

Environment Minister's statement on Reviewable Projects Regulation

VICTORIA - Environment Minister Mary Polak has released the following statement about an amendment to the Reviewable Projects Regulation concerning sweet natural gas processing plants and ski and all-season resorts.

"I would like to acknowledge First Nations concerns about amendments to the Reviewable Projects Regulation under the Environmental Assessment Act. Our government apologizes for failing to discuss the amendment with First Nations prior to its approval.

"Our government is committed to a strong, respectful and productive relationship with First Nations. That is why we will rescind the amendment that would have removed the requirement for an environmental assessment for sweet gas facilities and destination resorts, until we have undertaken discussions with First Nations. The Canadian Association of Petroleum Producers (CAPP) has been made aware of this decision, and respects the need for our government to have further discussions with First Nations.

"Our government sees a significant value in continuing to develop a Government to Government relationship with all First Nations. We remain actively engaged with First Nations in northeastern British Columbia, including shared decision making that respects the environment, First Nation values, and Treaty 8 and its associated rights."

Media Contact:

Media Relations

Ministry of Environment

250 953-3834

**From:** Mychaylo Prystupa [mailto:[mychaylo@thevancouverobserver.com](mailto:mychaylo@thevancouverobserver.com)]

**Sent:** Tuesday, April 22, 2014 12:44 PM

**To:** Karn, David GCPE:EX

**Subject:** Fwd: Request for comment - Fort Nelson Chief's request for meeting with Premier

As discussed....



----- Forwarded message -----

From: **Mychaylo Prystupa** <[mychaylo@thevancouverobserver.com](mailto:mychaylo@thevancouverobserver.com)>

Date: Tue, Apr 22, 2014 at 11:24 AM

Subject: Request for comment - Fort Nelson Chief's request for meeting with Premier

To: [Sam.Oliphant@gov.bc.ca](mailto:Sam.Oliphant@gov.bc.ca)

Hi Sam,

I just voicemaild you. On behalf of the Vancouver Observer, I'd like to request comment from the Premier today with regards to Fort Nelson Chief Sharleen Gail's demand that no further LNG talks be held until Clark meets with her one-on-one. The Chief states that the Premier's LNG plans are permanently on hold until this meeting takes place. We are publishing a story today.

**1) What is the Premier's response to Chief Gail's demand?**

She has told us that she was disappointed in 3 of the Premiers' cabinet ministers - Rustad, Polak and Coleman - who she said acted in bad faith on LNG. In particular, she said Rostad attended to Fort Nelson for 2 days on the eve of an LNG summit last week, all the while not revealing that an Order in Council had passed that removes EAs for sweet gas plants.

Coastal First Nations is also telling us the "Fort Nelson" incident -- where BC officials were kicked out of the LNG conference -- was a seminal event, that awakened many Aboriginal leaders across the province about the fast tracking of LNG without enough regard to the environment or First Nations issues.

It and other First Nations groups are now stepping up efforts to oppose recent changes to the Parks Act, and other laws, that are expediting LNG plans.

**2) Why has the Premier allowed Aboriginal relations to deteriorate in order to fast-track LNG?**

Our deadline is 3pm today.

Best,

--

**MYCHAYLO PRYSTUPA**

Reporter | The Vancouver Observer

c: [778-999-3546](tel:778-999-3546) | [www.vancouverobserver.com](http://www.vancouverobserver.com)

EMAIL: [mychaylo@thevancouverobserver.com](mailto:mychaylo@thevancouverobserver.com) | TWITTER: @mychaylo

Winner of the 2012 Canadian Journalism Foundation Excellence in Journalism award. 2010 winner Canadian Online Publishing Award for "Best online-only articles", runner up in 2011 for "Best website in Canada."

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**MYCHAYLO PRYSTUPA**

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Winner of the 2012 Canadian Journalism Foundation Excellence in Journalism award. 2010 winner Canadian Online Publishing Award for "Best online-only articles", runner up in 2011 for "Best website in Canada."

