

1 - Flooding -

① rich - Wells Cu
② Level of work - economic activity

1. MANDATE LETTER

Issues Notes:

1. Carbon Tax
2. Climate Solutions & Clean Growth Advisory Council
3. EA Revitalization
4. Kinder Morgan
5. Professional reliance Review
6. Species at Risk

2. BC PARKS

Core Messaging:

A. BC Parks

Issues Notes:

1. Campsite Expansion
2. Discover Camping
3. Parking
4. Park Fees
5. Ranger Numbers
6. South Okanagan

3. CONSERVATION OFFICER SERVICE (COS)

Core Messaging:

A. Conservation Officer Service

Issues Notes:

1. s.22
2. Carnivore Procedure
3. Enforcement

4. COS FOI
5. Human-Bear Conflict
6. Staffing

4. CLIMATE ACTION SECRETARIAT (CAS)

Core Messaging:

- A. Carbon Neutral Government
- B. Climate Action & Leadership

Issues Notes:

1. Carbon Tax
2. Carbon Change Impacts & Adaption
3. Climate Solutions & Clean Growth Advisory Council
4. Greenhouse Gas Emissions Increase
5. GHG Inventory
6. Methane Reduction Strategy
7. Office of the Auditor General Climate Action Audit
8. Pan Canadian Framework on Clean Growth and Climate Change

5. ENVIRONMENTAL SUSTAINABILITY AND STRATEGIC POLICY (ESSPD)

Issues Notes:

1. Invasive Quagga and Zebra Mussels
2. Groundwater Licensing
3. Livestock Watering – Intentions Paper
4. Nicola River Watershed Pilot
5. Species at Risk in B.C.
6. Water Pricing & Rate Review

* NITPP
← →

7. Water Sustainability Act – Regulation Amendments
8. White Nose Syndrome – Bats
9. Canada and B.C. - Caribou Recovery Agreement (FLNRO Note)

6. ENVIRONMENTAL PROTECTION DIVISION

Core Messaging:

A. B.C.'s Environmental Emergencies Program

B. Marine Spills and Tanker Traffic

C. Recycling/EPR

D. Statutory Decision-Makers

- Increasing refinery capacity
- YES
- increasing refinery capabilities
- CO tax on fuel
- PCC guide →

Issues Notes:

1. Air Zone Reports

2. Anmore Green Estates

3. Atlantic Power permit

4. B.C./U.S. Spill Response

5. Biosolids/OMRR

6. Border Feed Lot

7. Cache Creek Landfill

8. Cermaq Pesticide Use Permit - Aquaculture

9. Compliance Report for 2016

10. Capital Regional District (CRD) Sewage Treatment

11. CRD - Shellfish

12. EMA Fees 2018

13. Fish Processing Plant Audit

action
- as currently
certification
proposed

- risks too small
as currently proposed

- trying to regulate →

- close #5

- 14. Gibraltar Mine**
- 15. Goward Rd. Contaminated Soil**
- 16. Heiltsuk Marine Centre Proposal**
- 17. Home Heating Oil Tank Spills/Leaks**
- 18. Hullcar Aquifer Report**
- 19. Mt. Polley**
- 20. Neonicotinoids**
- 21. Newspaper Recycling Plan**
- 22. Ocean Protections Plan (Federal)**
- 23. Revolution Ranch**
- 24. RTA – Kitimat Smelter**
- 25. Seaforth Channel Spill and Heiltsuk**
- 26. South Island Aggregates Final Closure Plan**
- 27. Spill Response Progress**
- 28. Teck Area-based Management Plan (ABMP)**
- 29. Tulsequah Chief**
- 30. Used Motor Oil Recycling**

7. ENVIRONMENTAL ASSESSMENT OFFICE (EAO)

Issues Notes:

- 1. Blackwater Gold Mine**
- 2. EA Resource Projects**
- 3. EA Revitalization**
- 4. EAO Compliance and Enforcement**

- 5. Federal Caribou Habitat Protection Assessment**
- 6. Federal Regulatory Review**
- 7. Harper Creek Suspension**
- 8. LNG Projects**
- 9. Morrison Mine**
- 10. Mt. Milligan**
- 11. Pattullo Bridge Replacement**
- 12. Progress Energy Dams**
- 13. Prosperity Amendment Request**
- 14. Site C**
- 15. Substitution of EAs**
- 16. Sukunka Coal Mine**
- 17. Trans Mountain Expansion**

CARBON TAX

Key Messages

- We will increase the carbon tax by \$5 per tonne per year, beginning April 1st.
- We will reach \$50 per tonne in 2021, a year before required by the Federal approach.
- We will create a new climate action rebate cheque for low and middle income families with a vast majority of British Columbians receiving more back from this rebate than they pay in new carbon taxes.
- The Province is investing \$40 million per year to support British Columbians by enhancing the Low-Income Climate Action Tax Credit.
- The higher price on carbon will help to put the province on a path towards meeting B.C.'s legislated 2050 greenhouse gas emission (GHG) reduction target of 80 per cent below 2007 levels, and a new legislated 2030 reduction target.
- We will provide certainty to stimulate investment and protect trade exposed businesses, maintaining our competitiveness, by establishing separate sectoral reduction goals and sectoral reduction plans for transportation, industry, and buildings and homes.

- We will work also with the Federal Government on assessing the best approaches to address the competitiveness of emissions-intensive trade-exposed sectors.

Background:

- The carbon tax was implemented on July 1, 2008 and applies to the purchase and use of fuels in B.C., covering about 70% of provincial emissions.
- The tax was introduced at \$10/tonne in 2008, and increased \$5 each year until it reached the final scheduled increase at \$30/tonne in 2012.
- In 2013, Government committed to freezing the carbon tax at \$30 per tonne for five years.
The carbon tax puts a price on carbon emissions to:
 - Encourage individuals and businesses to use less fuel and reduce their greenhouse gas emissions;
 - Send a consistent price signal;
 - Ensure those who produce emissions pay for them; and
 - Make clean energy alternatives economically attractive.
- Analysis indicates the economic impact of British Columbia's carbon tax varies by industry, and some industries are more impacted than others.
- As part of the Pan-Canadian Framework on Clean Growth and Climate Change, Canada announced a federal carbon price beginning in 2018:
 - For jurisdictions with an explicit price-based system, the carbon price should start at a minimum of \$10 per tonne in 2018 and rise by \$10 per year to \$50 per tonne in 2022.
 - Provinces with cap-and-trade need (i) a 2030 emissions-reduction target equal to or greater than Canada's 30 percent reduction target and (ii) declining (more stringent) annual caps to at least 2022 that correspond, at a minimum, to the projected emissions reductions resulting from the carbon price that year in price-based systems.
- The overall Federal approach will be reviewed by early 2022 to ensure that it is effective and to confirm future price increases. An interim report will be completed in 2020 which will be reviewed and assessed by First Ministers.

Ministry of Environment and Climate Change Strategy, January 2018

Climate Solutions and Clean Growth Advisory Council

Key Messages

- Our government is providing real leadership to protect our environment and invest in a sustainable economy for the future for British Columbians.
- This is why we formed a Climate Solutions and Clean Growth Advisory Council to help get our province on track to meet our climate goals.
- The Advisory Council includes members from First Nations, industry, environmental organizations, labour, academia and local government.
- The Advisory Council provides strategic advice on areas of focus for climate action that go hand in hand with economic growth and job creation.
- As part of its mandate, the Advisory Council will review and publicly report on government's progress towards meeting legislated carbon pollution reduction targets and maximizing job and economic opportunities.

Background:

- As per the Minister's mandate letter, the Climate Solutions and Clean Growth Advisory Council (CSCG Advisory Council) was established within the government's first 100 days in office on October 23rd, 2017.
- The CSCG Advisory Council is a consultative advisory group with a mandate to:
 1. Provide advice to government on actions and policies that can contribute to carbon pollution reductions and optimize opportunities for sustainable economic development and job creation.
 2. Provide advice and feedback to the Climate Action Secretariat on how to enhance potential benefits and mitigate potential impacts of government's climate policies to ensure sustained economic prosperity and social equity.
 3. Provide advice on implementing the recommendations of the 2015 Climate Leadership Team.

GCPE ENV – CONFIDENTIAL ISSUES NOTE

- The CSCG Advisory Council is a permanent body that:
 1. Reports to the Minister of Environment and Climate Change Strategy.
 2. Has appointments that last two years and are renewable.
 3. The Minister of Environment and Climate Change Strategy has discretion to appoint new members, and there will be no provision for alternate members.
- The CSCG Advisory Council had its initial meeting December 2017 and is working to identify priority areas for advice to government. The council meets on a quarterly basis each year, at a minimum.
- As part of its mandate, the CSCG Advisory Council will review and publicly report after one year and every two years after that, government's progress towards meeting legislated carbon pollution reduction targets and maximizing job and economic opportunities.

Environmental Assessment Office, March 8, 2018

EA REVITALIZATION ANNOUNCEMENT

- Today I'm pleased to announce the start of a process to revitalize B.C.'s Environmental Assessment Process.
- We are working to strengthen our environmental assessment to ensure that major projects are in the best interests of British Columbians.
- Revitalization means enhancing public confidence, advancing reconciliation, and protecting the environment while supporting sustainable economic growth.
- The Environmental Assessment Office is working with Indigenous groups at every step of the revitalization process to ensure that this work contributes to achieving government's commitment to fully implement the United Nations Declaration on the Rights of Indigenous People and advances reconciliation.
- Environmental NGOs, academics, industry, local governments and stakeholders will also be engaged throughout the process to ensure that all voices are heard.
- There will be significant opportunities for public engagement.
- We anticipate an aggressive timeline to make recommendations and implement changes to the EA policy/legislative framework.
- I look forward to working with all Members to ensure we have a robust and efficient science-based environmental assessment regime that helps to create and sustain jobs while protecting the environment.

Background:

- The Premier has directed the Minister of Environment and Climate Change Strategy to revitalize the Environmental Assessment (EA) process “to ensure the legal right of First Nations are respected, and the public’s expectation of a strong transparent process is met.” This means:
 - Enhancing Public Confidence: ensuring impacted First Nations, local communities and governments and the broader public can meaningfully participate in all stages of environmental assessment through a process that is robust, transparent, timely and predictable;
 - Advancing Reconciliation with First Nations; and,
 - Protecting the Environment while Supporting Sustainable Economic Growth by providing certainty of process and clarity of regulatory considerations including opportunities for early indications of the likelihood of success.
- To achieve this objective, the Ministry, led by the EAO proposes to:
 - work collaboratively with Indigenous groups to identify priority actions to implement;
 - ensure this work contributes to achieving government’s commitment to fully implement the United Nations Declaration on the Rights of Indigenous People; and,
 - engage proponents, the public, and other stakeholders regarding EA Revitalization.
- The EA revitalization process was formally announced on March 7, 2018. Several parallel streams of engagement are now underway:
 - In keeping with government’s commitment to fully implementing UNDRIP, extensive engagements will be held with First Nations through bilateral meetings, and regional workshops in collaboration with the First Nations Energy and Mining Council, including a province-wide workshop in Vancouver for First Nations Leaders;
 - An EA Advisory Committee that includes a cross section of members from industry, academia, NGOs, First Nations and local governments will provide advice on matters related to EA revitalization and make recommendations regarding potential changes to the current EA process and legislative framework.
 - A variety of other key stakeholders, including industry, environmental NGOs, local governments and others will provide specific feedback about their views, experiences and proposed measures to revitalize the Environmental Assessment process.
 - A Discussion Paper will be drafted based on the input received from the Environmental Assessment Advisory Committee, and engagement sessions with First Nations and stakeholder groups.
- A public comment period will be held on the *Discussion Paper* (anticipated in June).
- Following the public comment period a *What We Heard* document and an *Intentions Paper* will be published.
- New legislation is targeted to be introduced in the legislature in late fall 2018.

Work with indigenous groups

Over the past 30 months, the EAO has improved its engagement and relationships with Indigenous groups. Shifts to enhance Indigenous groups’ participation in EAs have been implemented within the EAO’s legislative framework. The EAO’s efforts to-date have focused on proposed projects where claims to Aboriginal title or rights have been assessed as strong.

- Since November 2015, the EAO has worked with the First Nations Energy and Mining Council to develop a concept paper with shared principles and recommendations for

EAO – CONFIDENTIAL ISSUES NOTE

enhancing six key areas in the EA process. Work continued in 2016/2017 to present proposed enhancements and seek feedback from Indigenous communities and broader stakeholder involvement, including industry associations. On June 8, 2017, the Parties completed a Recommendations Report that has formed a key input to developing the process for EA revitalization.

