

From: Crook, Ray EAO:EX
Sent: Thursday, February 28, 2002 12:35 PM
To: XT:Ferris, Glenda Tahltan Joint Council EAO:IN
Cc: Glassman, Martyn EAO:EX
Subject: Your notes

Glenda:

I had a quick look at your revised notes, and they more accurately state points we made. I don't want to nit-pick over the sense of some statements that I would have worded differently, but there are three places where I feel that the sense is misleading in a significant way.

1. Bottom of page 2 - Designation of Reviewable Projects

Should state that the Section 4 provision for the MSRM Minister to designate non-reviewable projects to be reviewable will be retained, but added to, so that proponents can opt into the EA process.

The rest of the text of this section does not deal with designation of reviewable projects, but should come under the heading at the top of page 3 - Review Path Options. Notes should say that, where a project IS "reviewable" (either under the Reviewable Projects Regulation or section 4 designation), the proponent must approach the EAO for a determination of the review path. At that point, the Executive Director may choose between 3 options:

- Impacts do not warrant EA review - EAO will have policy criteria and procedures to help with this determination.
- EA review warranted, conventional type of EA review will be conducted - this option will be selected in most cases, and does not involve the Minister at all.
- Executive Director refers project to MSRM Minister to provide direction on review path - expected to be rare.

The Minister's review path choices are as you have them at the top of page 3. I would expect the Minister to decide him/herself, not to delegate this to EAO (as you indicated in brackets), since EAO is asking the Minister to give direction.

2. Middle of Page 3 - Approval Authority

There is no ambiguity about the legal responsibility to produce a recommendations report where an EA is conducted by EAO. It will be EAO's responsibility to draft and submit the report to Ministers. A report will be mandatory for any EA review that EAO conducts. It will summarize input/advice/positions of review participants.

Not every regulatory process needs to be one window, which is what you wrote, but each process needs to provide an ability to use one-window procedures, at least on a discretionary basis. The new EA legislation is expected to include an enabling power to allow for EA and permitting to be carried out under a unified procedure specially designed for a project. Such an approach may be used sparingly, since doing this may not be easy in practice.

3. Middle of Page 4 - Conventional Review

The bullets here continue to be confused. The conventional review will have two stages:

- an informal pre-application stage - during which the review path will be determined (conventional EAO review) and the terms of reference for the application will be set, as well as other things you list - scope of project, identification of interested parties, consultation requirements, etc.
- one formal stage - the application review stage, during which the application is reviewed and EAO makes recommendations to Ministers.

The law, as currently envisaged, will not provide any need for consultation between EAO and the Minister on the procedure under the "conventional review" model. EAO will make its own decision to select the "conventional review" model. If EAO is dealing with something so unusual that we feel we need to ask the Minister for a determination, that is by definition not conventional. You do deal with this possibility under other headings in your notes.

Does this help clarify what we were saying?

Ray Crook

**FNEATWG: FIRST NATIONS ENVIRONMENTAL ASSESSMENT
TECHNICAL WORKING GROUP
BC ENVIRONMENTAL ASSESSMENT OFFICE**

**RE: BC EAO Service Plan Summary, 2002/03, 2004/05
Draft of Amendment to BC Environmental Assessment Act
Conference call, February 1st, 2002**

**Overview and Summary, for distribution to all Communities of Interest
Commentary: *opinion of Glenda Ferris only.**

****Corrections, where appropriate: February 24, 2002 following two
hour conference call between Glenda Ferris, Ray Crook (BCEAO) and
Martyn Glassman(BCEAO).**

APPROACH

Members of FNEATWG with three staff, Dr. Sheila Wynn, Martyn Glassman and Ray Crook, discussed the details of their office's amendments to the BCEAA. Many of the underlying 'Guidelines', operational procedures and policy frameworks are not finalized at this time; so many questions cannot be answered. After the 'new' BCEAA is law, there may be an opportunity to discuss these operational procedures.

There was no distribution of text or draft legislation, so it was very difficult for FNEATWG members to respond to the information being delivered. When asked about whether there would be public/First Nations' consultation on this proposed legislative package, there was only the comment that the government had not made any commitment for such a process, and, that formal opportunities will also be constrained by the timelines now proposed and/or imposed by the present government, both to the BCEAO for the drafting of this amendment, and for submission to the Legislature.