## Lee, Bonnie ENV:EX

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**From:** Crebo, David GCPE:EX  
**Sent:** Tuesday, April 15, 2014 8:37 PM  
**To:** Zacharias, Mark ENV:EX  
**Cc:** Caul, Doug D EAO:EX; Shoemaker, Wes ENV:EX; Leake, Greg EAO:EX  
**Subject:** Fwd: Introduction of EA Fees and Reviewable Projects Reg Amendments  
**Attachments:** QA\_Fees-14Apr14.docx; ATT00001.htm; QA\_RegAmend-14Apr14.docx; ATT00002.htm; QP\_IN\_EAO\_Fees\_3Apr2014.docx; ATT00003.htm; QP\_IN\_EAO\_RPR\_Amends\_03Apr2014.docx; ATT00004.htm

Mark - IN and QA attached.

Sent from my iPhone

Begin forwarded message:

**From:** "Crebo, David GCPE:EX" <[David.Crebo@gov.bc.ca](mailto:David.Crebo@gov.bc.ca)>  
**Date:** April 15, 2014 at 8:00:30 PM PDT  
**To:** "Gleeson, Kelly T GCPE:EX" <[Kelly.Gleeson@gov.bc.ca](mailto:Kelly.Gleeson@gov.bc.ca)>  
**Cc:** "Chiarelli, Nina GCPE:EX" <[Nina.Chiarelli@gov.bc.ca](mailto:Nina.Chiarelli@gov.bc.ca)>, "Leake, Greg EAO:EX" <[Greg.Leake@gov.bc.ca](mailto:Greg.Leake@gov.bc.ca)>, "Woolley, Paul GCPE:EX" <[Paul.Woolley@gov.bc.ca](mailto:Paul.Woolley@gov.bc.ca)>  
**Subject:** Fwd: Introduction of EA Fees and Reviewable Projects Reg Amendments

Here's comm materials.

I've no idea about requests to hold publication of he OIC.

Sent from my iPhone

Begin forwarded message:

**From:** "Leake, Greg EAO:EX" <[Greg.Leake@gov.bc.ca](mailto:Greg.Leake@gov.bc.ca)>  
**Date:** April 14, 2014 at 3:20:12 PM PDT  
**To:** "Amann-Blake, Nathaniel MEM:EX" <[Nathaniel.Amann-Blake@gov.bc.ca](mailto:Nathaniel.Amann-Blake@gov.bc.ca)>, "Schwabe, Michelle MNGD:EX" <[Michelle.Schwabe@gov.bc.ca](mailto:Michelle.Schwabe@gov.bc.ca)>, "Lee, Norman FLNR:EX" <[Norman.K.Lee@gov.bc.ca](mailto:Norman.K.Lee@gov.bc.ca)>, "Graham, Roger ABR:EX" <[Roger.Graham@gov.bc.ca](mailto:Roger.Graham@gov.bc.ca)>, "Nash, Laurel ABR:EX" <[Laurel.Nash@gov.bc.ca](mailto:Laurel.Nash@gov.bc.ca)>, "Puggioni, Giovanni ABR:EX" <[Giovanni.Puggioni@gov.bc.ca](mailto:Giovanni.Puggioni@gov.bc.ca)>, "Thomas, Vivian P GCPE:EX" <[Vivian.Thomas@gov.bc.ca](mailto:Vivian.Thomas@gov.bc.ca)>, "Dean, Sharon GCPE:EX" <[Sharon.Dean@gov.bc.ca](mailto:Sharon.Dean@gov.bc.ca)>, "Woolley, Paul GCPE:EX" <[Paul.Woolley@gov.bc.ca](mailto:Paul.Woolley@gov.bc.ca)>, "Crebo, David GCPE:EX" <[David.Crebo@gov.bc.ca](mailto:David.Crebo@gov.bc.ca)>, "Gordon, Matt GCPE:EX" <[Matt.Gordon@gov.bc.ca](mailto:Matt.Gordon@gov.bc.ca)>, "Chiarelli, Nina GCPE:EX" <[Nina.Chiarelli@gov.bc.ca](mailto:Nina.Chiarelli@gov.bc.ca)>, "Gleeson, Kelly T GCPE:EX" <[Kelly.Gleeson@gov.bc.ca](mailto:Kelly.Gleeson@gov.bc.ca)>, "James.OHanley@BCOGC.ca" <[James.OHanley@BCOGC.ca](mailto:James.OHanley@BCOGC.ca)>, "Morgan, Andrew" <[Andrew.Morgan@BCOGC.ca](mailto:Andrew.Morgan@BCOGC.ca)>, "Paulson, Ken OGC:IN" <[Ken.Paulson@bcogc.ca](mailto:Ken.Paulson@bcogc.ca)>, "Currie, Graham OGC:IN" <[Graham.Currie@bcogc.ca](mailto:Graham.Currie@bcogc.ca)>  
**Cc:** "Scraba, Erin H EAO:EX" <[Erin.Scraba@gov.bc.ca](mailto:Erin.Scraba@gov.bc.ca)>, "Craven, Paul EAO:EX" <[Paul.Craven@gov.bc.ca](mailto:Paul.Craven@gov.bc.ca)>, "Caul, Doug D EAO:EX" <[Doug.Caul@gov.bc.ca](mailto:Doug.Caul@gov.bc.ca)>  
**Subject:** Introduction of EA Fees and Reviewable Projects Reg Amendments

