

OFFICE OF LEGISLATIVE COUNSEL

Examined by: Sandra Borthwick

S. 14, s.12

Order in Council

☐

Regulation

☒

Cautions/Comments:

S. 14, S. 12

Signed: 

Date: March 24, 2014

This legal opinion is subject to solicitor-client privilege.

R/206/2014/10

Pages 2 through 3 redacted for the following reasons:

S. 12

ORDER IN COUNCIL DISTRIBUTION FORM

STATUTE: Environmental Assessment Act(2002) – Reviewable
Projects Regulation (BC Reg 370/2002)

For OIC Office use only:

MINISTRY: Environment (Environmental Assessment Office)

SUMMARY OF SUBJECT MATTER

R/206/2014/10 Amends Table 8 of the Reviewable Projects Regulation effective April 28, 2014.

ORIGINATOR (Name/Ministry/Branch/Telephone/email):

Kashmiro Cheema
Environmental Assessment Office
250-356-5305

COPIES

☒ PDF copies (Please provide name, Ministry and exact email address for each recipient below):

Kashmiro.Cheema@gov.bc.ca

Karla.Kennedy@gov.bc.ca

Paul.Craven@gov.bc.ca

Erin.Scraba@gov.bc.ca

Order in Council
Cabinet Summary Information
 Cab Ops Template: March 2012

Ministry: Environmental Assessment Office

Date Prepared: March 20, 2014

MoE #: 14-06

Log #: R/206/2014/10

Section	Detail
1. Type of OIC:	<input type="checkbox"/> BRDO appointment* <input type="checkbox"/> Non-BRDO appointment <input type="checkbox"/> Not a regulation <input checked="" type="checkbox"/> Regulation - provide Regulatory Count: 0
2. Routine or For Attention:	<input type="checkbox"/> Routine <input checked="" type="checkbox"/> For Attention because (select all that apply): <input type="checkbox"/> REQUIRES DISCUSSION <input type="checkbox"/> CONTROVERSIAL <input checked="" type="checkbox"/> REVISES POLICY
3. Required Effective Date (Select all timing constraints that apply. Include Rationale.)	<input type="checkbox"/> No Timing Requirements <p>RUSH - Cabinet approval is requested / required by <u>April 23, 2014</u> because (check all that apply):</p> <div style="text-align: right; margin-right: 100px;">S. 14</div> <div style="text-align: right; margin-right: 100px;">S. 14</div> <div style="text-align: right; margin-right: 100px;">S. 12</div>

* For Board Resourcing Development Office ("BRDO") appointments, no need to fill out rows 7 through 12. However, along with the tagged OIC, please provide the Biography and signed-off Request for Appointment (BRDO documents).

<p>7. Fiscal Management Considerations</p> <p>S. 12</p>	<p>S. 12</p>
<p>8. Legislative Counsel Cautions (yellow or red tags) Please speak to each concern expressed.</p>	<p>S. 12, S. 14</p> <p>S. 12, S. 14</p>

<p>9. Stakeholder and Affected Party Consultations</p> <p>S. 12</p>	<p>S. 12</p>
<p>10. Trade Obligations</p>	<p>S. 12</p> <p>S. 12</p>
<p>11. Prerequisites</p> <p>S. 12</p>	<p>S. 12</p>
<p>12. Communication plan</p> <p>S. 12</p> <p>*Please provide a copy of ALL DM signed OIC Summary Information docs to <u>Melissa Safarik</u> and <u>Sharon Dean</u></p>	<p>S. 12</p>



Associate Deputy Minister

March 24, 2014

Date Signed

Contact Name: Paul Craven
Title: Executive Director,
Policy and Quality Assurance
Phone Number: 250-387-6748

Prepared By: Kashmiro
Cheema
Phone Number: 250-356-5305

Attached Appendices:

- ☒ Distribution Form
- ☐ Regulatory Criteria Checklist
- ☒ Regulatory Criteria Exemption Form
- ☐ Map(s)
- ☐ Other:



Regulatory Criteria Exemption Form

Name of authorizing legislation: Environmental Assessment Office

Name of regulation, if applicable: Reviewable Projects Regulation (BC Reg 370/2002)

Purpose: Amends Table 8 and Table 15 of the Reviewable Projects Regulation.