- While EA revitalization proceeds, the Environmental Assessment Office continues to collaborate on work with a number of Indigenous groups.
- Successful examples of collaboration include:
 - The Kemess Underground project where the Environmental Assessment Office worked collaboratively with the Tse Keh Nay First Nations to draft an assessment report that reflects consensus views on the approaches needed to avoid or mitigate potential effects on their Aboriginal rights and interests.
 - The Ajax project, where The Environmental Assessment Office and the Stk'emlupsemc te Secwépemc Nation (SSN) co-developed an Environmental Assessment Collaboration Plan for the Ajax Mine Project, to support informed decision-making and ensure that information and results from the SSN's community-based assessment process were included in the provincial environmental assessment.
 - The Kootenay West Project where CertainTeed, KNC, SIB and the EAO approached the Project Review in a collaborative manner. KNC and SIB worked with CertainTeed to prepare the First Nations Consultation Report of the Application, and the EAO identified mitigations and developed potential conditions for the Project by working closely with KNC and SIB to ensure conditions addressed both Nations' interests and could be implemented jointly with CertainTeed.

Electronic Project Information and Collaboration System

The Environmental Assessment Office has been working to improve the efficiency and transparency of the environmental assessment process through the use of new digital tools.

- One recent deliverable has been a new web-based system, called EPIC (or the Environmental Assessment Office Project Information and Collaboration system), that provides more intuitive access to project data and information, and facilitates better engagement in environmental assessments, for project proponents, technical working groups, Indigenous groups and the public.
- EPIC replaces and significantly enhances the Environmental Assessment Office's previous system, and is now publicly available and accessible online, including on mobile devices.
- EPIC will continue to evolve and improve and will provide a strong foundation to support the results of EA revitalization. For example, a recent release of significant updates includes improvements to look and feel, mobile navigation and use, educational materials, mapping interface and features, and a new "activities and updates" feature.

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Ministry of Environment and Climate Change Strategy, March 7, 2018

KINDER MORGAN TRANS MOUNTAIN PIPELINE
EXPANSION

- We made a commitment to use every tool available to defend B.C.'s interests - and we are approaching the situation thoughtfully and deliberately.
- Our first step was to appear as interveners in the Federal Court of Appeal hearing.
- We've also passed initial regulations to increase responsibility, transparency and accountability for those who move potentially dangerous liquid petroleum products through our province.
- And we are proposing new regulations that would do the following:
 - Require spill response to occur in a timely fashion;
 - Ensure appropriate responses are tailored to specific geography;
 - Require compensation for community impacts; and
 - Ensure provincial interests are protected in the event of marine spills;
- We are also confident in our right to protect B.C.'s environment, economy and coast from the consequences of a diluted bitumen spill.
- That is why B.C. is preparing to refer this constitutional question to the courts.
- We have said all along that we will defend B.C.'s interests and we are confident the Courts will confirm we have the jurisdiction to do so.
- We will continue to explore other legal ways to defend the economic and environmental interests of British Columbians against this unnecessary project.

If asked about permitting:

- Statutory decision makers continue to consider permit applications, in accordance with the legislative authority granted to them.
- When it comes to granting permits, we will hold the company's plans to the existing high standards of environmental protection and consultation with First Nations that British Columbians expect.

Background:

- Kinder Morgan's Trans Mountain Expansion Project was approved by the federal government with 157 conditions on November 29, 2016.
- A number of Aboriginal and citizen groups have initiated litigation regarding the federal approval.
- A provincial Environmental Assessment Certificate for the Trans Mountain Expansion Project was issued on January 11, 2017 with 37 legally-binding conditions.
- The Environmental Assessment Certificate requires Trans Mountain to develop various environmental management plans in consultation with the Province and Aboriginal groups.
- Judicial reviews challenging the issuance of the certificate have been commenced by the City of Vancouver and the Squamish First Nation.
- In May 2017, Trans Mountain announced it reached a final investment decision.
- The project requires approximately 1200 provincial permits, under various provincial acts, many of which require First Nation consultation. As of March 8, 2018, 197 permits have been issued in total.
- On August 10, 2017, the Province announced that Thomas Berger has been secured as external counsel to government in the legal action related to the pipeline. Mr. Berger is providing legal advice to government on the options for participation in legal challenges.
- On August 21, 2017, Thomas Berger filed an application for British Columbia to intervene in the Federal Court of Appeal regarding the Trans Mountain Pipeline Expansion Project.
- B.C. was granted intervener status and argued that the federal process failed to properly consider the profound economic risks associated with a bitumen spill on our coast.
- There are 16 legal challenges to the NEB report and federal Cabinet approval that were consolidated into the October 2017 hearing.

Ministry of Environment and Climate Change Strategy, January 2018

PROFESSIONAL RELIANCE REVIEW

Key Messages:

- We are conducting a review of B.C.'s professional reliance model because British Columbians should be assured that a strong, transparent process is in place that upholds the public interest and high environmental standards.
- As part of the review, we also held a public engagement process because the people of B.C. are entitled to have a say in how our natural resources are managed.
- We are also reviewing legislation and best practices in other jurisdictions, and I am expecting a final report later in the spring.

Background:

- On October 3, 2017, a review of B.C.'s professional reliance model was announced – the review was part of Minister Heyman's mandate letter as well as the Confidence and Supply Agreement.
- The review will assess the current legislation governing QPs in the natural resource sector, and the role their professional associations play in upholding the public interest.
- A public engagement process was held from Dec.1-Jan.19 which asked British Columbians to provide input about the role of qualified professionals (QPs) in the natural resource sector.
- Feedback collected from First Nations, the public, stakeholders, those who use QPs in both government and the private sector, professional associations, as well as QPs themselves will be considered, along with findings from a review of current legislation and best practices in other jurisdictions.
- The professions involved in the review include engineers, geoscientists, foresters, biologists, agrologists and applied science technologists.
- A final report is expected to be completed by spring 2018 with recommendations to inform the following:
 - Professional reliance use in the natural resource sector and in-house capacity.
 - Government oversight of QPs.
 - Development of an implementation plan with a timeline for tangible steps to increase public trust in government decisions

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GCPE ENV – CONFIDENTIAL ISSUES NOTE

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Species at Risk in B.C.

Key Messages

- We will bring in an endangered species law and harmonize other laws to ensure they are all working towards the goal of protecting our beautiful province.
- B.C. has the opportunity to be a leader in Canada with an effective and innovative approach to protecting and recovering endangered species.
- We will be engaging with Indigenous communities seeking their input and interest in species at risk policy development. A broad public and stakeholder engagement and consultation process will be launched in spring 2018.
- We are already working with the Federal Government, South Okanagan communities, and local First Nations to create a plan to protect the large number of species at risk in the South Okanagan, as a new national park reserve is established in that region.

Background

- Differences between federal expectations and provincial measures taken to-date on (Species at Risk (SAR) are creating uncertainty for First Nations, industry, and other stakeholders, resulting in delays in major project authorization decisions, and resulting in a loss of provincial and community revenue and stability.

Legislation for Species at Risk

- ENV and FLNRO have joint accountability for conservation of SAR and biodiversity in the province with ENV leading on policy, development of legislation, and science, and FLNRO leading on implementation of conservation actions.
- The Province has received public input on SAR and is reviewing its SAR plans.

GCPE ENV – CONFIDENTIAL ISSUES NOTE

- Policy development to enact an endangered species law is currently underway. Government will be consulting in 2018 with stakeholders, experts and Indigenous groups that will inform policy development.
- Input will be sought on how legislation can provide protection for species and their habitats across all sectors and land tenures; support positive conservation outcomes; better support ecologically sustainable development; and promote transparency in decision making.

CORE MESSAGING

Last updated: January 2018

Ministry of Environment and Climate
Change Strategy

BC PARKS

- British Columbia has one of the largest protected areas systems in North America.
- There are 1,033 provincial parks, recreation areas, conservancies, ecological reserves and protected areas covering more than 14 million hectares or approximately 14.4% of the provincial land base.
- BC Parks manages the third-largest parks system in North America behind the United States' National Park Service and Parks Canada.
- One of the largest park systems in the world, British Columbia has the highest percentage of its land base dedicated to protected areas of all provincial Canadian jurisdictions.
- B.C.'s provincial parks receive over 23 million visits each year.
- In 2017, more than 212,000 reservations were made through Discover Camping, with the majority of reservations (73%) originating from British Columbia.
- Only 2% of the land base in B.C.'s protected areas system has intensive facility development on site (e.g. campgrounds and day-use facilities, sewage water and electrical facilities, all buildings, roads and trails, parking lots, boat launches and marine facilities).
- Parking is free in all provincial parks.

Ministry of Environment and Climate Change Strategy, January 23, 2018

CAMPSITE EXPANSION

Key Messages:

- Our government is committed to increasing the number of BC Parks and forestry recreation campsites, and is continuing to develop previously approved new sites.
- In 2018, we anticipate the completion of more than 400 new campsites across B.C., subject to several factors, including weather.
- Planning work continues for the following years.

Background:

- In November 2016, the previous government announced \$22.9 million would be invested to add more than 1,900 new campsites over five years, as part of the BC Parks Future Strategy.
- More than 800 of the new sites will be in provincial parks, while more than 1,000 will be in recreation sites.
- In 2017, 375 new campsites in BC Parks and forestry recreation sites were built throughout the province.
- Planning for multi-year projects continues in 2018, with the bulk of campsites expected to be built in 2019 and 2020.

DISCOVER CAMPING RESERVATION SERVICE

Key Messages:

- We review the reservation service annually to ensure it functions as best as it can to meet the needs of British Columbians and visitors.
- Changes to the Discover Camping Reservation Service were implemented in January 2017 and have corrected the issues which surfaced in 2016.
- Public feedback to the changes has been very positive.

Background:

- In 2017, more than 212,000 reservations were made through Discover Camping.
- Of the approximate 10,700 campsites BC Parks manages, approximately 55 percent are reservable while 45 percent remain on a first-come, first-serve (FCFS) basis.
- In 2016, more than 187,000 reservations were made through Discover Camping, with the majority of reservations (approximately 72%) originating from British Columbia.
- Changes to the Discover Camping Reservation Service came into effect on Jan. 2, 2017, and included:
 - Eliminating the mid-March 'opening day' for reservations,
 - Extending the three-month rolling reservation window to four months,
 - New measures to prevent the reselling of reservations,
 - Restrictions around altering arrival dates to prevent the practices of overbooking, and
 - Implementing a pilot project in select parks to shorten the maximum length of stay during the peak camping season.
- Everyone is given access to the reservable campsite inventory at the same time. No one, including commercial operators, is given preferential treatment to reserve campsites and the system does not allow block campsite reservations.
- Less than one percent of the more than 187,000 bookings in 2016, were made by commercial operators. For the most part, these companies booked short stays of two days or less, with the majority occurring Sunday through Thursday. These operators play a small but important role in BC's tourism sector and help make BC Parks accessible for international visitors.

- Reservations are held until 11 a.m. the day after the scheduled arrival date. If the park is not notified of a late arrival, the site becomes available for others to enjoy.
- The Discover Camping reservation system has been in place since 1996.
- The Discover Camping reservation system is paid for through reservation fees. There is no cost to taxpayers and service charges remain at 1996 pricing.

PARKING ENFORCEMENT IN BC PARKS

Key Messages (General):

- Provincial parks along the Sea-to-Sky corridor have experienced exceptional growth in visitor numbers, leading to parking congestion and illegally parked vehicles.
- Public safety is paramount for BC Parks, and new parking policies are being put in place to ensure both safe and fair access for all.

Key Messages (Stawamus Chief, Murrin and Shannon Falls parks):

- BC Parks first implemented a tow-away policy at Stawamus Chief and Murrin parks in summer 2016.
- Illegally parked vehicles had been blocking access for emergency vehicles, creating a public safety risk.
- Phase two of the compliance action plan was implemented starting June 2017 and includes: implementing a tow-away policy at Shannon Falls Park and implementing a tow-away policy at Stawamus Chief Park for vehicles illegally camping overnight in the park parking lots.
- The Compliance Action Plan is now well underway and has proven an effective means to successfully manage parking challenges in those parks.
- Signs to warn visitors was posted on June 2, 2017; two weeks before the towing policy was implemented.