All:

Fees for environmental assessments and a variety of other services offered by the Environmental Assessment Office come into effect today. Information about the fees, including a fee schedule and detailed fee guidelines, can be found on our website at <http://www.eao.gov.bc.ca/fees.html>.

In addition, amendments to the *Reviewable Projects Regulation* that remove the requirement for sweet natural gas processing plants and ski and all-season resorts to obtain an environmental assessment certificate are now in effect. Information on the changes is also available on our website at <http://www.eao.gov.bc.ca/changes.html>.

For your use, I am attaching two sets of Q/As and two INs (one of each on fees and the other on the regulation amendments).

In addition to the information posted on our website, we will be directly notifying industry and environmental stakeholders, Treaty 8 First Nations and your DMs/ADMs. Current proponents will be receiving letters within the next couple of days informing them of the introduction of fees.

If you have any questions about this information, feel free to contact me or any of the staff who are cc'd on this email.

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

**EAO Review – Introduction of Regulatory Amendments**  
**Questions and Answers**  
**April 14, 2014**

## **Reviewable Projects Regulation**

*What are the changes to the regulation?*

- The requirement for new and expanded ski and all-season resorts to obtain an environmental assessment is removed entirely.
- For natural gas processing plants, the amendment removes the volume-based trigger and a project will need to have sulphur emissions of 2 tonnes or more per day to be reviewable. The effect is to remove the requirement for an environmental assessment for sweet natural gas processing plants.
- The changes do not affect the provisions in the *Environmental Assessment Act* that allow the Minister of Environment to designate a project as reviewable, if the minister is satisfied that the project may have a significant adverse environmental, economic, social, heritage or health effect and that the designation is in the public interest.

*Why are you exempting these kinds of developments from the requirement for an environmental assessment certificate?*

- Sweet natural gas plants use a proven technology with a relatively small footprint that can be fully remediated on closure. The plants are reviewed, authorized and regulated by the BC Oil and Gas Commission.
- The Resort Master Plan sets out a detailed plan of proposed community and recreational infrastructure as well as proposed real estate development within a resort area and provides detailed technical and management information necessary to support the sustainable development of a resort.
- The Ministry of Forests, Lands and Natural Resource Operations has an established Master Plan review process; exempting resorts eliminates a duplication of effort and the potential for undue delays in the decision making process.

*How does BC compare with the rest of Canada in requiring environmental assessments for sweet natural gas plants?*

- Prior to this change, British Columbia was one of the only gas-producing jurisdictions in Canada that conducted environmental assessment reviews of sweet gas facilities. New Brunswick reviews the extraction and processing of combustible energy yielding materials.

*Who will look at cumulative effects associated with sweet natural gas processing plants?*

- The BC Oil and Gas Commission conducts a rigorous permitting process for sweet gas processing plants that includes safety aspects through engineering design, as well as environmental considerations.
- In addition, through the Commission's "area-based analysis", siting and other developments such as pipelines are taken into consideration prior to any permit being granted.