I certify that the proposed legislation or regulation satisfies the following condition or conditions under the Regulatory Reform Policy and, therefore, the regulatory criteria do not apply.

Check all boxes that apply:

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Signature/Responsible Minister or Head of Regulatory Authority

Date: 03.25.14

Signator Name: Honourable Mary Polak

Ministry/Agency Name: Environment

Contact Name: Kashmiro Cheema

Speaking Notes

Re Amendments to Tables 8 and 15 of the Reviewable Projects Regulation

- The first OIC will amend Table 8 of the regulation and will exempt sweet gas processing facilities from the environmental assessment process.
- Sweet gas facilities are regulated by the BC Oil and Gas Commission and are not subject to an environmental assessment in other jurisdictions.
- The second OIC will amend Table 15 of the regulation and will repeal requirements for ski and all season resort projects to undergo environmental assessment. These changes will take effect January 1, 2015. After that date, all new and expansion projects will be reviewed through the Resort Master Plan process (Ministry of Forests, Lands and Natural Resource Operations).

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Ministry of Environment
Orders-in-Council / Minister's Orders
Sign-off Sheet

Purpose:

Amendments to Reviewable Projects Regulation to exempt sweet natural gas processing from environmental assessment requirements


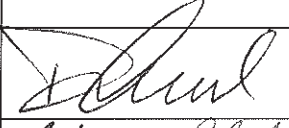
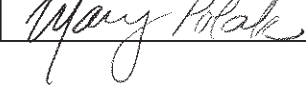
Staff Contact: Erin Scraba

Ministry Tracking #: OIC 14-06

Leg. Counsel Tracking #: R/206/2014/10

Initials

Contact Legislative Advisor (MoE)	N/A KC
Request an MoE tracking number from OIC Coordinator (MoE)	KC
Contact CSNR Budget Director regarding potential financial implications	N/A
Undertake consultations with any ministry or program area that may be affected	ES
Consult with appropriate government staff on First Nations issues	KC
Receive "tagged" order from Legislative Counsel at Ministry of Attorney General	
If time sensitive, contact the DMO about DM and Minister's availability to sign	KK
Contact Government Communications and Public Engagement regarding potential communication issues	GL
Prepare Transmittal Memorandum from Deputy Minister to Minister	KC
Prepare Cabinet (or Minister's) Information Summary document	KC
Prepare Distribution Form	KC
Prepare the Minister's speaking notes (for OICs only)	KC
Prepare the Regulatory Criteria Exemption Form or Checklist	KC
E-mail Word versions of all supporting docs to the OIC Coordinator for review	N/A
Print and assemble final OIC/MO package (without any staples)	ES
Acquire all signatures up to and including ADM for CSNR	

Sign-Off Sequence:		Signature	Date
Staff	Kashmiro Cheema		MARCH 21
Manager	Erin Scraba		MARCH 21
Executive Director	Paul Craven		MARCH 24
Chief Financial Officer (CSNR)	Michael Lord		
Assistant Deputy Minister (CSNR)	Shauna Brouwer		
OIC Coordinator	Karla Kennedy		
Associate Deputy Minister (EAO)	Doug Caul		MARCH 24/14
Minister	Mary Polak		03.25.14



Tracking #: OIC 14-06
Leg Council #: R/206/2014/10 and R/235/2014/10
Date: March 24, 2014
To: The Honourable Mary Polak
Minister of Environment
Re: **Amendments to Reviewable Projects Regulation**

The attached amendments to the Reviewable Projects Regulation will:

- 1) Exempt sweet natural gas processing facilities from environmental assessment requirements effective April 28, 2014; and
- 2) Repeal requirements for resorts (ski and all season resorts) from environmental assessment requirements, except for projects currently under review, effective January 1, 2015.

The package includes:

- Two Cabinet Summary Information documents (1 per each Order in Council);
- a Sign-off Sheet;
- Two S. 14, s.12 Orders in Council;
- Two Distribution Forms;
- speaking notes; and
- a Regulatory Criteria Exemption Form

If you have any questions about the package, please contact Paul Craven, Executive Director, Policy and Quality Assurance Division, EAO, at 250-387-6748. Otherwise, would you please sign the OICs where indicated and arrange to have the package delivered to Cabinet Operations.