Members of FNEATWG have already confirmed through correspondence, that all reporting sessions held between themselves and the BCEAO staff do not constitute consultation of any kind...This exchange is simply a courtesy to the two working groups from the BCEAO Executive Director, to both the FNEATWG and the (Multi-stakeholder) Advisory Committee. FNEATWG appreciate the information sharing approach of the Executive Director and her staff, but cannot approve of the lack of communication with the broader

social components, including First Nations' consultative bodies. Since our conference call, the Advisory Committee has also been informed of changes proposed, so none of the information that we have received should be considered confidential.

The following discussion paper and summary is considered an attempt to inform our First Nations constituencies and other public sectors regarding the future conditions and process of BCEAA since draft legislation has already been forwarded to AG's Office.

CORE REVIEW

BCEAO Service Plan Summary is on their web site. We will append to this document. With inclusion of MSRM staff of six into Victoria offices, there will still be an overall reduction (planned) of 37% financial by 2005.

There will continue to be an Environmental Assessment Office/EAO with an Executive Director as DM (Deputy) to the Minister for the review of major projects. Mine Development Projects will be reviewed depending upon criteria, although there will be some thresholds' amendments regarding the criteria for "Reviewable Projects", for both the short term and long term. These categories of project review criteria will be within the Reviewable Projects Regulation; copy of that document has also not been released in full. I have written a response and technical assessment of some of the proposed "changes" to thresholds for the short-term aspect of this amendment, available on request. At this point in time, Regulations under the 'new' BCEAA are not in draft.

*A key issue that was "discussed" and continues to create questions has been the 'planned' removal of Regional Offices and their staff-s (MEM, Highways, Forestry) and the current insistence that there will "still be Regional Committees". If there will be "Regional Committees", they will be flown in from Victoria/Vancouver, and will be in no way comparable, either as staff or institutional-knowledge, to the current, regional human capital we enjoy today.

'NEW' EA LEGISLATION

Designation of Reviewable Projects

Section 4, for designation of projects as reviewable, will be amended. Process will initiate with evaluation under criteria of Act(new) with a procedure that may or may not involve the proponent. The "developer" may opt-in, to retain the certainty of a BCEAA Approval. Selection and options will include:

- EA is not warranted according to guidelines criteria.
- Conventional EA is warranted. *Conventional as in 'new' normal.
- Executive decision sent to Minister for next phase.

These
are ED's
decision
options.

should not
decide

Review Path Options

The Review Path options of the Minister (delegated authority to the BCEAO DM) will include:

- A screening of issues, with EA then waived.
- A screening of issues, EA established.
 - * “Conventional” EA review
 - * Appointment of a Commission to establish TOR
 - * Appointment of a Panel to hold public hearing. Federal model
 - * Other mechanism, unspecified, at the discretion of the Minister

Approval Authority

The EA Certificate will be signed by the Minister of Sustainable Resource Management/MSRM, and, the Minister of Water, Land and Air Protection/MWLAP, and, the Minister ‘responsible’ for the sector, as in, the line Ministry of Mines for Mine Development Approvals.

“Concurrent Permitting” will continue to be an option and the standard procedure of Permitting post-Certificate, along with a ‘new’ proposed integration of the Certificate and Permitting. This implies there will no longer be a Recommendations Report as we currently define such a document, written by the Project Committee, that describes the conditions of Approval and Certificate. However, BCEAO staff say that there will be a Recommendation Report linked to BCEAA Approval and Certificate. **Who will draft and approve this Report?** Every regulatory (Permitting) process must be one window, however, BCEAA is not a regulatory process. BCEAO authority flows directly from the legislation and will have to be better described to be understood.

How will the linkage between BCEAA and Permitting be verified, if many agency(s) move to “No Permitting”/Performance-Based regulatory structures?

Commentary*There will no longer be Project Committee(s) in the “Conventional” Review format and yet the Project Committee (Line Ministry representatives at least) were the decision-makers on the Approval Recommendation to the BCEAO, Executive Director and Minister, now to the Minister(s). How will decisions for Approval of the Project Proposal, of the EA review, whichever designation, be delivered?...and by whom? Comment received remains that the line Ministries and the BCEAO will determine approval standards, including the resolution of issues.

The Technical Sub-Committees complete inventory, investigation and assessment work as compartmentalized specialists. There is rarely any cross-pollination or integration of that technical work and results unless it is at the Project Committee Table. **How will cross-discipline communication and effects integration occur?** The technical assessment process may well be the foundation of EA, when Traditional Knowledge and Cultural values are also considered, but as our EA’s now are practiced, individual

compartments of review Sub-committees do not even exchange information or integrate impacts' assessment as a multi-disciplinary exercise.