*Who will look at greenhouse gas impacts from sweet natural gas processing facilities?*

- BC Oil and Gas Commission regulations require companies to have fugitive emission management plans in place and Commission inspectors regularly check for such emissions during field inspections.
- According to the Climate Action Secretariat, fugitive emissions account for 8.8 per cent of GHG emissions from the B.C. oil and gas sector (2012).

*Who will regulate resort developments?*

- The Ministry of Forests, Lands and Natural Resource Operations' Mountain Resorts Branch administers the Resort Master Plan review process. The process looks at both new developments and expansions.

*When will these changes take effect?*

- The changes take effect on April 28, 2014 for sweet natural gas processing plants.
- The changes will take effect on January 1, 2015 for ski and all-season resorts to ensure adequate time for system changes by the Ministry of Forests, Lands and Natural Resource Operations to ensure the public and other interested parties can readily locate information and comment on draft Resort Master Plans.

*Why are you doing this now?*

- In both cases, there are robust environmental reviews already being done by other provincial government agencies. Removing the requirement for an environmental assessment will reduce duplication, while freeing up Environmental Assessment Office resources for reviews of other important projects.

*Doesn't this move weaken the protection of the environment?*

- No. There are already robust environmental review processes in place being managed by other provincial government agencies. In addition, the Environmental Assessment Office will use to the resources that are freed up to review other projects with the potential for significant adverse effects.
- The changes do not affect the provisions in the *Environmental Assessment Act* that allow the Minister of Environment to designate a project as reviewable, if the minister is satisfied that the project may have a significant adverse environmental, economic, social, heritage or health effect and that the designation is in the public interest.

*Is this move to exempt sweet gas plants precedent setting?*

- No. Prior to the amendment, in January 2014, Encana's 4-26 Refrigeration project was exempted from the requirement to obtain an environmental assessment certificate.
- In September 2011, the Dawson Creek Liquid Nitrogen Plant was exempted.
- In both cases, the exemption was in recognition of the fact that the projects would not have significant adverse effects, taking into account the practical means of preventing or reducing to an acceptable level any potential adverse effects, including a rigorous permitting process by the BC Oil and Gas Commission.

*Did you consult with anyone on these changes?*

- Environmental Assessment Office staff worked with staff from the BC Oil and Gas Commission and the Ministries of Natural Gas Development, Environment and Forests, Lands and Natural Resource Operations to ensure that there would be no gaps in regulatory oversight as a result of the changes.

*Are you making other changes to the regulation?*

- We will be reviewing the Reviewable Project Regulation further over the next few months to determine if it is appropriate to make further changes.

*Will you be exempting any other kinds of developments from environmental assessment?*

- There are no immediate plans to exempt other kinds of projects. However, we will be reviewing the Reviewable Project Regulation further over the next few months.

*What did the regulation used to say about the requirement for an environmental assessment for these kinds of projects?*

- Prior to the amendment, any new natural gas processing plant was considered a reviewable project if it had the capacity to process 5.634 million m<sup>3</sup>/day or would result in sulphur emissions to the atmosphere of greater than or equal to 2 tonnes/day.
- A resort development was considered a reviewable project if it would have 2,000 or more bed units (of which 600 or more were commercial).

*How will these changes affect progress of any existing environmental assessments?*

- The Garibaldi at Squamish environmental assessment will continue through the Environmental Assessment Office.
- The existing Farrell Creek gas project will be going through the BC Oil and Gas Commission's rigorous permitting process when and if the company seeks to resume the project.

*Do these changes mean that companies that previously got environmental assessment certificates can now ignore them and the associated conditions?*

- No. The amendments do not affect the rights and obligations of current holders of environmental assessment certificates. The provincial government will continue to enforce the certificates and any changes to existing certificates will still need an amendment under the *Environmental Assessment Act*.



## Lee, Bonnie ENV:EX

---

**From:** Caul, Doug D EAO:EX  
**Sent:** Monday, March 10, 2014 4:57 PM  
**To:** Mitschke, Matt ENV:EX; Hancock, Tom ENV:EX  
**Cc:** Kapac de Frias, Martina E ENV:EX; Kennedy, Karla EAO:EX; Shoemaker, Wes ENV:EX  
**Subject:** FW: REVIEW/APPROVAL: EAO Review Fees/Regs Comm Plan  
**Attachments:** CommPlan\_FeesandRegs\_11Mar14.docx

**Importance:** High

Matt/Tom – material for our meeting tomorrow night with MMP re: roll out of fees and reviewable projects regulation changes.