- Information has also been posted on the BC Parks website.

Background:

- At Stawamus Chief and Murrin parks, peak periods see visitors parking in unauthorized areas, including highway exits and access roads.
- Additional staff will be present for the first weekend when the towing plan is underway.
- BC Parks has reconfigured the Stawamus Chief parking lot to accommodate more vehicles, and continues to explore options to enhance the visitor experience.
- At Porteau Cove, parking congestion is further exacerbated by the unauthorized overnight parking of nearby cabin owners, who park their vehicles and boat trailers in the day-use area parking lot.
- These limited day-use spots are for day visitors, and overflow campers.
- Conflict arises when campers, who are required to pay \$12/night for a second vehicle, realize there are many others with vehicles parked overnight who are not required to pay.
- BC Parks implemented an overnight parking policy at Porteau Cove, to address overnight parking in the day-use parking lots by nearby recreational cabin owners.
- In June 2016, BC Parks sent letters to nearby recreational cabin owners to inform them of this new policy.
- This new policy ensures these parking spaces are available for day-users to access the park, as well as campers who are required to pay for a second vehicle.
- Parking stalls at the Divers and Pier parking lots have been designated for overnight parking. Limited passes are available for overnight vehicles of those not camping in the park.
- In June 2017, Phase Two of the compliance action plan to address parking issues in the Sea-to-Sky area was launched.

BC PARKS CAMPING FEES

Key Messages:

- There were no fee increases for the 2017 operating year.
- To maintain B.C. provincial parks for an increasing number of visitors, the Province raised camping fees between 2014 and 2016.
- No increases have been implemented since that time.
- While the fee schedule varies, the majority of provincial parks affected saw a \$1 or \$5 per night increase. In some cases, fees were decreased or eliminated altogether.

Background:

- In 2007, Treasury Board approved BC Parks' implementation of a fee structure which allowed the Minister to establish recreation user fees within ranges approved by the Treasury Board.
- Each year, BC Parks undertakes a routine review of its fees through a consultative process between Victoria, regional staff and the park operators.
- The fee changes for 2016, while informed by the annual review, were limited to those that strengthen the user pay model and move BC Parks closer to costs recovery, by focusing on those facilities currently operating in a deficiency.
- For 2016, BC Parks fee changes included 10 fee eliminations and 173 changes: two for mooring buoy usage, five for backcountry camping, 39 for group camping or picnicking, 110 for camping, 17 for winter camping,).
- The fee changes were estimated to provide an additional \$410, 000 towards offsetting increased operating costs resulting from increases visitation and upgraded capital investments.
- In 2016 alone, more than \$13-million was invested into facility and capital project in parks across B.C.
- Long-stay projects (fee discounts) provide opportunity to increase attendance and revenue in low-occupancy parks.
- In January 2015, the Province announced increased camping fees beginning in the spring season.
- At that time, it was the first system-wide increase since 2010.

- While the fee schedule varied, the vast majority of provincial campsites saw a \$2 per night increase, while others saw a slightly larger increase in price, to a maximum of \$5 per night.
- The increases come after years of investment delivering capital projects aimed at attracting young families, offering new recreation opportunities and increasing attendance in provincial parks.
- The new 2016 fees came into effect on March 15, 2016. Winter rates came into effect on July 1, 2016.

Ministry of Environment and Climate Change Strategy, January 23, 2018

BC PARKS RANGER NUMBERS

Key Messages:

- In November 2017, BC Parks hired 25 new senior park rangers, who will help enhance the park experience for visitors, as well as ensure regulations to protect parks are followed.
- Seasonal park ranger numbers vary, as their employment terms differ depending on the time of year.
- To date, there are up to 204 employees who have been granted the authority of a Park Ranger – 113 positions are regular, and 91 are seasonal.

Background:

- In addition to BC Parks staff, Park Operators employ approximately 700 staff. Some of these staff have compliance responsibilities within their park operating areas.
- Park rangers continue to work with Park Operators, local Royal Canadian Mounted Police, Conservation Office Service and enforcement staff in other ministries to deliver on priority compliance and enforcement projects.
- Park Rangers are also able to support outside park and protected areas as required or requested.
- The following table includes the number of BC Parks positions with Park Ranger authority, (seasonal and regular staff) from 1999/00 to 2017/18.

Number of BC Parks Positions with Park Ranger Authority – 1999/00 to 2015/16

Year	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08
Seasonal	168	156	172	117	99	99	124	121	121
Regular	103	103	104	97	94	77	77	77	77
Total Rangers	271	259	276	214	193	176	201	198	198

GCPE ENV – CONFIDENTIAL ISSUES NOTE

Year	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16
Seasonal	144	87	87	87	87	87	87	87
Regular	77	78	77	77	77	77	77	77
Total Rangers	221	165	164	164	164	164	164	164

Year	16/17	17/18
Seasonal	87	*91
Regular	77	**113
Total Rangers	164	204

**Actual number of seasonal positions with park ranger designation for 2017/18. Work terms vary from 3-10 months in duration.*

***Actual number of regular positions with park ranger designation for 2017/18.*

SOUTH OKANAGAN NATIONAL PARK RESERVE

Key Messages:

- The Province is engaging with Parks Canada, First Nations and stakeholders to establish a national park reserve in the South Okanagan, under federal jurisdiction.
- Planning discussions between the Province, federal government and the Okanagan Nation with respect to establishing a South Okanagan National Park Reserve are commencing.
- This partnership also represents a valuable opportunity to move forward on reconciliation, and to strengthen nation-to-nation engagement with the Okanagan Nation communities
- We will ensure interests – including ranching, hunting and tourism – are taken into consideration as we work towards establishing a national park reserve that contributes positively to local economies.

Background:

- In 2002, members of the local community and some First Nations approached Parks Canada with a proposal to establish a national park reserve in the South Okanagan-Lower Similkameen region.
- In October 2003, Canada and BC signed a Memorandum of Understanding to study the feasibility of establishing 3 new federal protected areas in B.C, including a potential national park reserve in the South Okanagan-Lower Similkameen.
- In 2004 a study to assess the feasibility of a national park reserve in the South Okanagan was initiated. The feasibility study included two rounds of broad public consultations in 2004 and 2006, community forums in 2007 and extensive meetings and consultations with affected stakeholders. The feasibility study also included a socio-economic impact assessment, and an analysis of potential land use conflicts, in order to determine whether a national park reserve is feasible and desirable.
- The proposed national park reserve boundary originally encompassed approximately 650 km² in the region around Osoyoos, Oliver and Keremeos. In response to feedback during public

consultations, the proposed boundary was reduced to approximately 284 km² centred on existing provincial (93 km²) and federal (10 km²) protected areas. An additional 83 km² of multi-use Crown land was proposed for transition to protection under the national park reserve. 98 km² of private lands were included in the concept boundary, but private land would only be added to the national park reserve on a willing seller–willing buyer basis.

- In 2010, senior officials representing B.C. and Canada agreed that the feasibility study, with the exception of First Nations elements, was substantially complete, and that the proposed national park reserve in the South Okanagan–Lower Similkameen was feasible.
- In January 2011, Government determined that the province would not proceed with establishment of the national park reserve at that time due to continued local opposition to the proposal. This information was communicated to the public beginning in December 2011.
- After initial opposition to the feasibility study and to the national park reserve proposal, the Okanagan Nation Alliance and its member bands decided in 2010 to resume participation in the feasibility study. On February 6, 2012, the Okanagan Nation Alliance issued a press release urging the governments of Canada and British Columbia to “revisit their premature and hasty decision to abandon the South Okanagan Park proposal until full consultations have taken place with the First Nations”.
- Since 2012, several regional and municipal governments, chambers of commerce, tourism organizations and local businesses have passed resolutions or have written to or met with the Minister of Environment requesting that the Government of B.C. re-engage in discussions on the national park reserve.
- In Nov. 2014, the Minister of Environment followed up on a commitment made in July 2014 and met with First Nations. This was followed by meetings with area stakeholders on land use objectives for the area including environmental protection, tourism development and outdoor recreation.
- A subsequent meeting in April 2015 with First Nations continued to explore aboriginal interests in the area and identify opportunities for First Nations and the province to work more closely together regarding land management in the future. Discussions with member bands of the Okanagan Nation, including the Osoyoos Indian Band, Lower Similkameen Indian Band and the Penticton Indian Band, have continued and will continue as the intentions paper process moves forward.
- On August 13, 2015, the Province released for public feedback an intentions paper proposing how land might be protected in the South Okanagan.
- The plan described objectives for these three distinct areas. Area 2, was to be targeted for protection as a conservancy under provincial legislation, the *Park Act*. The remaining two areas, Area 1 and Area 3, were to be the subject of discussion among the Province, the three Okanagan Nation communities and Parks Canada for possible inclusion in a South Okanagan National Park Reserve.
- The release of the intentions paper generated 3,460 responses. The comments varied in detail and presentation and, while some respondents directly followed the seven question format outlined in the intentions paper, the majority of submissions used the release of the intentions paper as a platform to reinforce perspectives on the question of whether the South Okanagan was a suitable candidate for a national park reserve.
- The summary report of comments received was posted to the BC Parks website on May 19, 2016. www.env.gov.bc.ca/bcparks/planning/pdfs/consultation-summary-so-ip.pdf

- On January 27, 2017, the Province announced the proposal for South Okanagan land protection was moving forward with the support from the three Okanagan Nation communities most affected by the proposal. Also at this time, the federal Minister expressed interest in considering the proposal.
- The Province is now prepared to consider a larger national park reserve in the South Okanagan, similar to that being considered in 2010.
- A Canada/BC Steering Committee is tentatively proposed for some time in September and this proposal will be on the agenda to move discussions forward for a new national park reserve.
- On April 8, 2015, the South Okanagan-Similkameen National Park Network issued a news release about a poll which showed support for a national park has increased significantly over the past five years by local individuals, as well as activity groups such as hunters and snowmobilers.
- The poll, conducted by McAllister Opinion Research in March 2015, found 69% of area residents favour a national park, while 21% oppose. This is up from the last poll in 2010 that found 63% of residents supported the park while 26% opposed.
- This poll also found 79% of ranching and farming households and 67% of households that participated in activities like ATVing and snowmobiling supported a national park proposal.
- The poll consisted of 501 phone interviews from the ridings of Boundary-Similkameen and Penticton, as well as the Regional District of the South Okanagan-Similkameen.

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CORE MESSAGING

Last updated: January 2018

Ministry of Environment and Climate
Change Strategy

CONSERVATION OFFICER SERVICE

- The Conservation Officer Service provides the highest level of public safety and natural resource law enforcement service possible around the province.
- Staffing levels remain on par with previous years.
- Many communities across the province are served by conservation officers through zone coverage practices, where officers respond to complaints and concerns anywhere in the zone.
- Conservation officers today are equipped with the latest technology that allows them to spend more time in the field than ever before.
- Over the last 20 years, the number of conflict reports regarding black bears more than doubled, yet the number of bears destroyed by conservation officers over the same time steadily fell, by nearly half.
- The 24/7 Report All Polluters and Poachers (RAPP) reporting centre receives over 30,000 calls annually regarding human-wildlife conflict.

Page 03 to/à Page 04

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LARGE CARNIVORE PROCEDURE

Key Messages:

- The COS procedure on large carnivores underwent a review, beginning in early 2015.
- The revised procedure includes the following key changes:
 - adding bear and cougar conflict response matrices;
 - limiting long-distance translocation as an option for conflict response, with the exception of threatened populations of grizzly bears;
 - Clarifying response guidelines for black and grizzly bear cubs, and
 - Removing standard of care guidelines for orphaned bears, which will now be captured in separate guidance documents.
- A review of scientific literature indicates that long distance relocation is an ineffective technique to deal with wildlife conflicts.
- Relocated wildlife often fail to adapt to their new habitat, and as a result, make long distance movements, may starve, be struck by vehicles, predated upon, or return to their original area or other community and continue the conflict behaviour.
- Animals habituated to humans or conditioned to non-natural food sources have never been considered candidates for relocation by the COS.
- The most effective way to protect and conserve wildlife is to prevent human-wildlife conflicts from happening in the first place.

- As a last resort, conservation officers use lethal means to deal with problem wildlife.