Finally, How will First Nations acquire information from these Sub-committees in the absence of the formal Project Committee framework? And, How will First Nations contribute as a level of government to the decision(s) forwarded to the Minister(s)?

In addition, as a rule, draft documents were also not distributed to the public or made available until "approved" for distribution. How will information and draft reports be made available? ...to First Nations? ...to the general Public?

*There was also no discussion about the conditions of Approval, which are now recorded in a Recommendation Report (not legally binding) that accompanies the Approval Certificate. This Recommendations Report enables transition from Certificate to the more detailed information required for Permitting and has been compiled in the past by the Project Committee. What mechanism and which agency will be responsible for drafting the Recommendations Report?

"Conventional" Review

Standards for a conventional review are "not known" at this time. The mechanism for delegation of authority from the BCEAO Executive Director to Project Directors will still apply. This is what is being described:

- There will be no Project Committee.
- Consultation between EAO and the Minister may determine all aspects of Project review and liaise bi-laterally with all parties.
- There will only be Stage I format:
 - 1) Scope and scale of Project.
 - 2) Scope of issues to be addressed, as a TOR.
 - 3) Sign-off on TOR.
 - 4) Identify consultation, parties and forums.
 - 5) Six month government review, active.
- This will include an "informal" Pre-Application phase.
 - 1) Decision on Review Path
 - 2) Proponents will draft TOR

Project Director/EAO will approve TOR (completed by the proponent).

Then a Formal Application.

Final recommendations from EAO Director to Ministers.

Commentary* Many of the gaps will be filled after new Act is proclaimed, such as procedures for TOR compilation. There is no clear procedure for First Nations concerns to be tracked or included within the TOR. A Pre-Application screening is supposed to address identification of scope and "interested parties", and many other issues. TOR will be a part of this phase, since Formal Application documents should 'answer' the technical, socio-economic, environmental and cultural information needs and legal

requirements of BCEAA. Iteration, re-design of project, will be addressed through amendment of the TOR. This information distribution will also be a challenge, without the Project Committee framework.

TOR addresses "issues" list, information requirements, scope of project review, and, **who is to be consulted**. How will BCEAO confirm a comprehensive and accurate TOR?

*Six-month review timeline for government is not consecutive, real time...the clock stops each time the proponent is "away" completing work (baseline inventory acquisition, public consultation, technical feasibility), and/or if proponent disengages or proponent requests more time for studies/additional work. However, the current timelines were also driven by the perceived need of industrial certainty. **How will BCEAO and government handle the expected critique when Project review is not completed "on time?"**

This time restriction may cut down on the "nuisance" EA Applications, where proponents file, write a press release and then complete no further work.

*The statement was made that the proponent may disengage at any time but procedures and re-Application were not explained. **Does this mean that there will be no dormant files kept within BCEAO for future reference?** Data storage and archive function is an important aspect of the EAO. Project Registry to be retained, renamed Project Information Center. As we can see today, many dormant files remain on the current Registry and on the Web Site.

*Statement that there could still be a Project Committee, if warranted, is confusing. Full discretion of the Minister on Review Path also removes certainty for comprehensive review according to project impacts and risks, let alone inclusion of First Nations interests. **In the absence of a Project Committee, what legal mechanisms are in place for First Nations?** Two statements accompanied comments, regarding the opportunity to retain a Project Committee Review Path:

- Project Committees' costs have become very high.
- There will be "no prohibitions" on PC participation, if/when there is a Project Committee determination/review path.

*At the least, a "neutrally administered" EAO will remain, however, with Ministerial discretion, political considerations take on a more significant role and will certainly affect process and forums available to First Nations.

Harmonization with CEAA, Canadian Environmental Assessment Act

The Cooperation (Harmonization) Agreement between the Feds and BC expires this April, there may be a need for an extension, and then amendment after the 'new CEAA'/'new' BCEAA are declared. Cooperation(Harmonization) Agreement will have to be re-drafted. No comments on consultation regarding the drafting of this 'new' Cooperation (Harmonization) Agreement between BC and Canada. One thing is certain,

the 'new' CEAA and BCEAA must be in place and declared prior to 'new' harmonization, and, that the Feds will commit to consultation with First Nations during this work. BCEAO staff were insistant that I call the "Harmonization" Agreement the Cooperation Agreement.