---

**From:** Leake, Greg EAO:EX  
**Sent:** Monday, March 10, 2014 8:47 AM  
**To:** Caul, Doug D EAO:EX  
**Cc:** Craven, Paul EAO:EX; Kennedy, Karla EAO:EX; Lewthwaite, Jennifer EAO:EX  
**Subject:** REVIEW/APPROVAL: EAO Review Fees/Regs Comm Plan  
**Importance:** High

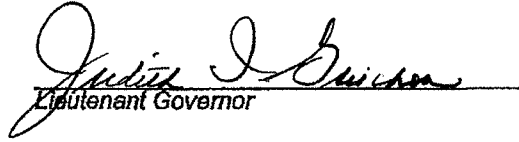
Doug:

For your review. Paul has provided edits.

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

PROVINCE OF BRITISH COLUMBIA  
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

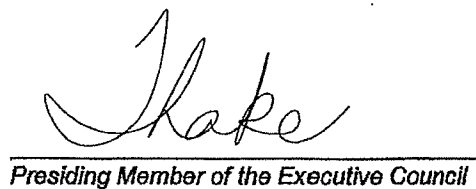
Order in Council No. 186 , Approved and Ordered April 11, 2014

  
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective January 1, 2015, the Reviewable Projects Regulation, B.C. Reg. 370/2002, is amended as set out in the attached Schedule.

  
Minister of Environment

  
Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section: *Environmental Assessment Act*, S.B.C. 2002, c. 43, ss. 5 and 50

Other: OIC 1156/2002

March 24, 2014

R/235/2014/10

## SCHEDULE

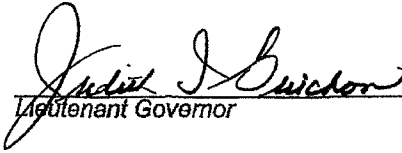
- 1** *The Reviewable Projects Regulation, B.C. Reg. 370/2002, is amended by adding the following section to Part 1:*

**Transition for amendments to items 1 and 4 of Table 15**

- 4.2** (1) In this section, “**amendment regulation**” means the regulation that, effective January 1, 2015, amended items 1 and 4 of Table 15 of this regulation.
- (2) This section applies to a project
- (a) that was a reviewable project under item 1 or 4 of Table 15 of this regulation, as those items read immediately before their amendment by the amendment regulation, and
  - (b) for which an environmental assessment certificate is in effect.
- (3) The amendments made by the amendment regulation do not affect
- (a) a right or obligation under the Act in respect of a project to which this section applies, or
  - (b) a right or obligation under the environmental assessment certificate for the project.
- 2** *Column 2 of Table 15 is amended in item 1 (1)*
- (a) *by striking out “that” after “a new facility”,*
  - (b) *by adding “that” at the beginning of paragraphs (a), (b) and (c), and*
  - (c) *by striking out “and” at the end of the paragraph (b), by adding “, and” at the end of paragraph (c) and by adding the following paragraph:*
    - (d) *in respect of which, before January 1, 2015, the proponent has applied for but has not yet been granted an environmental assessment certificate.*
- 3** *Column 2 of Table 15 is amended in item 4 (1)*
- (a) *by striking out “that” after “a new facility”,*
  - (b) *by adding “that” at the beginning of paragraphs (a) and (b), and*
  - (c) *by striking out “and” at the end of the paragraph (a), by adding “, and” at the end of paragraph (b) and by adding the following paragraph:*
    - (c) *in respect of which, before January 1, 2015, the proponent has applied for but has not yet been granted an environmental assessment certificate.*
- 4** *Column 3 of Table 15 is amended by repealing items 1 (1) and (2) and 4 (1) and (2).*

**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No. 185 , Approved and Ordered April 11, 2014

  
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that that, effective April 28, 2014, the Reviewable Projects Regulation, B.C. Reg. 370/2002, is amended as set out in the attached Schedule.