If requested, I will arrange to have you fully briefed on these OICs before they are considered by Cabinet.

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S. 12, S. 14

Despite the difference in effective dates, the OICs should be considered together.

Thank you.

Doug Caul
Associate Deputy Minister

OFFICE OF LEGISLATIVE COUNSEL

Examined by: Sandra Borthwick

S. 14, s.12

Order in Council

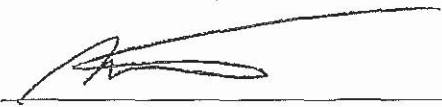
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Regulation

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Cautions/Comments:

S. 12, S. 14

Signed: 

Date: March 24, 2014

This legal opinion is subject to solicitor-client privilege.

R/235/2014/10

Pages 15 through 16 redacted for the following reasons:

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ORDER IN COUNCIL DISTRIBUTION FORM

STATUTE: Environmental Assessment Act(2002) – Reviewable
Projects Regulation (BC Reg 370/2002)

For OIC Office use only:

MINISTRY: Environment (Environmental Assessment Office)

SUMMARY OF SUBJECT MATTER

R/235/2014/10 Amends Table 15 of the Reviewable Project Regulation effective January 1, 2015.

ORIGINATOR (Name/Ministry/Branch/Telephone/email):

Kashmiro Cheema
Environmental Assessment Office
250-356-5305

COPIES

☒ PDF copies (Please provide name, Ministry and exact email address for each recipient below):

Kashmiro.Cheema@gov.bc.ca

Karla.Kennedy@gov.bc.ca

Paul.Craven@gov.bc.ca

Erin.Scraba@gov.bc.ca

☐ Certified true copy of this OIC - for legal or evidentiary purposes only
(Please provide name, Ministry/Company, mailing address, city, postal code and telephone):

Order in Council
Cabinet Summary Information
Cab Ops Template: March 2012

Ministry:
Environmental
Assessment
Office

Date Prepared: March 20, 2014

MoE #: 14-06

Log #: R/235/2014/10

Section	Detail
1. Type of OIC:	<input type="checkbox"/> BRDO appointment* <input type="checkbox"/> Non-BRDO appointment <input type="checkbox"/> Not a regulation <input checked="" type="checkbox"/> Regulation - provide Regulatory Count: 0
2. Routine or For Attention:	<input type="checkbox"/> Routine <input checked="" type="checkbox"/> For Attention because (select all that apply): <input type="checkbox"/> REQUIRES DISCUSSION <input type="checkbox"/> CONTROVERSIAL <input checked="" type="checkbox"/> REVISES POLICY

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3. Required Effective Date (Select all timing constraints that apply. Include Rationale.)	<input type="checkbox"/> No Timing Requirements RUSH - Cabinet approval is requested / required by <u>April 24, 2014</u> because (check all that apply): <div style="text-align: right;">S. 14</div> <div style="text-align: right;">S. 14</div> <div style="text-align: right;">S. 12</div>
4. Processing Instructions after approval	<input type="checkbox"/> Process normally <input checked="" type="checkbox"/> Hold because (select all that apply): <div style="margin-left: 40px;"> <input type="checkbox"/> Ministry requests hold until release by the Minister, no later than _____ <input checked="" type="checkbox"/> Please process at the same time as R/206/2014/10 and R/5/2014/3 (Environmental Assessment Fees Regulation) </div>
5. Authorizing Act and section number(s)	<i>Environmental Assessment Act</i> , S.B.C. 2002, c. 43, ss. 5 and 50. OIC 1156/2002

**6. Purpose, Content and
Context (OIC "Essence")**

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<p>7. Fiscal Management Considerations</p> <p>S. 12</p>	<p>S. 12</p>
<p>8. Legislative Counsel Cautions (yellow or red tags) Please speak to each concern expressed.</p>	<p>S. 12, S. 14</p>

Contact Name: Paul Craven
Title: Executive Director, Policy and Quality
Assurance
Phone Number: 250-387-6748

Prepared By: Kashmiro Cheema
Phone Number: 250-356-5305

Attached Appendices:

- ☒ Distribution Form
- ☐ Regulatory Criteria Checklist
- ☒ Regulatory Criteria Exemption Form
- ☐ Map(s)
- ☐ Other:



Cabinet Submission – Request for Decision

Minister: Honourable Mary Polak

Ministry: Environment

Date: November 27, 2013

Ministry Document #: 13-35

Title: Environmental Assessment Office proposed workplan to meet the commitment to review environmental assessment.