Harmonization to other jurisdictions and mandates, such as Line Ministries, international jurisdictions and even to local government are a work in progress.

Commentary*The legal framework for First Nations Rights and Title, plus recent court decisions will also require "normalization" if not harmonization. No comments on this issue. **Is the 'new' BCEAA legally compatible with recent BC court decisions and rulings? Does this 'new' BCEAA violate established Rights and Title thresholds and requirements for government consultation?**

Financial Implications/Requirements

There will be cost-recovery provisions in the Act directed at the proponent. There will be much less EAO budget for funding support for First Nations' (and third party) participation. Questions about the mechanisms and opportunity to acquire funding were not answered. An "enabling provision" to require payment from proponents was not comprehensively described.

Commentary*Under current conditions, First Nations acquire funding through BCEAO and from the proponent, when proponent is agreeable. **Will there be a legal requirement, as a regulation, for Proponent to fund First Nations' component of BCEAA work?**

Other

There will be a heavy reliance on electronic circulation of documents. *This will enable distribution of information, but may impact upon communication and shared knowledge decisions.

BCEAO may have to "expand technical staff linkages"...to Ministry(s), or, to consultant corps?

Project Certificate Approval will be 'good' for up to five years. There will be one extension allowed for another five years, if the Project does not proceed then Approval will be nullified. However, under current practice, if some components of the project are not built or implemented, such as an access road, the legal opinion remains that they have been "Approved" under the BCEAA, and can proceed to be constructed. *"Kemess Mine to Stewart" Road proposed route is an example.

No comment on whether First Nations are mentioned in 'new' legislation, other than simple "Common Law" requirements. No idea of the safeguards for review or impacts to First Nations.

Timelines for this BCEAA legislation are uncertain, may be on spring legislative agenda, or the fall. There may be an opportunity to involve FNEATWG during the implementation phase; criteria, guidelines, policy.

BCEAA sanctions will be preserved intact from current Act.

Questions

- 1) What are the implications for First Nations' participation in BCEAA?
- 2) Why would the government remove the only component of BCEAA, the Project Committee, where consolidation of information and integrated effects and technical expertise create an informed final decision?
- 3) How will Technical Sub-Committees operate and how will First Nations be able to access those groups? Will there be technical assessments of Traditional Knowledge and Traditional Use headed by First Nations?
- 4) Many delays in the current system are caused, directly attributable, by/to the proponent, either through the delivery of 'bad' work/deficient and sub-standard or through proponent refusal to complete work and investigations as outlined in the Report Specifications. How will the system and process of Pre-Application TOR be handled and who will be accountable for final document, let alone delivery of data and information for Application?
- 5) Who will screen the Application, to check for compliance and fulfillment of the TOR?
- 6) When issues arise during the EA of a project, as they always do due to more detailed information and understanding, which party/government agency or EAO representative will be responsible for requiring the proponent to complete further work? How will First Nations participate in that decision?
- 7) How will issues "to be resolved" be tracked?
- 8) During a Pre-Application phase at this time, information is not distributed except at cursory Open House forums. In the 'new' EAA, how will consultation during Pre-Application phase occur?
- 9) How will the government of BC meet their legal obligations for consultation, both in the review of this legislative amendment and within the 'new' BCEAA?

Glenda Ferris
FNEATWG member for Tahltan Joint Councils
Draft date, February 9, 2002



File: 200-20/Ad Com

Reference: 88398

January 17, 2002

Dear Members of the Environmental Assessment Advisory Committee:

Further to our recent conference calls, I am pleased to forward to you the Environmental Assessment Office's 2002-2005 Service Plan Summary which was released today. In addition to providing information about our financial and human resources over the next three years, it also includes a brief outline of the strategic shifts and major initiatives we will be undertaking over this period.

I would like to draw your attention to our staff complement, which will actually increase as of April 1, 2002. This is because the Environmental Assessment Branch of the Ministry of Sustainable Resource Management, which currently coordinates the input from that Ministry and the Ministry of Water, Land and Air Protection into project assessments, will be transferred to the Environmental Assessment Office.

It is my plan to hold a conference call with you before the end of the month to discuss the strategic shifts in more detail. At the present time, we do not know the schedule for introduction of legislation during the spring legislature session so are uncertain as to when our new statute is to be finalized.