  
Minister of Environment

  
Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section: *Environmental Assessment Act*, S.B.C. 2002, c. 43, ss. 5 and 50

Other: OIC 1156/2002

March 24, 2014

R/206/2014/10

## SCHEDULE

- 1 *The heading to Part 1 of the Reviewable Projects Regulation, B.C. Reg. 370/2002, is repealed and the following substituted:*

### **PART 1 – INTERPRETATION AND TRANSITION .**

- 2 *The following section is added to Part 1:*

#### **Transition for amendments to Item 3 of Table 8**

- 4.1 (1) In this section, “**amendment regulation**” means the regulation that, effective April 28, 2014, amended item 3 of Table 8 of this regulation.
- (2) This section applies to a project
- (a) that was a reviewable project under item 3 of Table 8 of this regulation, as that item read immediately before its amendment by the amendment regulation, and
  - (b) for which an environmental assessment certificate is in effect.
- (3) The amendments made by the amendment regulation do not affect
- (a) a right or obligation under the Act in respect of a project to which this section applies, or
  - (b) a right or obligation under the environmental assessment certificate for the project.

- 3 *Column 2 of Table 8 is amended*

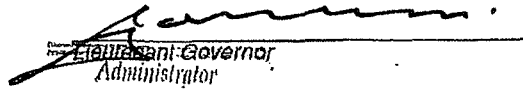
- (a) *by repealing item 3 (1) (a) (i) and (b), and*
- (b) *by striking out “, or” at the end of item 3 (1) (a) (ii).*

- 4 *Column 3 of Table 8 is amended*

- (a) *by repealing item 3 (1) (b) (ii), and*
- (b) *by striking out “, or” at the end of item 3 (1) (b) (i).*

PROVINCE OF BRITISH COLUMBIA  
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

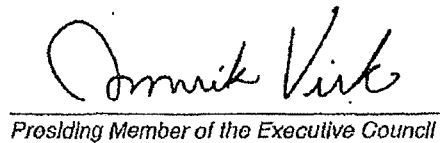
Order in Council No. 200, Approved and Ordered April 16, 2014

  
~~Lieutenant Governor~~  
Administrator

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ~~Lieutenant Governor~~ Administrator, by and with the advice and consent of the Executive Council, orders that B.C. Reg. 51/2014 is repealed.

  
Minister of Environment

  
Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Environmental Assessment Act*, S.B.C. 2002, c. 43, sections 5 and 50

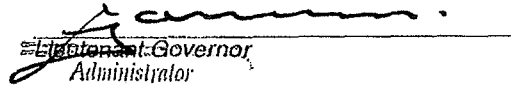
Other: OIC 185/2014, OIC 1156/2002

April 16, 2014

R/353/2014/10

PROVINCE OF BRITISH COLUMBIA  
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL


Order in Council No. 201, Approved and Ordered April 16, 2014

  
~~Lieutenant Governor~~  
Administrator

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ~~Lieutenant Governor~~ Administrator by and with the advice and consent of the Executive Council, orders that B.C. Reg. 52/2014 is repealed.

  
Minister of Environment

  
Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

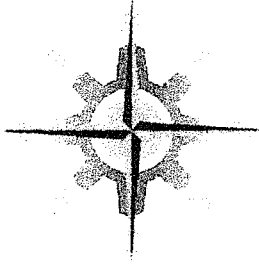
Authority under which Order is made:

Act and section: *Environmental Assessment Act*, S.B.C. 2002, c. 43, sections 5 and 50

Other: OIC 186/2014, OIC 1156/2002

April 16, 2014

R/354/2014/10

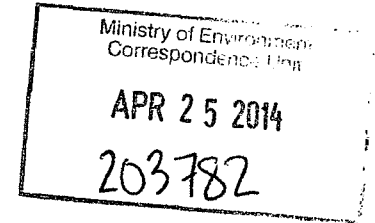


# FIRST NATIONS SUMMIT

April 17, 2014

Hon. Christy Clark  
Premier of British Columbia  
PO BOX 9041 STN PROV GOVT  
Victoria BC V8W 9E1

**COPY**



Dear Premier:

**Re: De-regulating Shale Gas Development**

We wish to convey our deepest concerns regarding the Order in Council, approved by Lt. Governor Guichon on April 11, 2014 and deposited by Minister Mary Polak on April 14, 2014, which amends the reviewable projects regulations exempting "sweet gas plants" from the BC environmental assessment process.