Background:

- On September 6, 2016, a Victoria Times Colonist article stated “B.C. will no longer relocate large carnivores long distances once they have been in conflict with humans or habituated to human food. Instead, an updated ministry procedure says the animals will be destroyed if aversion measures to promote fear of people cannot be implemented.”
- The article discussed how the new procedure may have likely stemmed from the “furor” the Province experienced when a conservation officer disobeyed an order to kill two bear cubs in July 2015.
- The article also discusses how there is “no preventative action required between receiving a conflict call and use of lethal force by officers.”

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COS ENFORCEMENT LEVELS

Key Messages:

- Conservation officer staffing levels have remained stable over the years, but the service has evolved with new tools and capabilities.
- The number of tickets issued is one statistical measure; not an accurate reflection of the workload of the Conservation Officer Service. COS investigations can be lengthy and complex.
- Conservation Officers have many options when dealing with violations. Those options include warnings, tickets, court prosecutions, and many new and emerging options such as restorative justice and administrative penalties.
- Through public education and outreach, including promotion of the COS RAPP line, the public has become more cognizant of their actions.
- Public safety is the priority of the COS, which includes handling human-wildlife conflicts.
- Conservation officers today are equipped with the latest technology that allows them to spend more time in the field than ever before.
- Using mobile technology, including laptops and iPhones, together with access to various law enforcement databases, conservation officers spend more time in the field.

- Conservation officers respond to calls as needed, using zone coverage practices.

Background:

- On Sept. 21, 2015 a West Coast Environmental Law article by Andrew Gage called ``Is BC's environmental enforcement plummeting because conservation officers are stuck at their desks?`` called into question CO staffing levels and declining ticket numbers over the years.
- The article referenced a report by the Society of BC Conservation Officers, showing that the number of conservation officers who were actually out in the field has dropped by about 1/3 between 2001 and 2012.
- The report also included a graph of five-year averages of enforcement action – specifically, the number of tickets – from 1990 to 2013.

Ministry of Environment and Climate Change Strategy, January 23, 2018

COS FOI – Bear Rehabilitation

Key Messages:

- The comments in question reflect personal opinions from individual employees.
- Bear rehabilitation is a sensitive issue, and there are different opinions.
- The Province's policy is clear, and it is being followed.
- Bear cubs which are deemed suitable candidates --they are healthy, and not conditioned to non-natural food or humans -- are taken to a rehabilitation centre.

Background:

- An FOI, MOE-2007-72106, submitted by an individual, requests: *Regarding the Conservation Officer Service's dangerous wildlife relocation policy, instructions, guidelines, and rules, believed to be in the possession of Gordon Hitchcock, David Airey, Chris Doyle, Doug Forsdick, and the Deputy Minister's Office, specifically: Instructions provided to staff on officer authorities to kill wildlife; Instructions to staff pertaining to the relocation of dangerous wildlife, including bear cubs of year; Guidelines or rules used by the Conservation Officer Service in the decision to kill an animal; Legal advice pertaining to the rules or guidelines of when an officer may kill an animal in the course of their duties; Records, including but not limited to, email correspondence and text messages to staff and named officers; Official policy manuals and directives.*
- The FOI contains 106 pages of records include messaging, estimates notes and email correspondence between conservation officers and other ministry employees.
- Comments included in the correspondence surround confusion at the bear rehabilitation policy, a perceived lack of direction from the province, and whether or not bear cubs should be rehabilitated at all.
- This includes correspondence between wildlife conflicts manager Mike Badry and CO Terry Myroniuk.
- For example, pages 95 – 97 discuss the policy of rehabilitating bear cubs, and include comments from CO Myroniuk: "The elephant in the room is whether bear cubs should go to rehab at all...I know our wildlife biologists do not agree with it...I think we only do it in B.C. to appease the public, not because it is the right thing to do for the wildlife involved," and "I

understand the new policy has been in the works for some time now. Hopefully it will be clear (and followed) to prevent the inconsistencies that are currently occurring in the province.”

- On page 95, human-wildlife conflict prevention co-ordinator Mike Badry replies, writing in part: “I think you know that if it were my decision we wouldn’t have rehab at all. It does not serve a conservation purpose for any species, and the animal welfare benefits of being raised in a cage before being released back into the wild are questionable at best,” and “that said, the Province has decided that rehab for bears and other wildlife will be permitted, so we have to develop procedures and standards that make sense both socially and biologically, but it’s a tricky balance.”
- On page 42, a CO states “it would be great if FLNRO and the Service could come to a decision on rehabbing bears. Either we are doing it or we aren’t. The dichotomy of the current situation where we are rehabbing in some cases and euthanizing in others makes us look really bad, and puts officers in a stressful and potentially dangerous situation....it seems to be risk managed and the risks are falling on the officers.”
- Some correspondence discusses confusion around a cougar relocation policy.
- Please note a related IN – Large Carnivore Procedure – deals with the updated carnivore policy as referenced in this FOI.

HUMAN-BEAR CONFLICTS

Key Messages:

- 2017 was a relatively average year for levels of human-bear conflicts.
- The spring saw very high conflict levels, likely due to poor food availability in the fall prior to denning.
- Food availability later improved and conflict levels during summer and fall were very low in comparison to previous years.
- In 2015, the COS Large Carnivore Procedures were updated to include limits on long-distance translocation as an option for conflict response, with the exception of threatened populations of grizzly bears.
- This change was based on a review of scientific literature which indicates that long distance relocation is an ineffective technique to deal with wildlife conflicts.
- Relocated wildlife often fail to adapt to their new habitat, and as a result, make long distance movements, may starve, be struck by vehicles, predated upon, or return to their original area or other community and continue the conflict behaviour.
- Animals habituated to humans or conditioned to non-natural food sources have never been considered good candidates for relocation by the COS.
- The most effective way to protect and conserve wildlife is to prevent human-wildlife conflicts from happening in the first place.
- As a last resort, conservation officers use lethal means to deal with wildlife conflict that presents a risk to public safety.

Background:

- On September 6, 2016, a Victoria Times Colonist article stated “B.C. will no longer relocate large carnivores long distances once they have been in conflict with humans or habituated to human food. Instead, an updated ministry procedure says the animals will be destroyed if aversion measures to promote fear of people cannot be implemented.”
- The article discussed how the new procedure may have likely stemmed from the “furor” the Province experienced when a conservation officer disobeyed an order to kill two bear cubs in July 2015.
- The article also discusses how there is “no preventative action required between receiving a conflict call and use of lethal force by officers.”

COS STAFFING

Key Messages:

- The Conservation Officer Service (COS) is a dynamic, evolving compliance and enforcement organization and much has changed and improved over the years.
- Enhancements to their equipment and use of technology have further enhanced their mobility and responsiveness.
- Many communities across the province are serviced by conservation officers through zone coverage practices, where officers respond to complaints and concerns anywhere in the zone.
- CO staffing levels currently remain on par with prior years at 148 officers, and additional conservation officers will be hired.
- Conservation officers are located in 45 COS offices in eight regions across the province.
- For law enforcement and security reasons, the COS does not specify the number of officers in a particular area.
- With expanded investigative intelligence analysis capabilities, covert operations and a major investigations unit, the service will continually evolve working practices, approaches and partnerships to deliver our mandate of protecting British Columbia's environment and natural resources into the future.

Background:

- May 5, 2015 the Province ran an article by Dan Fumano entitled "Are B.C. conservation officers becoming an endangered species?"
- In this piece, the reporter quotes a retired CO and BCGEU president, and references two reports – one from June 2011 by the Chief Conservation Officer at the time entitled Conservation Officer Service Enforcement Resourcing Model Proposal and one by West Coast Environmental Law Association.
- The Conservation Officer Service (COS) works in partnership with the Provincial Emergency Program. The Report All Polluters and Poachers (RAPP) call centre receives over 4,000 violation reports and approximately 30,000 calls regarding human-wildlife conflicts annually.
- The COS uses a zone deployment approach – responding to concerns throughout a geographic zone regardless of an officer's point of assembly. During the peak period (June 1 to Oct. 31) the call volume exceeds Conservation Office capacity and requires more stringent prioritization in response to calls. At times, officers from other geographic areas are deployed to assist in areas experiencing extreme call demand. This creates gaps in service at the base locations of the deployed officers.
- The COS is currently not able to fill all its vacancies due to a budget shortfall.

CORE MESSAGING

Last updated: January 2018

Ministry of Environment and Climate
Change Strategy

CARBON NEUTRAL GOVERNMENT

- B.C. is the only carbon neutral province, territory or state on the continent.
- We are supporting other jurisdictions with the development of their own carbon neutral government programs, including Yukon, Washington State, Manitoba and Ontario.
- Government's carbon neutral capital investments help to expand market capacity for energy efficient products and services, support proof-of-concept projects, encourage the development and broader adoption of clean technologies, and turn energy savings into cost savings that can be reinvested in public services such as health care and education.
- For every 1% improvement in energy efficiency, B.C.'s public sector organizations save about \$4 million annually in fuel costs.

Carbon-Neutral Actions

- Established in 2012/13, the Carbon Neutral Capital Program will have allocated \$68 million by the end of March 2018 to help schools, hospitals, colleges and universities with projects and initiatives to cut emissions and energy costs. These allocations have generally been equal to or greater than the offsets they purchase annually.

- B.C. is building schools, hospitals and all other new public sector buildings/facilities, to achieve a minimum of Leadership in Energy and Environmental Design (LEED®) Gold certification or equivalent.
- Between fiscal 2010/11 and 2017/18, the Province will also provide school districts with approximately \$35 million in carbon tax reimbursements.

B.C. Climate Action Charter

- The Province and Union of B.C. Municipalities established the voluntary B.C. Climate Action Charter in 2007.
- 98% of local governments (187 of 190) have signed the Charter, which commits local governments to:
 - Be carbon neutral in their corporate operations.
 - Measure and report their community-wide GHG emissions.
 - Create complete, compact and energy efficient communities.
- The Province supports their efforts by returning 100% of carbon tax dollars to reporting Charter signatory local governments to help them achieve charter goals.

CORE MESSAGING

Last updated: January 2018

Ministry of Environment and Climate
Change Strategy

CLIMATE ACTION AND LEADERSHIP

- A sustainable, clean growth economy is essential to creating good jobs and growing the economy, while also reducing carbon pollution and protecting the environment for British Columbians.
- We recognize the challenge in front of us to reduce greenhouse (GHG) emissions and are taking meaningful steps to tackle this issue while at the same time investing in a sustainable economy.
- By law, we are required to reduce GHG emissions by 80% from 2007 levels by 2050.
- We know serious work is needed to accomplish this emissions reduction which is why we are already taking real leadership on the climate file.
- For example, our government will introduce a legislated target of 40% by 2030 to give us a benchmark on the way to the 2050 target.
- Additionally, we will establish sectoral targets and plans for the built environment, industry and transportation sectors.
- We are also implementing a carbon tax increase of \$5 per tonne per year until 2021, beginning April 1, 2018.
- And we are working with industry and the Federal Government to address the competitiveness of emissions-intensive trade-exposed sectors, to help them reduce their emissions and continue to thrive.
- Underscoring these actions, is the appointment of the new Climate Solutions and Clean Growth Advisory Council which is advising

government on how to achieve our climate objectives efficiently and effectively while growing our clean economy and helping British Columbians come out ahead.

- With their advice and feedback we will prioritize and gradually introduce new climate actions to ensure we get on course to achieve our climate commitments.
- The strategy will evolve over time and various policies and measures will be announced and implemented over the coming months and years. We want to make sure it is a strategy that works for British Columbians.

Clean Growth Economy

- We are committed to building a strong, sustainable, innovative economy – one that works for people, creating jobs for British Columbians in every corner of the province.
- Government of Canada remains committed to its contribution under the historic Paris Agreement, and B.C. supports that commitment.
- B.C. is already making progress on emissions reductions compared to many other jurisdictions. Federal numbers show B.C.'s per-capita GHG emissions at 13 carbon dioxide equivalent tonnes (CO₂e). The national average is 21 tonnes CO₂e.
- We can further reduce our emissions by investing in initiatives and infrastructure that will create new climate solutions, jobs and a clean economy – like investing in transit, energy efficiency and clean technology that will reduce our dependence on fossil fuels.