If you are interested in reviewing other Ministries' service plan summaries, they are available on the government's website at www.gov.bc.ca.

I look forward to discussing our future plans with you soon. Please feel free to contact me prior to our next call if there is anything you would like to discuss.

Enclosure

cc: Ray Crook
Jan Hagen
Martyn Glassman

**Environmental
Assessment
Office**

Office of the
Deputy Minister

Mailing Address:
PO Box 9426 Stn Prov Govt
Victoria BC V8W 9V1

Location:
2 – 836 Yates Street
Victoria



File: 200-20/Ad Com

Reference: 88431

January 22, 2002

Dear Members of the Environmental Assessment Advisory Committee:

Further to my letter of January 17, 2002, the Environmental Assessment Office would like to invite you to participate in an Environmental Assessment Advisory Committee teleconference on February 1, 2002 from 1:30 – 2:30 p.m. The purpose of the teleconference will be to discuss the strategic shifts that were mentioned in the Environmental Assessment Office's Service Plan Summary

Dial in instructions are as follows:

Dial (250) 952-6150 after the voice prompt enter the passcode 6221# (be sure to include the # button).

Please confirm your participation with my assistant, Terri Anderson, at (250) 356-7475 or by e-mail at Terri.Anderson@gems3.gov.bc.ca.

I look forward to discussing our future plans with you.

Sincerely,

Dr. Sheila Wynn

cc: Ray Crook
Jan Hagen
Martyn Glassman

Formatted

Environmental
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EA Advisory Committee
Terms of Reference
(October 2000)

The mandate of the committee is to:

1. Advise the Deputy Minister, Environmental Assessment Office (EAO) on issues relating to the provincial environmental assessment (EA) process.
2. Provide a communications link between the EAO and member organizations for the purpose of commenting on initiatives at the request of the EAO.

Scope:

The EA Advisory Committee operates as an advisory body to the Deputy Minister of the Environmental Assessment Office (EAO) and represents groups with an interest in the Environmental Assessment (EA) process outside of government. The Committee currently operates in addition to a separate EAO forum with First Nations, the EA First Nations Working Group.*

Membership:

Chair:

Meetings will normally be chaired by the Deputy Minister, EAO. At the direction of the Deputy Minister, other EAO staff may Chair working discussions with the Committee on specific initiatives.

Members:

The Committee is comprised of members from the following organizations:

- BC Environmental Network
- BC Federation of Labour
- Business Council of BC
- Canada West Ski Area Association
- Canadian Association of Petroleum Producers
- Mining Association of British Columbia
- Outdoor Recreation Council of BC
- Union of BC Municipalities
- Vancouver Board of Trade
- West Coast Environmental Law Association

The Committee includes one standing representative from each member organization (except for the BC Environmental Network which has three representatives). Other representatives of the member organizations may attend where their participation is relevant to discussions.

* The First Nations Environmental Assessment Working Group has agreed to participate on an ex-officio basis until it receives further direction.

Members will ensure that they represent their organization's interests and issues in discussions with the Committee. Members agree to keep their member organizations informed of Committee initiatives and make good faith efforts to characterize the work of the Committee and substance of discussions accurately to their organizations, the public and the media.

Members may be represented by an alternate of their choice. Members will advise the Chair if they will not be attending a meeting and who will be their designated replacement.

Term:

Committee members are appointed by the Deputy Minister, EAO for a period between two and three years. Re-appointment for additional terms may be considered.

Meeting Location: Normally held in Vancouver, B.C. or by teleconference.

Frequency of Meetings: Bi-annually or as required.

Record of Meetings:

- Agendas will be developed by the Chair in consultation with members; they will be distributed prior to each meeting.
- Minutes will consist of summaries of action items and decisions. Minutes will be considered final one week after circulation unless changes are requested by members.

Standing Items:

- Status Report on Response to the EA Evaluation Report
- Project Review Status

Reference: 88988

May 9, 2002

All Members
Environmental Assessment Advisory Committee
(See Distribution)

As most of you know, the Environmental Assessment Advisory Committee (originally called the Environmental Assessment Key Stakeholders Committee) was established in late 1993 to advise this office and the government on the setting up of the environmental assessment process which is currently in effect. I wish to take this opportunity to thank all members for their invaluable advice and assistance over the last eight years.