Although Minister Rustad was in Fort Nelson on April 13, 2014 he did not attend the BC First Nations Shale Gas-LNG Summit convened April 14 – 16, 2014. Instead, the First Nations Chiefs and Leaders were addressed by Ministers Rustad and Coleman on April 15, 2014 through a video presentation.

There was not any mention of the BC Government's decision reflected in the Order in Council. The Chiefs and Leaders were deeply insulted and offended. The credibility and trust of the BC government Ministers were seriously questioned by the Chiefs and Leaders.

We have the April 16, 2014 Declaration (attached) from the Fort Nelson First Nation and we completely support it.

We also support the call by Chief Sharleen Gale and the Fort Nelson First Nation Council calling on a "Chief to Chief" meeting directly with you.

We are aware of Minister Polak stating the Order in Council will be rescinded. This should be done at the earliest possible date. As well, it is absolutely important that your government not re-introduce this de-regulation initiative in any form.

Thank you for your attention to this important matter and we look forward to an early response.

Sincerely,

**FIRST NATIONS SUMMIT POLITICAL EXECUTIVE**

Grand Chief Edward John

Cheryl Casimer

Robert Phillips



Attachment (1) Fort Nelson First Nation Declaration dated April 16, 2014 (2 pages)

cc. Hon. John Rustad, Minister of Aboriginal Relations and Reconciliation  
Hon. Mary Polak, Minister of Environment  
Hon. Rich Coleman, Minister of Natural Gas Development  
Fort Nelson First Nation  
Union of BC Indian Chiefs  
BC Assembly of First Nations  
National Chief Shawn A-in-chut Atleo, Assembly of First Nations



Fort Nelson First Nation  
R.R.#1, Mile 295, Alaska Highway  
Fort Nelson, B.C. V0C 1R0  
Telephone: 250-774-7257  
Fax: 250-774-7260

## Declaration

April 16, 2014

In the territory of the Fort Nelson First Nation, industry, government and BC First Nations leadership gathered at “ground zero” of BC’s LNG Strategy. We gathered to see the impacts of the shale gas industry first hand and to discuss a path forward for governing our territories and transforming how the oil and gas industry does business in our lands.

On April 11, 2014, without notice and without consultation, the Province of BC amended the reviewable projects regulations exempting “sweet gas plants” from the BC Environmental Assessment process. This means that many of the largest industrial projects in Canada will no longer be subject to environmental review or scrutiny.

As a Nation we are deeply insulted by this act.

Our Chief and Council met with Minister Rustad on Sunday and Monday for several hours. We welcomed him into our territory and we talked freely and openly about how our Nation can work with government. We talked about how we can be an active and equal partner in BC’s shale gas-LNG opportunity. We told him that we need to be involved in the decision making.

Yesterday we watched Ministers Coleman and Rustad on a video claim that BC wants to work with us. They said that they know that BC’s LNG Strategy cannot be realized without First Nations.

At no point did these Ministers mention this monumental decision had been made.

At a time when BC has said it wants to “re-set” the relationship with First Nations as part of the LNG Strategy, the province has acted in bad faith and violated the honour of the Crown.

This is not acceptable.

**We the Fort Nelson First Nation, on behalf of our ancestors, our elders, our youth and those yet to come are putting the BC government and the oil and gas industry on notice that:**

**BC's LNG Strategy is on hold. No shale gas development will proceed in FNFN territory until our nation and our treaty is respected and our concerns about our land and our waters are addressed.**

**We will have a say in what happens in our territory.**

**We have responsibilities that we have inherited from our ancestors that are enshrined in our Treaty to protect our people and our lands for the benefit of our community, now and into the future.**

**All agreements with the Province are now under review and we are looking all options regarding our relationship with the province and industry.**

**We are asking all nations to support us in this stand.**

**We the undersigned Nations support the Fort Nelson First Nation in taking this stand:**