Climate Change Strategy and Action

- The B.C. Government has committed to actions spanning the province's transportation and industrial sectors, along with the built environment and government operations.
- These actions will reduce B.C.'s net annual GHG emissions by up to 25 million tonnes below current forecasts by 2050 and create up to 66,000 green jobs over the next ten years.
- Many of these actions are underway across key areas where emissions are created, including:
 - Expanding the Clean Energy Vehicle program to support new vehicle incentives, infrastructure and outreach
 - Making commitments to match federal investment in new transit projects
 - Setting a target for buildings to be net-zero ready by 2032, and
 - Targeting sequestration and economic opportunities in our forests
- B.C.'s new Climate Solutions and Clean Growth Advisory Council will provide a sounding board to continue building on this work and take further action to reduce our emissions to reach our climate targets.
- And we have made investments in clean technology through such mechanisms as B.C.'s Innovative Clean Energy (ICE Fund), and community and First Nations clean energy funds, while driving change through standards for our buildings, equipment and low carbon fuels.

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CARBON TAX

Key Messages

- We will increase the carbon tax by \$5 per tonne per year, beginning April 1st.
- We will reach \$50 per tonne in 2021, a year before required by the Federal approach.
- We will create a new climate action rebate cheque for low and middle income families with a vast majority of British Columbians receiving more back from this rebate than they pay in new carbon taxes.
- The Province is investing \$40 million per year to support British Columbians by enhancing the Low-Income Climate Action Tax Credit.
- The higher price on carbon will help to put the province on a path towards meeting B.C.'s legislated 2050 greenhouse gas emission (GHG) reduction target of 80 per cent below 2007 levels, and a new legislated 2030 reduction target.
- We will provide certainty to stimulate investment and protect trade exposed businesses, maintaining our competitiveness, by establishing separate sectoral reduction goals and sectoral reduction plans for transportation, industry, and buildings and homes.

- We will work also with the Federal Government on assessing the best approaches to address the competitiveness of emissions-intensive trade-exposed sectors.

Background:

- The carbon tax was implemented on July 1, 2008 and applies to the purchase and use of fuels in B.C., covering about 70% of provincial emissions.
- The tax was introduced at \$10/tonne in 2008, and increased \$5 each year until it reached the final scheduled increase at \$30/tonne in 2012.
- In 2013, Government committed to freezing the carbon tax at \$30 per tonne for five years.
The carbon tax puts a price on carbon emissions to:
 - Encourage individuals and businesses to use less fuel and reduce their greenhouse gas emissions;
 - Send a consistent price signal;
 - Ensure those who produce emissions pay for them; and
 - Make clean energy alternatives economically attractive.
- Analysis indicates the economic impact of British Columbia's carbon tax varies by industry, and some industries are more impacted than others.
- As part of the Pan-Canadian Framework on Clean Growth and Climate Change, Canada announced a federal carbon price beginning in 2018:
 - For jurisdictions with an explicit price-based system, the carbon price should start at a minimum of \$10 per tonne in 2018 and rise by \$10 per year to \$50 per tonne in 2022.
 - Provinces with cap-and-trade need (i) a 2030 emissions-reduction target equal to or greater than Canada's 30 percent reduction target and (ii) declining (more stringent) annual caps to at least 2022 that correspond, at a minimum, to the projected emissions reductions resulting from the carbon price that year in price-based systems.
- The overall Federal approach will be reviewed by early 2022 to ensure that it is effective and to confirm future price increases. An interim report will be completed in 2020 which will be reviewed and assessed by First Ministers.

Ministry of Environment and Climate Change Strategy, January 2017

CLIMATE CHANGE IMPACTS & ADAPTATION

Key Messages

- Our government understands the needs to better prepare for, and adapt to, climate change. We are taking action to ensure B.C.'s economic, environmental and social interests are protected now and for future generations.
- The Province will support mitigation efforts that reduce emissions along with adaptation efforts that reduce emissions while taking advantage of new opportunities.
- We have already taken the first steps towards stronger climate action with the formation of a Climate Solutions and Clean Growth Advisory Council.
- The Council provides advice on actions and policies to reduce carbon pollution and create good jobs in a sustainable economy.
- B.C. is working with other sub-national jurisdictions world-wide through the Pacific Coast Collaborative, the International Alliance to Combat Ocean Acidification and the Regions Adapt initiative. We need to better understand the impacts of climate change on our region, including ocean acidification, resilience and disaster risk reduction.
- We know more work is needed and will continue to ensure investments in infrastructure and programs and our management of natural resources address current climate hazards and anticipate future climate risks.

Background:

- Reports by the Intergovernmental Panel on Climate Change (IPCC), U.S. Global Change Research Program and Natural Resources Canada (NRCan) emphasize that climate change is already impacting North America.
- The reports also emphasize that additional impacts to our natural environment, economic prosperity and the health of British Columbians are inevitable - even with aggressive efforts to reduce greenhouse gas emissions. Further action on adaptation will be required to manage these risks.
- Key elements of British Columbia's approach to adapting to climate change include:
 - Completing climate change assessments for the agriculture, forestry, mining, hydroelectricity, and oil and gas sectors identify climate-related risks and actions that can help these sectors prepare for climate change. For example, the agriculture sector, as a result of their assessment, is now focussing on developing and implementing multi-partner regional adaptation strategies in key agricultural areas (Cowichan, Delta, the Peace, the Cariboo, the Fraser Valley, and the Okanagan).
 - Working with other jurisdictions as part of the Pan-Canadian framework to adapt to current and future climate impacts that help protect British Columbians from climate change risks, build resilience, and reduce costs.
 - Working with other sub-national jurisdictions internationally through the Pacific Coast Collaborative, the International Alliance to Combat Ocean Acidification and the Regions Adapt initiative to better understand impacts of climate change on our region, including ocean acidification, resilience and disaster risk reduction.
 - Supporting financially, via an endowment at the University of Victoria, the Pacific Climate Impacts Consortium, a regional climate service centre that supports adaptation by providing projections of future climate conditions for B.C.
 - Improving hydrological monitoring (climate, snow, surface water, and groundwater) to provide better data to support decision-making for drought, flood, infrastructure planning, environmental flow needs, and ecological modelling.
 - Providing guidance on sea dike design and coastal development to enable local governments and qualified professionals to protect people, buildings, and infrastructure from sea-level rise.
 - Providing guidance on tree species selection and reforestation to ensure forests are resilient to future damage.

Ministry of Environment and Climate Change Strategy, January 2018

Climate Solutions and Clean Growth Advisory Council

Key Messages

- Our government is providing real leadership to protect our environment and invest in a sustainable economy for the future for British Columbians.
- This is why we formed a Climate Solutions and Clean Growth Advisory Council to help get our province on track to meet our climate goals.
- The Advisory Council includes members from First Nations, industry, environmental organizations, labour, academia and local government.
- The Advisory Council provides strategic advice on areas of focus for climate action that go hand in hand with economic growth and job creation.
- As part of its mandate, the Advisory Council will review and publicly report on government's progress towards meeting legislated carbon pollution reduction targets and maximizing job and economic opportunities.

Background:

- As per the Minister's mandate letter, the Climate Solutions and Clean Growth Advisory Council (CSCG Advisory Council) was established within the government's first 100 days in office on October 23rd, 2017.
- The CSCG Advisory Council is a consultative advisory group with a mandate to:
 1. Provide advice to government on actions and policies that can contribute to carbon pollution reductions and optimize opportunities for sustainable economic development and job creation.
 2. Provide advice and feedback to the Climate Action Secretariat on how to enhance potential benefits and mitigate potential impacts of government's climate policies to ensure sustained economic prosperity and social equity.
 3. Provide advice on implementing the recommendations of the 2015 Climate Leadership Team.

- The CSCG Advisory Council is a permanent body that:
 1. Reports to the Minister of Environment and Climate Change Strategy.
 2. Has appointments that last two years and are renewable.
 3. The Minister of Environment and Climate Change Strategy has discretion to appoint new members, and there will be no provision for alternate members.
- The CSCG Advisory Council had its initial meeting December 2017 and is working to identify priority areas for advice to government. The council meets on a quarterly basis each year, at a minimum.
- As part of its mandate, the CSCG Advisory Council will review and publicly report after one year and every two years after that, government's progress towards meeting legislated carbon pollution reduction targets and maximizing job and economic opportunities.

Greenhouse Gas Emissions Increase

Key Messages:

- The fact B.C.'s greenhouse gas levels are increasing shows we need to do better in tackling climate change.
- We recognize the challenge and are taking meaningful steps to tackle this issue while at the same time investing in a sustainable economy:
 - We have established a Climate Solutions and Clean Growth Advisory Council to provide strategic advice climate action that goes hand in hand with economic growth and job creation.
 - We will introduce a legislated target for 2030 of a 40% reduction in carbon emissions. We will establish sectoral targets and plans for the built environment, industry and transportation sectors.
 - We are increasing the carbon tax by \$5 per tonne annually, beginning April 1, 2018.

Background:

- Media reports have indicated that the Province has tried to bury the results of the latest 2015 greenhouse gas inventory. This was also identified by the Sierra Club.
- As per standard practices, the ministry recently posted the 2015 greenhouse gas (GHG) inventory emissions data online which shows emissions were higher in 2015 than 2010 and have risen in four of the last five years.
- Additionally, the Province is working with industry and the federal government to address the competitiveness of emissions-intensive trade-exposed sectors, to help them reduce their emissions and continue to thrive.

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Federal GHG Inventory

Key Messages:

- The Province has a made-in-B.C. process to determine scope and benchmarks by which to set climate change policy.
- The data contained in this report does not incorporate all of B.C.'s GHG reduction actions – such as emissions reductions from carbon offsets in the forest sector.
- This is not the final data used to assess B.C.'s progress; we use the federal inventory as one piece of information when we calculate B.C.'s provincial GHG inventory and targets.
- We recognize the challenge and are taking meaningful steps to tackle GHG emissions while at the same time investing in a sustainable economy:
 - We have established a Climate Solutions and Clean Growth Advisory Council to provide strategic advice climate action that goes hand in hand with economic growth and job creation.
 - We will introduce a legislated target for 2030 of a 40% reduction in carbon emissions. We will establish sectoral targets and plans for the built environment, industry and transportation sectors.
 - We are increasing the carbon tax by \$5 per tonne annually, beginning April 1, 2018 through to 2021.
- We look forward to the final report in the spring, and we will continue to collaborate with the federal government on the methodology used to calculate GHG emissions.

Background:

- Typically, ECCC releases the NIR tables and the methodology in mid-April and does not seek any comments.
- For the first time this year, Environment and Climate Change Canada (ECCC) is planning an early release of draft GHG inventory data for a 30-day public comment period before publishing the final NIR GHG data and methodology in mid-April. This GHG inventory data is for the year 2016: one of B.C.'s interim target years under the original Climate Action Plan.
- The ECCC comment period will take place between February and March, 2018 (exact dates to be determined); the following documents will be made available:
 - Preliminary GHG emission data tables covering 1990-2016 at the National, Provincial and Territorial levels by both IPCC and Economic Sectors
 - Draft chapters of the National Greenhouse Gas Inventory Report (2016 NIR), including the Executive Summary, Chapter 2 (Greenhouse Gas Emission Trends), and Chapter 8 (Recalculations and Improvements)
- This year's draft NIR data indicates that B.C. GHG emissions have risen again; and they have risen for 5 out of the past 6 years.
- ECCC has revised their methodology for the 2016 calculations, which has prompted a revision of the GHG inventory data retroactive to 1990.
 - The entire NIR inventory (1990-2016) has been back-casted downwards.
 - As the full methodology used to calculate the NIR 2016 is not available for comment yet, it is difficult to determine any methodological concerns.
- In past years, ECCC has posted the methodology document alongside the data tables in the full NIR release in mid-April.
- This year, the public is being asked to provide comment on draft data without the methodology used to arrive at the dataset.
- Without the methodology document to provide context on the NIR GHG emissions, the B.C. Ministry of Environment and Climate Change Strategy is concerned the public will be asked to comment on incomplete information. The draft version of the federal data released in advance of the final report does not provide detailed provincial context but broadly describes changes to the data. They do not entirely reflect B.C.'s GHG emissions profile.
- B.C. reviews the federal NIR data and recalculates certain line items if it believes more accurate data is available. B.C. also includes afforestation and deforestation emissions data as part of its provincial GHG emissions.

Communications Contact:	Victoria Klassen Jeffery	778 698-8162
Program Area Contact:	Neil Dobson/ Tim Lesiuk	778 698-4064/ 778 698-4039

Methane Reduction Strategy

Key Messages

- Our government acknowledges the need to reduce all greenhouse gas emissions, including methane emissions.
- Methane emissions generated from the waste and agriculture sectors are addressed through provincial regulations and policies.
- We have made a commitment to reduce fugitive emissions in the oil and gas sectors.