Issue:

Reviewable Projects Regulation Changes: Environmental Assessment Office (EAO) has proposed a workplan to meet the commitment to review environmental assessment (EA) in BC. Early deliverables include proposed regulatory changes to exempt certain types of projects from an EA.

Request:

As a key deliverable in the workplan, EAO is seeking approval to proceed with exemptions for sweet natural gas processing plants and resorts from EA requirements.

Implications and Considerations:

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Background / Context:

The Minister of Environment's July 2013 mandate letter from the Premier includes a commitment to review EAO and ensure timelines are appropriate for both economic development and environmental protection objectives and making recommendations for improvement as necessary

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As an early deliverable, EAO is seeking to make initial changes to British Columbia's Reviewable Projects Regulation (BC Reg. 720/02) in early 2014.

Phase 1 Regulatory Changes

Proposed Phase 1 Changes to the Reviewable Projects Regulation

Projects that are subject to an EA are determined by the Reviewable Projects Regulation (RPR). The regulation currently sets thresholds of:

- 5.634 million m³/day (200 MMcf/day) for all natural gas processing plants, and
- 2000 or more bed units (of which 600 or more are commercial) for resorts.

In most cases, reviewable projects cannot proceed to permitting and construction until project effects are mitigated and a certificate is awarded.

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Sweet Natural Gas Processing Facilities

Current natural gas production in BC is approximately 3.5 billion cubic feet.

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Page 26 redacted for the following reason:

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Resorts

Part nine of the Reviewable Projects Regulation specifies EA thresholds for all season resorts/ski resorts, golf oriented resorts and marina resorts. Three resort projects have received certificates under the current *Environmental Assessment Act*. A further two projects were exempted from certificate requirements.

The Ministry of Forests, Lands and Natural Resource Operations, (FLNR) Mountain Resorts Branch administers the Resort Master Plan review process. The Resort Master Plan sets out a detailed plan of proposed real estate development that is to occur within a resort area and provides technical and management information necessary to support the sustainable development of the resort.

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Pages 28 through 29 redacted for the following reasons:

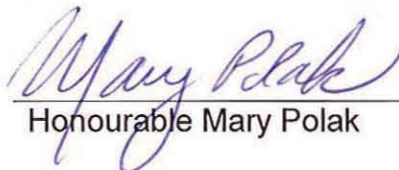
S. 12



S. 12

Contact:

Paul Craven
A/Executive Director, Policy and
Quality Assurance
250 387-6758


Honourable Mary Polak

12.04.13

Date Signed

Attachments: Work Plan- Mandate Letter Review of the Environmental Assessment
Office

Pages 31 through 32 redacted for the following reasons:

Not Responsive

Not Responsive

Work plan - Mandate Letter Review of the Environmental Assessment Office (EAO)

December 4, 2013

Phase 1 - 2013/2014 Fiscal Year

- Non-legislative initiatives that can: be completed in the short term; provide the greatest impact; and do not require additional time for more in depth policy work and/or extensive consultation.
- Begin work/consultation in preparation for latter phases of the review including development of clear articulation of EAO's desired "Future State"; and EAO Modernization. Additional specific actions and deliverables may arise from this work.

Action/Deliverable	Description/Scope of Work Required	Type	Linkages to Future State	Target Implementation Date
Not Responsive				
2. Amend the Reviewable Projects Regulation to focus EAO on proposed projects where significant adverse effects and where there are not already sufficient review processes.	S. 12	Regulatory Change	EAO Efficiency and Effectiveness	February 2014

Pages 34 through 40 redacted for the following reasons:

Not Responsive