On May 9, 2002, the government introduced a new *Environmental Assessment Act* into the Legislature. I attach a copy of Bill 38 for your information. The goal of this Bill is to establish more streamlined and flexible environmental assessment procedures for major projects. The Bill will allow greater discretion in customizing environmental assessment procedures on a project-by-project basis. The new process will continue to produce quality environmental assessments of projects, ensuring that project development is consistent with the province's ongoing commitment to high standards of environmental protection. Project reviews will be thorough and transparent, with meaningful involvement of interested parties, while at the same time being more focused and timely.

Unfortunately, there has not been sufficient time to allow for in-depth consultation on the provisions of the new Bill. Environmental community representatives on the committee recently raised this concern in a meeting with the Honourable Stan Hagen, Minister of Sustainable Resource Management, and I know that he appreciated this feedback. I can say that certain key changes have been made to provisions in the Bill as a result of the feedback received from committee members during our recent briefing sessions. Other changes have been made by Minister Hagen as a result of discussions with other members of the environmental community, and with the Honourable Joyce Murray, Minister of Water, Land and Air Protection.

As I mentioned during our last conference call, the Environmental Assessment Office is committed to consulting the committee on both the regulations and the operating procedures which will be required for the new legislation. I would once again like to solicit your input on how best to arrange this. As I have said before, we do not have the funding for regular face-to-face meetings of all committee members. We could hold regular teleconferences, or if you are agreeable, we could work with a smaller sub-committee of the members. You may also have other suggestions.

Please contact me (at 250-356-7475) to let me know your views.

Sincerely,

**Environmental
Assessment
Office**

Office of the
Deputy Minister

Mailing Address:
PO Box 9426 Stn Prov Govt
Victoria BC V8W 9V1

Location:
2 - 836 Yates Street
Victoria



Dr. Sheila Wynn
Deputy Minister

Enclosure: Bill 38

cc: Honourable Stan Hagen, Minister of Sustainable Resource Management

ENVIRONMENTAL ASSESSMENT ACT – BILL 38**BACKGROUNDER****New *Environmental Assessment Act* (Bill 38).**

The Provincial Government has introduced reformed environmental assessment legislation (Bill 38) into the spring 2002 session of the Legislature. To download a copy of Bill 38, please click on the following link.

[\[LINK\]](#)

Purpose of Legislative Reform

The current *Environmental Assessment Act* prescribes a single review procedure which must be followed for environmental assessments of all major projects which are subject to the Act. The purpose of Bill 38 is to provide much greater flexibility to customize review procedures on a project-by-project basis. The increased flexibility is intended to contribute to the government's strategic priorities for an improved investment climate while preserving high environmental standards.

Strong features of the current legislation are being retained. Like the current Act, this Bill provides for:

- an open, accountable, integrated and neutrally administered process for assessing the environmental, economic, social, heritage and health effects of projects.
- meaningful participation by the public, proponents, First Nations, local governments, provincial agencies, federal agencies and, where warranted, British Columbia's neighbouring jurisdictions, based on procedures set by policy or in regulation.
- co-operative review arrangements with federal environmental assessment procedures, but with increased flexibility to reduce overlap and duplication.

What will Change?

- The EAO will design the review process for each project.
- There will be no mandatory project committee system, although the EAO may decide to work with smaller technical committees focused on specific issues.
- If projects do not raise strategic impact concerns, the requirement for an environmental assessment can be waived by the EAO.
- The Minister of Sustainable Resource Management will be able to order special review procedures, such as a public hearing or an assessment by a commissioner.
- Reviews will be guided by existing government policy of more general application, where possible.
- The current system of legislated timelines will be simplified, and proponents will also be subject to timelines in certain circumstances.
- The EAO will have the option to seek Ministerial direction when policy uncertainties need to be resolved.

- Ministers may make an early decision to terminate a review and reject a project where it is clear that a project is not able to satisfy government requirements.
- Proponents will be able to "opt in" to the process if their projects are not automatically reviewable, and will be given the flexibility to develop their own study terms of reference (these will require government approval).

What will Stay the Same?

- A neutral agency (EAO) will administer and manage environmental assessments.
- The Bill provides for inter-governmental (e.g. federal/provincial) cooperation/harmonization agreements.
- A certificate (renamed an “environmental assessment certificate”) must be granted before proponents may obtain approvals to construct and operate reviewable projects.
- The same kinds of projects will be reviewed as under the current Act.
- Public and First Nations consultation programs will be tailored for each project.
- Access to information will be provided through the “project information centre” (renamed from “project registry”), which will be switching to electronic access over the next three years.
- Ministers will make decisions on project approval or rejection.
- Similar, but broader, concurrent permitting provisions will be available to proponents.
- The Bill retains current powers to impose fees and recover process costs.
- The Bill retains current provisions for sanctions, remedies and penalties.