Background:

- Methane is the main component of natural gas and is twenty-five times more potent as a greenhouse gas (GHG) than carbon dioxide.
- By reducing or capturing intentional releases, and by avoiding inadvertent emissions, facilities can either sell the non-emitted methane or benefit from its use.
- Methane makes the second-largest contribution to B.C.'s greenhouse gas (GHG) emissions, contributing 10.6 million tonnes of carbon dioxide equivalent (CO₂e) to the Province's total annual emissions.
- Key sources of methane in British Columbia are the oil and gas, waste, agriculture and coal mining sectors.
- In March, 2016 Canada and the United States agreed to cut methane emissions in their oil and gas sectors by 40 to 45%. In June, 2016 Mexico also agreed to this target.
- The federal government released draft regulations in June 2017 outlining their regulatory approach to achieving the methane reduction commitment. The final regulation is expected in 2018 and will be phased in – requiring action from industry by 2020 and being in full effect by 2023.
- Outside the oil and gas sector methane emissions are managed through the following:
 - Landfill gas methane emissions are managed through the Landfill Gas Management Regulation which covers landfills that emit more than 1,000 tonnes of methane annually and requires a landfill gas management system meeting a design standard of 75% reduction of methane emissions.

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- Agriculture methane emissions are managed through a Nutrient Management Program which will demonstrate best practices to reduce fertilizer use and methane emissions –this is expected to lead to a 100,000 tonne reduction in GHG emissions.

Collaborative Report from Auditors General

Key Messages

- Our government will provide real climate leadership to grow a sustainable economy for British Columbians.
- We will support mitigation efforts to reduce emissions, along with adaptation efforts to respond to the effects of climate change.
- We have accepted the B.C. Auditor General's recommendations in the B.C. report and will ensure their intent is achieved.
- This collaborative report reaffirms that climate change is a significant global challenge that requires close collaboration across all levels of government.
- The scope of the collaborative report in some cases dates back to 2006. Since 2016, jurisdictions have made important progress toward advancing action on climate change, and notable recent developments are not captured in the underlying audits.
- Federal, provincial, and territorial governments acknowledge the issues and recommendations in the report and have already addressed many of them.
- Our government has taken step towards a stronger climate action with the formation of the Climate Solutions and Clean Growth Advisory Council.

- The Advisory Council will provide strategic advice to government on actions and policies to reduce carbon pollution and create good jobs in a sustainable economy.

If asked about BC audit results with respect to other jurisdictions:

- For the collaborative report, the auditors in individual jurisdictions worked independently in completing their audits with varying objectives, lines of enquiry and criteria over a number of years.
- Meaningful comparisons between the jurisdictions and their individual audit findings cannot be made as no recalibration or adjustments have been made to individual jurisdictional audit findings.

Background:

- Perspectives on Climate Change Action in Canada—A Collaborative Report from Auditors General was released March 2018 http://www.oag-bvg.gc.ca/internet/English/parl_otp_201803_e_42883.html

Key issues identified in audits of climate change action in Canada:

- Canada's auditors general found that most governments in Canada were not on track to meet their commitments to reducing greenhouse gas emissions and were not ready for the impacts of a changing climate.
- On the basis of current federal, provincial, and territorial policies and actions, Canada is not expected to meet its 2020 target for reducing greenhouse gas emissions.
- Meeting Canada's 2030 target will require substantial effort and actions beyond those currently planned or in place.
- Most Canadian governments have not assessed and, therefore, do not fully understand what risks they face and what actions they should take to adapt to a changing climate.
- There was limited coordination of climate change action within most governments."

British Columbia mentions:

- **(On GHG reporting)** “The federal government produces annual estimates of greenhouse gas sources and sinks in its National Inventory Report In British Columbia, the provincial government compared the numbers in the National Inventory Report with those in provincial reporting and replaced data that was inconsistent.”
- **(On Carbon Sinks)** “British Columbia’s 2016 Climate Leadership Plan included enhancing the carbon storage potential of the province’s forests as a key action item.”
- **(On Climate Plans):**
 - Positive finding: In August 2016, the government released the Climate Leadership Plan, which outlined the government’s planned actions to reduce emissions.
 - Negative finding: The plan did not build a clear and measurable pathway to meeting the province’s emission reduction targets.
 - Negative finding: The mitigation plan did not include a clear schedule for carrying out actions or detailed information about implementation.
- **(On adaptation)** Overall, the response by provinces is “ad hoc.” “...the Government of British Columbia assessed the risks to specific sectors, such as mining and agriculture. However, without a government-wide assessment, governments cannot prioritize and assign resources to manage risks efficiently.”
- **(On assessing risk)** “In British Columbia, the risk assessments that were completed all had different methodologies and approaches, leading to a lack of comparability or understanding of how the assessments work together.”
- **(On local governments)** “In British Columbia, the provincial government provided local governments with limited and inconsistent support for adapting to climate change.”
- **(On public reporting):**
 - Positive finding: The government issued reports on progress to reduce emissions according to its legislated requirements.
 - Negative finding: Reporting done in 2016 provided less detail than reporting in 2012 and 2014.
 - Negative finding: Public reporting on adaptation has been limited.

Ministry of Environment and Climate Change Strategy, January 2018

Pan-Canadian Framework on Clean Growth and Climate Change

Key Messages:

- We will increase the carbon tax by \$5 per tonne per year, beginning April 1, 2018. This will align with national carbon pricing approach in the Pan-Canadian Framework.
- We formed a Climate Solutions and Clean Growth Advisory Council to help get our province on track to meet our climate goals.
- We continue to collaborate with the federal government to advance emissions reductions.
- I am also working with my colleagues through the Canadian Council of Ministers of the Environment (CCME) to:
 - Examine options for the reporting of emissions and inventories to ensure consistency across provinces and territories,
 - Develop a Pan-Canadian offset protocol framework.
- We will also work together to ensure the effect of the carbon price is the same across Canada. This will protect industry and business, and is the fair thing to do.
- As part of the Pan-Canadian Framework, the Province is also taking action with the other jurisdictions to adapt to current and future climate impacts to help protect British Columbians from climate change risks, build resilience, and reduce costs.

Background:

- The Pan-Canadian Framework (PCF) on Clean Growth and Climate Change was released at the First Ministers Meeting on December 9, 2016 in Ottawa.
- It aims to reduce Canada's greenhouse gas emissions from 2005 levels by 30% by 2030.
- The PCF has four pillars:
 - Carbon Pricing;
 - Specific Mitigation Opportunities to further reduce emissions across the economy;
 - Adaptation and Climate Resilience: Measures to adapt to the impacts of climate change and build resilience
 - Actions to accelerate innovation, support clean technology, and create jobs.
- Eight provinces and three territories have signed on to the PCF. Manitoba and Saskatchewan have not signed on.
- The PCF committed to Pan-Canadian carbon pricing; a benchmark national carbon price of \$10 per tonne of carbon dioxide equivalent (tCO₂e) emissions for 2018, rising by \$10 each year to \$50/tCO₂e in 2022. The carbon price has to apply to substantially same sources as B.C.'s carbon tax.
 - Provinces can match the Federal carbon tax levels, or put in place a cap and trade program, with the target equivalent to the National 2030 target.
- Governments committed to work together, supported by experts, to assess the stringency and effectiveness of carbon pricing systems across Canada; this work will result in an interim report in 2020 to be reviewed and assessed by First Ministers.
- In addition, a there will be a review prior to 2020 (within a couple of years) of the approaches and best practices to address the competitiveness considerations of emissions-intensive trade-exposed sectors.
- The PCF commits federal, provincial and territorial governments to working together through the Canadian Council of Ministers of the Environment (CCME) to:
 - Examine options for the reporting of emissions and inventories to ensure consistency across provinces and territories,
 - Support Canada's reporting to the United Nations Framework Convention on Climate Change (UNFCCC),
 - A pan-Canadian offset protocol framework, and
 - Further exploration into verified carbon credits that can be traded domestically and internationally.
- Engagement with national indigenous organizations as well as stakeholder and public engagement across the country helped provide input and ideas for the final PCF.

Ministry of Environment and Climate Change Strategy, January 2018

INVASIVE QUAGGA AND ZEBRA MUSSELS

Key Messages

- We know quagga and zebra mussels pose a serious threat to B.C.'s aquatic ecosystems, salmon populations, hydro power stations and other infrastructure facilities - and we are working to ensure appropriate protections are in place.
- We are fortunate they have never been detected in B.C. waterways and will be working hard in the coming months to expand the number of tools we have in place to fight invasive mussels.
- We are working to ensure our resources are used in an effective manner to defend B.C.'s waters from quagga and zebra mussels.
- We also continue to work closely with neighbouring jurisdictions to prevent the spread of invasive mussels.

Background:

- Although zebra and quagga mussels have never been detected in B.C. waterways, they have been found in neighbouring jurisdictions.
- Zebra and quagga mussels are highly invasive species that are a significant risk to British Columbia. Although they've never been detected in B.C., if they do become established, the economic impact would be more than \$43M per year.
- Groups including the Okanagan Basin Water Board and the Invasive Species Council of B.C. have repeatedly called on the Province to continue strengthening the program.
- Since 2015, the Invasive Mussel Defence Program (IMDP) has been inspecting watercraft, monitoring lakes, and educating citizens in an effort to prevent these invasive mussels from gaining a foothold in B.C. waters.
- The IMDP was piloted in 2015 and has adapted and expanded operationally and geographically each year through additional funding.
- The IMDP consists of three main components:
 - A watercraft inspection program to detect and respond to high-risk watercraft potentially transporting invasive mussels into B.C. from infested waterways;
 - Lake monitoring to assess for the continued absence of invasive mussels in B.C. waters; and

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Outreach and education to change behaviour and promote the message of CLEAN, DRAIN, DRY to the boating community, in collaboration with partners.

- It is illegal to transport invasive mussels anywhere in B.C. and it is mandatory for motorists with watercraft to report to an inspection station during operating hours. Motorists who fail to stop at an inspection station can be fined \$345
- For the 2017 season a total of 59 tickets and 86 warnings were issued by Conservation Officers to motorists for failing to stop at the inspection stations.
- In 2017 a total of 400 samples from just over 100 lakes were collected for invasive mussel early detection monitoring. All samples came back negative for presence of invasive mussels.
- For the 2017 season, just over 35,500 watercrafts were inspected of which 2,071 were identified as high risk, and 25 were confirmed to have adult invasive mussels. B.C. received advanced notification on 20 of the 25 mussel-fouled boats either from another jurisdiction (e.g., AB, MT, Idaho, WA) or by Canada Border Services Agency (CBSA).
- The 2017 program included:
 - Two new border inspection stations at Yahk and Midway, bringing the total number of inspection stations in B.C. to ten locations.
 - Nine stations had their hours extended from dawn to dusk and the busiest station in Golden was open 24 hours.
 - The inspection season was expanded to mid-November.
 - In addition, the Habitat Conservation Trust Foundation has three-years of funding to support enhanced invasive mussel lake monitoring by stewardship groups.
 - B.C.'s first and only multi-purpose mussel sniffing – dog (Kilo) officially completed training in June, 2017 and has worked on mussel detection since then.
 - A new Watercraft Inspection Passport Pilot program was launched by both the B.C. and Alberta Governments, allowing boaters that frequent waters in both provinces, to be expedited through watercraft inspection locations.
- The 2017 program was evaluated for effectiveness. The 2018 program will be delivered as informed by the evaluation and ensuring effective use of available ministry resources.
- In June 2016, B.C. signed the Western Canada Invasive Species Agreement, partnering with Alberta, Yukon, Manitoba and Saskatchewan in a coordinated regional defence with an initial focus against quagga and zebra mussels.
- In June 2015, the Aquatic Invasive Species regulation under the Federal Fisheries Act was brought into force. This regulation prohibits the import and transportation of invasive mussels, and empowers Canada Border Services Agency staff to detain infested boats at the border.

Groundwater Licensing

Key Messages

- We have extended the licence application fee waiver period for existing non-domestic groundwater users until March 1, 2019, to make sure users have every opportunity to take advantage of the savings.
- We encourage groundwater users to apply for a licence as it gives them greater security; licensees will have a right to use water based on their date of first use and their rights will be protected based on the priority (First-in-Time-First-in-Right) water allocation system.
- While the deadline to submit a licence application as an existing non-domestic groundwater user remains March 1st, 2019, we certainly encourage users to apply early to take advantage of the fee waiver.
- We are streamlining the licensing process to make it easier for people to apply for a licence, and we will continue to make improvements.

Background

- Under the *Water Sustainability Act* (WSA), for the first time, those who use groundwater for non-domestic purposes (e.g., irrigation, industrial, municipal waterworks) require a licence and must pay for that water the same as surface water users have.
- Licensing groundwater provides government with a more complete picture of groundwater use and the ability to better manage the resource.
- Most new non-domestic groundwater users (use commenced after February 29, 2016) must apply for an authorization and pay fees and rentals before the water can be lawfully diverted, used or stored.
- Existing non-domestic groundwater users (use commenced on or before February 29, 2016) must apply on or before March 1, 2019 to continue to use the water lawfully, and have greater security for their water rights.
- The original deadline to apply for a licence and have application fees waived was March 1, 2017. However due to poor uptake, the period for exemption of application fees for existing groundwater users was extended to December 31st, 2017 and now through to March 1, 2019
- Despite outreach to stakeholder groups, the rate of groundwater application submissions especially among rural users is lower than expected:

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- There are an estimated 20,000 existing non-domestic groundwater wells that need to be licensed.
 - Approximately 2050 applications have been received to date.
- In July 2017, a Groundwater Licensing Project was launched using behavioural insights and service design methodologies to help improve the application, review, and decision processes and to nudge existing non-domestic groundwater users to apply for licences before March 1, 2019.
- Government is also working on a marketing plan and will be expanding public outreach this spring to encourage more people to apply for a licence.

Livestock Watering Regulations – Intentions Paper

Key Messages

- We will improve water management and further protect the environment by developing livestock watering (LWR) regulations under the *Water Sustainability Act*.
- We are committed to protecting water quality and aquatic ecosystems. The proposed LWR regulations provide an incentive to ranchers to protect the environment while securing access to water for the health of their livestock.
- We invite feedback from the public, First Nations, industry and other stakeholders on the proposed amendments.

Background

- Before the *Water Sustainability Act* (WSA), water supply for livestock on both Crown and private range lands included use directly from streams and other water sources on the land, as well as from off-stream watering systems constructed for livestock use.
- An authorization (licence or use approval) was and continues to be required for the diversion and use of water from a stream.
- The WSA however brought in a new requirement for licensing of non-domestic groundwater use, including groundwater used for livestock watering.

Extensive use areas

- Provisions of the proposed regulations would be limited to extensive use areas where livestock are well distributed on the landscape in low density.
- Under the proposed regulations, livestock producers could develop managed direct access sites that protect streamside areas or construct off-stream watering systems for livestock watering in accordance with the regulations (i.e. without having to apply for a licence or change approval).
- On Crown range tenure areas; these improvements will still need a range development authorization under the *Forest and Range Practices Act*.
- In extensive use areas, the water used by livestock is considered insignificant when compared to demand from irrigation and other uses, as well as in relation to typical evaporation and runoff from the watershed area where the livestock graze.

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- The proposed new regulations will also allow the construction and use of dugouts that have a volume less than 2500 m³ for the storage of water for livestock use.
- The Province seeks input from the public, First Nations as well as industry stakeholders. Comments on the intentions paper will be accepted until February 16, 2017. Feedback on the proposed policies will inform final recommendations to government in spring 2018.
- The intentions paper can be found at: <https://engage.gov.bc.ca/watersustainabilityact/>

Confined livestock areas

- Note that livestock watering in confined livestock areas (i.e., feedlot, paddock, corral, exercise yard and holding area), would not be allowed by the proposed new regulations. A water licence would still be required for water use in those situations.
- Direct livestock access to a watercourse in confined livestock areas is also prohibited in the Agricultural Waste Control Regulation (AWCR).

Legislative alignment

- The proposed livestock watering regulations will align with the *Environmental Management Act* and its AWCR, which helps ensure agricultural waste does not cause pollution.
- Enabling these improvements on Crown and private range lands under regulation will encourage the construction of off-stream watering facilities which will reduce the occurrence of livestock consuming water directly from streams and help improve water quality.

NICOLA RIVER WATERSHED PILOT PROJECT

Key Messages:

- Our government is committed to ensuring B.C.'s water remains healthy, secure and sustainable for future generations.
- We have a number of ways we are protecting B.C.'s waterways including developing water sustainability plans, setting objectives for water, and customizing regulations to help manage unique area-specific concerns.
- Watershed pilot projects provide an opportunity to test new tools in the *Water Sustainability Act* that help ensure water and land-based activities are managed together.
- Water-related issues in the Nicola River Watershed make it well suited to test some of these tools;
 - Water in the region is in short supply and is essential to agriculture, the local fish habitat and providing community drinking water. Water is also vital to the local economy.
- We are currently consulting with First Nations and key stakeholders to discuss the feasibility of undertaking a pilot in this watershed.

Background:

- In March 2017, the Province partnered with the BC Freshwater Legacy Initiative to undertake a pilot to test watershed governance and *Water Sustainability Act* (WSA) tools in the Nicola River Watershed.

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- The Province has committed an initial \$250,000 to the project, to be matched by the BC Freshwater Legacy Initiative. The overall cost of the pilot will depend on the tools that are tested.
- The Partnership with the BC Freshwater Legacy Initiative was developed through discussions among ENV, FLNR and Legacy Initiative staff to assess and identify opportunities to pilot WSA tools in B.C.'s watersheds.
- The Nicola River Watershed Pilot is an excellent opportunity to test watershed governance, planning and management tools under the WSA, including water objectives, water sustainability planning and other area-based tools. These offer opportunities to explore new ways of working and making decisions together to prevent and resolve key water management issues.
- Key issues in the watershed include, consistently low water flows, sensitivity to water shortage, water sources that are fully subscribed by water use, high levels of sedimentation, impacts on the aquatic ecosystem including on salmon habitat (e.g., from the low water flows).
- The Nicola pilot further supports key government directions in modernization of land use planning and reconciliation with First Nations and adoption of the United Nations Declaration on the Rights of Indigenous Peoples.
- Engaging First Nations is a key first step in the pilot. Staff from ENV, FLNR and IRR has been meeting with the five Nicola Chiefs since mid-December 2017. Once First Nations support is confirmed, stakeholders will then be engaged jointly by the Province and First Nations to further determine the pilot details.

Species at Risk in B.C.

Key Messages

- We will bring in an endangered species law and harmonize other laws to ensure they are all working towards the goal of protecting our beautiful province.
- B.C. has the opportunity to be a leader in Canada with an effective and innovative approach to protecting and recovering endangered species.
- We will be engaging with Indigenous communities seeking their input and interest in species at risk policy development. A broad public and stakeholder engagement and consultation process will be launched in spring 2018.
- We are already working with the Federal Government, South Okanagan communities, and local First Nations to create a plan to protect the large number of species at risk in the South Okanagan, as a new national park reserve is established in that region.

Background

- Differences between federal expectations and provincial measures taken to-date on (Species at Risk (SAR) are creating uncertainty for First Nations, industry, and other stakeholders, resulting in delays in major project authorization decisions, and resulting in a loss of provincial and community revenue and stability.

Legislation for Species at Risk

- ENV and FLNRO have joint accountability for conservation of SAR and biodiversity in the province with ENV leading on policy, development of legislation, and science, and FLNRO leading on implementation of conservation actions.
- The Province has received public input on SAR and is reviewing its SAR plans.

GCPE ENV – CONFIDENTIAL ISSUES NOTE

- Policy development to enact an endangered species law is currently underway. Government will be consulting in 2018 with stakeholders, experts and Indigenous groups that will inform policy development.
- Input will be sought on how legislation can provide protection for species and their habitats across all sectors and land tenures; support positive conservation outcomes; better support ecologically sustainable development; and promote transparency in decision making.

Ministry of Environment and Climate Change Strategy, January 2018

WATER PRICING & RATE REVIEW

Key Messages:

- We are committed to ensuring that high volume water users are paying for access to water fairly, and that drinking water sources are protected.
- We are continuing to monitor the costs of *Water Sustainability Act* delivery and are reviewing water fees and rentals as appropriate.
- Cost recovery is one of the core principles of water pricing in B.C. - water rates are intended to recover costs of implementing the WSA.

Background:

- The *Water Sustainability Act* (WSA) was brought into force on February 29, 2016.
- Prior to that, in July 2015, consumer watchdog “Sum-of-Us” delivered a petition of 230,000+ signatures to the Minister of Environment, calling on the Province to review B.C.’s water rates and “charge a fair price for Canada’s groundwater.”
- The group’s criticism focused on water bottling companies, as well as commercial and industrial users paying just \$2.25 per million litres – “B.C. [should] stop allowing corporate freeloaders from extracting our water for next to nothing” (CKNW, Nov. 2015).
- In Oct. 2016, the group reiterated their criticism that rates are “so low that the government isn’t going to be able to fund the things they say they want to do in the [*Water Sustainability Act*]” (CKNW, Oct. 2016).
- Ministry staff reviewed the water rates and prepared an interim report in December 2016.
- The report notes that as the WSA is implemented, ministries (ENV, FLNR) will monitor the costs of delivery, further review water fees and rentals and make adjustments accordingly to address pricing principles as appropriate, including cost recovery.
- Water is a Crown resource. Under the *Water Sustainability Act*, non-domestic groundwater users must obtain a water licence. This licence provides access to the water – not ownership. The use of water is subject to compliance with the *Water Sustainability Act* and its regulations, the terms and conditions of the licence and paying annual water rentals.
- By April 2019, the WSA will have been in effect for three years and the transition period for existing groundwater users to apply for their authorizations will have expired.
- In 2019, the costs of implementing the WSA as well as actual water revenues related to authorizing groundwater use will provide data for further analysis and help inform the setting of water rates.

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Water Sustainability Act - Regulation Amendments

Key Messages

- We listened to concerns from groundwater users and have made amendments to provide more clarity and make improvements to some of the regulations in the *Water Sustainability Act* (WSA).
- We have extended the one-time licence application fee waiver period for existing groundwater users until March 1, 2019. This ensures users have every opportunity to save money on their application, and align with the existing deadline to submit applications.
- Other amendments extend the temporary allowance for water use without an authorization for mineral exploration and small-scale placer mining activities until December 31, 2018; exempt the removal of incidental groundwater seepage from a mine site; and adjust application fees for permits over Crown land for consistency with other fees.

Background

- On December 13th, 2018 three amendments were made to the Water Sustainability Regulation and one for the Water Sustainability Fees, Rentals and Charges Tariff Regulation.
- Since the *Water Sustainability Act* (WSA) was brought into force on February 29, 2016, ministries have been working with various water user groups and industry sectors to support implementation and address questions and concerns raised that identify areas where policy is not as clear as expected.

Amendment 1: Extending the one-time application fee exemption period for transitioning, non-domestic groundwater users from December 31, 2017 to March 1, 2019.

- The amendment extends the exemption from paying application fees for existing groundwater users who are transitioning to the new licencing system to March 1, 2019.
- An exemption from the requirement to pay application fees was originally provided for in the first year of WSA implementation (i.e., between February 29, 2016 and March 1 2017). Due to the low number of applications received, the date was previously extended to December 31, 2017.
- The rate of applications continues to be much slower than anticipated:
 - There are an estimated 20,000 existing non-domestic groundwater wells that need to be licensed. Approximately 2050 applications have been received to date.
- The application fee exemption period has been extended again and will be aligned with the March 1, 2019 deadline to submit a licence application.
- This extension of the application fee exemption recognizes challenges with communicating new requirements to existing groundwater users, problems with the application system (which are being addressed), and poor timing for certain sectors (e.g., agriculture sector has been active through spring

GCPE ENV – CONFIDENTIAL ISSUES NOTE

and summer, particularly in dealing with wildfire response). As a result, some sectors, particularly the agriculture sector, requested an extension to the fee exemption period.

- Extending the fee exemption period, combined with enhanced outreach efforts and business process improvements are expected to increase the number of applications received over the coming year.

Amendment 2: Extend the temporary allowance to use water without authorization for mineral exploration and small-scale placer mining activities.

- Mineral exploration and small-scale placer mining sectors require temporary access to water for their activities. In the past, these activities were considered to be prospecting and did not require authorization. However, the WSA narrowly defines prospecting for a mineral and changed the threshold for when an authorization is required. The change was problematic for the sector, which often operates in remote locations across a large area.
- This temporary allowance has been in place since 2016 to support business continuity and is being extended from December 31, 2017 to December 31, 2018 to give government more time to consult with First Nations and stakeholders on a permanent solution.
- The amendment allows water use subject to additional provisions to protect fish, aquatic ecosystems and other water users.