Benefits of Proposed New Legislation

- Bill 38 preserves features of the current process which work:
 - Process management by EAO, but with clearer accountabilities.
 - Reviewability of projects established primarily by regulation, with an option to designate projects to be reviewable where this is in the public interest.
 - Environmental assessment certification of projects, based on balanced Ministerial decision-making.
 - Assessment of the same broad range of effects (environmental, economic, social heritage and health), with a strong focus on environmental protection.
- Bill 38 provides flexibility to custom-design review procedures for individual projects.
- Bill 38 provides for procedural simplification, which should allow more focus on technical issues.
- Agency workloads will be reduced under the streamlined process, especially where it is possible to rely more on performance-based standards.
- Current levels of public involvement will be maintained.
- The Bill provides broad flexibility to work with individual First Nations to develop consultation mechanisms to identify and address their issues and concerns.
- The streamlined process will be more cost-effective, and it will be possible to assess the same number of projects for less cost.
- The streamlined process will be more timely, leading to reduced overall review duration.
- Proponents will have greater procedural choice (drafting their own study terms of reference, “opting in” to the process, broader concurrent permitting options, etc.)
- The flexibility provided by Bill 38 should enhance federal/provincial review cooperation.

From: Anderson, Terri A EAO:EX
Sent: Friday, March 15, 2002 3:06 PM
To: XT:Executive Director - BC Federation of Labour EAO:IN; XT:Angelo, Mark Outdoor Recreation Council of BC EAO:IN; XT:Campbell, Karen West Coast Environmental Law EAO:IN; XT:Lampert, Jerry Business Council of BC EAO:IN; XT:Luff, David Canadian Association of Petroleum Producers EAO:IN; XT:Manchester, Lloyd Earthcare EAO:IN; XT:Moss, Pat Northwest Institute EAO:IN; XT:O'Mara, Doug Whistler Heli Skiing EAO:IN; XT:Park, Dave Vancouver Board of Trade EAO:IN; XT:Parker, David Mining Association of BC EAO:IN; XT:Vance, Ken Union of BC Municipalities EAO:IN; XT:Young, Alan BC Environmental Mining Council EAO:IN
Cc: XT:Krehbiel, Rick c/o Lheidli T'enneh Nation EAO:IN; XT:Ferris, Glenda Tahltan Joint Council EAO:IN; Wynn, Sheila EAO:EX; Crook, Ray EAO:EX; Glassman, Martyn EAO:EX
Subject: EA Advisory Teleconference on April 8

The Environmental Assessment Office would like to invite you to participate in a EA Advisory Committee teleconference on April 8, 2002 from 9:00 - 10:00 a.m. The purpose of the teleconference will be to advise the committee of the progress on the amendments to the Environmental Assessment Act.

For those of you who will be dialling into the teleconference please dial 250 952-6535. The passcode is 2266# (remember to use the # after you have dialled the passcode)

For those of you who need to have me dial you in please send me an e-mail with this request and with a phone number that I can reach you at.

Please advise by e-mail of your availability to join the teleconference.

Thank you.

Terri Anderson
Acting Executive Assistant
Environmental Assessment Office
Location: 2nd Floor, 836 Yates Street
Ph: (250) 356-7475 Fax: (250) 356-7477
Email: Terri.Anderson @gems3.gov.bc.ca

Crook, Ray EAO:EX

FILE COPY

From: Gillman, Tanya EAO:EX
Sent: Tuesday, March 05, 2002 10:44 AM
To: Crook, Ray EAO:EX
Subject: NEW MEETING IN YOUR

Minister's meeting with 4 Environmentalists from EA Advisory Group

From: Anderson, Terri A EAO:EX **On Behalf Of** Wynn, Sheila EAO:EX
Sent: Tuesday, March 05, 2002 10:38 AM
To: Wynn, Sheila EAO:EX; Crook, Ray EAO:EX
Subject: Minister's meeting with 4 Environmentalists from EA Advisory Group
When: Wednesday, March 27, 2002 3:30 PM-4:30 PM
Where: Room 303 - Oak Room

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