Amendment 3: Exemption for authorization for the removal of incidental groundwater seepage at a mine.

- The amendment clarifies the authority to remove incidental groundwater seepage from a mine site without an authorization, as long as that water is not used for another purpose and requirements for environmental protection under the Water Sustainability Regulation are met.
- Incidental seepage into a mine can impact mine infrastructure and cause risks to worker safety. This amendment removes administrative barriers to removing this water from a mine site.
- Mine water discharge is already regulated under the *Environmental Management Act*.

Amendment 4: To make consistent amendment application fees for Permits over Crown Land in Schedule 1 of the Water Sustainability Fees, Rentals and Charges Tariff Regulation.

Ministry of Environment and Climate Change Strategy / Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Agriculture, January 2019

WHITE-NOSE SYNDROME - BATS

Key Messages

- We are responding to the risk of White Nose Syndrome by taking a co-ordinated approach to detect and, more importantly, mitigate the potential impact of the disease on bat populations in B.C.
- We are working with bat experts across the province and beyond to increase disease surveillance, population monitoring, research, outreach and stewardship to protect bat populations through action, guidance and best practices.
- This includes working with partners from academia and non-governmental environmental partners.
- For example, a working group of government and non-government experts (the B.C. Bat Action Team) has been set up to prioritize actions to respond to the disease in B.C. and a cross-government team will coordinate implementation of these actions.
- We encourage British Columbians to contact the BC Community Bat Program to report any unusual sightings of live or dead bats during the winter months (November through May).

Background:

- White-nose Syndrome (WNS) is a disease caused by an invasive fungus that has killed over ten million bats in North America since its arrival in 2006.
- WNS has not yet been detected in B.C., but with the disease identified in Washington State, the risk of its arrival is very high.
- WNS has been found in five provinces and 31 states. The presence of WNS in western North America is considered the major threat to many bat species in North America.

- The disease caused two B.C. bat species to be listed under the *Species at Risk Act* as endangered, due to catastrophic population declines in eastern Canada.
- British Columbia is the most bat diverse province in Canada with 16 of 19 Canadian bat species. Half of these species are considered to be a conservation concern. Bats are important to both our environment and our economy. Bats help to control forest, agriculture and urban pests. Researchers estimate that bats provide - \$23 billion in pest control services annually in the United States. Research also suggests that pesticide use declines in areas where bats help to control insects and increases in areas impacted by WNS.
- A cross-ministry team (WNS Task Team), associated with the Inter-Ministry Invasive Species Working Group, was established to coordinate actions to detect and respond to WNS in B.C. The team includes the Ministry of Environment and Climate Change Strategy / Ministry of Forests, Lands, Natural Resource Operations and Rural Development, and Ministry of Agriculture.
- Government staff is working with the BC Community Bat Program to collect and submit dead bats. The provincial Animal Health Centre performs laboratory testing to detect WNS.
- The BC Community Bat Program also has a toll free number (1-855-9BC-BATS) where the public can report any unusual sightings of live or dead bats especially from November to May.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Forests, Lands, Natural Resource
Operations, and Rural Development

Date: Jan. 19, 2018

Minister Responsible: Hon. Doug Donaldson

Canada and B.C. – Caribou Recovery Agreement

ADVICE AND RECOMMENDED RESPONSE:

- B.C. is in the midst of developing a comprehensive, province-wide approach to caribou recovery.
- The Provincial Caribou Recovery Program in part seeks to articulate B.C.'s current and planned effort and direction for species recovery.
- B.C. and the government of Canada have entered into a draft caribou conservation agreement to clearly set out our joint effort to reverse the decline of southern mountain caribou, and work towards self-sustaining populations.
- Collaborations are part of a strong and sustainable recovery program. This draft conservation agreement outlines how B.C. and Canada will work together.
- Today, there are about 19,000 caribou in the Province compared to between 30 and 40 thousand in the early 1900s. This includes boreal caribou and northern mountain caribou, in addition to southern mountain caribou.
- Government will continue to manage this species at risk using a collaborative approach that includes meaningful engagement with First Nations, industry and the public.
- The final agreement is expected to be released in the spring of 2018.

KEY FACTS REGARDING THE ISSUE:

Under the federal *Species At Risk Act* (SARA), all Woodland caribou populations in Canada have been identified as needing special management actions because of declining population trends. The largest threat to caribou is changing landscape, which is due to natural resource extraction. Changing the landscape exposes the caribou to predators like wolves, cougars and bears.

There are groups that have been vocal about B.C.'s commitment to caribou conservation and how it will impact them. Some of these groups include industrial sectors, recreation groups and First Nations' communities.

The intent of the agreement is to support southern mountain caribou recovery, starting with the population known as the Central Group (found geographically in the south Peace region). Short-, medium-, and long-term targets and immediate caribou recovery measures are set out with the goal to reverse the population decline.

The Province and Canada are exploring how to partner in planning and implementation with First Nations; our initial action includes the current drafting of a partnership agreement with West Moberly and Sauteau First Nations to support conservation agreement implementation for the Central Group. This is an active demonstration of shifting the caribou program as it develops from more consultative in nature to collaborative in planning and implementation through partnerships.

Recovery actions include range planning, habitat protection and restoration, as well as population management, including maternity penning and controlling access to sensitive caribou habitat. B.C. will also lead in establishing a restoration fund under the agreement to support recovery actions for caribou, province-wide. Following consultations with First Nation communities and other stakeholders, Canada and British Columbia are expecting to conclude their negotiations on the draft agreement with a final agreement in place by Spring of 2018.

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Programs\2018\Wildlife\Caribou

CORE MESSAGING

Last updated: January 2018

Ministry of Environment and Climate
Change Strategy

B.C.'S MODERNIZED ENVIRONMENTAL EMERGENCIES PROGRAM

- In spring 2016, legislation designed to modernize B.C.'s Environmental Emergency Program was passed.
- The legislation was followed by regulations passed in fall 2017.
- The regulations require transporters of liquid petroleum products in B.C. to have provincial plans in place to manage a spill.
 - The new regulations requiring spill preparedness apply to pipelines, and rail or trucking operations transporting over 10,000 litres.
- These initial regulations increase responsibility, transparency and accountability for those who move potentially dangerous products through our province
- They are the first step in a more robust spill response regime.
- The government will continue to develop a robust spill prevention, response and recovery program that improves initial response standards, and complements the federal marine spill regime to protect our coastal waters.

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CORE MESSAGING

Last updated: January 2018

Ministry of Environment and Climate
Change Strategy

MARINE SHIP-SOURCE SPILLS AND TANKER TRAFFIC

- Our government is committed to protecting B.C.'s coast from marine spills and, while this is primarily federal jurisdiction, we must ensure we defend our coastline.
- In the event of a significant spill, the ministry's highly trained response professionals would immediately begin implementing the province's spill response plans.
- The ministry response would be integrated with the Responsible Party and participating federal agencies, local governments, First Nations and other stakeholders. The Canadian Coast Guard is the lead federal agency for ship-source oil spills in marine waters.
- If an oil spill occurs, it's important to know that in all cases, the spiller is responsible for clean-up and monitoring. The role of provincial and federal agencies is to oversee the response and augment or takeover the response as necessary.
- B.C. welcomes the federal government's Oceans Protection Plan and acknowledges the investment and assets that will be deployed to protect our coast.
- This includes upgrading Coast Guard facilities along the westcoast and ensuring B.C. has two rescue tugs – one on the south coast of Vancouver Island and likely one on the north coast – to ensure there is appropriate capacity for current levels of marine traffic.
- We look forward to continuing to work with our federal partners on the details of the plan.

- We will continue working with Transport Canada to ensure B.C. interests are met on the marine safety front and that public safety and protection of the environment remain paramount.

CORE MESSAGING

Last updated: January 2018

Ministry of Environment and Climate
Change Strategy

RECYCLING/EPR

- B.C. is a leader in creating industry led Extended Producer Responsibility (EPR) recycling programs, currently with more programs than any other jurisdiction in North America.
- In October 2015, B.C. received an 'A' from EPR Canada – the highest grade ever awarded – affirming its status as the national leader for EPR programs.
- For example, B.C. is a leader when it comes to beverage container recycling programs – helping to prevent almost 100,000 tonnes of glass, metal, plastic and other materials from heading to landfills annually.
- B.C. is committed to having industry be responsible for collecting and recycling the products and packaging it puts into the market place.
- B.C. currently has 21 industry-led (EPR) recycling programs covering 14 different product categories of consumer products such as: packaging, electronics and electrical products (including all batteries), beverage containers, tires, and household hazardous wastes.
- In 2015, B.C.'s EPR programs diverted over 480,000 metric tonnes of material from landfills, which includes the collection and recycling of an estimated 185,000 tonnes of packaging and printed paper.
- The financial implications from EPR programs are equally significant. For example, EPR for packaging and printed paper alone has shifted \$85 million in costs from local governments to industry for 2015.

- It is estimated that the EPR materials recovered annually achieves a net GHG reduction of 200,000 tonnes eCO₂ (equivalent to taking 42,000 cars off the roads for a year).
- EPR programs are funded by producers of products. The producers may elect to fund the stewardship program by internalizing the cost of the program into the price of their products, or by setting a separate eco-fee often charged and visible on the receipt at the point of sale.
- The ministry is not involved in the setting or approving of eco-fees. If producers decide to charge an eco-fee, they are required to annually submit independently audited financial statements to government for review.
- The ministry does not control which stewardship agency a producer may choose to contract with to fulfil their regulatory obligations; this is considered a business-to-business or commercial arrangement. Governance of any direct competition between such agencies is the subject of ongoing work by the ministry, and supported by the Office of the Auditor General.
- The ministry's role is to review and approve stewardship plans, and to monitor industry's environmental performance under the Recycling Regulation.

CORE MESSAGING

Last updated: January 2018

Ministry of Environment and Climate
Change Strategy

Statutory Decision-Makers

- Permitting and compliance are under the purview of dedicated ministry staff who make evidence-based decisions based on best available science.
- These individuals are referred to as statutory decision-makers (SDMs) and are given these authorities under legislation.
- It is important to note, the ministry is legally obligated to consider all permit applications.
- Statutory decision-makers (SDM) not only possess good judgment about environmental management, but they make their decisions based on administrative law.
- An SDM's administrative law decision always has three essential characteristics:
 - A clear understanding of relevant statutes and regulations.
 - Procedural fairness is central to the process. Extensive public and First Nation consultation is an integral part of the permitting process.
 - Discretion is exercised independently, and is consistent with the purposes of the statutory power being exercised.
- Where human health is a factor to consider, SDMs consult with technical health experts before making a permitting decision.

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Ministry of Environment, January 2018

AQMS AIR ZONE REPORTS

- We need to work with communities and First Nations to improve B.C. air quality.
- There are approximately 150 air quality monitoring stations across B.C. measuring some combination of air pollutant and meteorological data.
- Ministry staff will work with communities where PM_{2.5} levels exceed national standards (red air zones) to identify ways to reduce emissions and achieve lower levels.
- One example of reducing emissions is the Provincial Woodstove Exchange Program; since 2008, communities have received almost \$2.9 million, helping to replace over 7,000 old stoves with cleaner burning models.
- This equates to a reduction of over 400 tonnes per year of particulate matter entering the air.

Background:

- The ministry is publicly posting a series of B.C.'s Air Quality Management System (AQMS) air zone reports based on data collected between 2012-14, 2013-15, and 2014-16 for ground-level ozone and fine particulates (PM_{2.5}).
- This brings the reporting cycle up to date. Subsequent reports will be posted annually in the fall starting in 2018.
- Provinces and territories have responsibility for air zone management, and are expected to provide annual reports on Canadian Ambient Air Quality Standards (CAAQS) achievement and management activities for each air zone under their jurisdiction.
- Jurisdictions agreed to begin reporting on achievement of the standards within individual air zones by the spring of 2015.
- B.C. has 7 air zones: the Georgia Strait, Coastal, Lower Fraser Valley, Southern Interior, Central Interior, Northwest, and Northeast Air Zones.

GCPE ENV – CONFIDENTIAL ISSUES NOTE

- Colour-coded management levels are assigned to each air zone on the basis of air quality levels. These levels (“green”, “yellow”, “orange” and “red”) reflect the need for increasingly rigorous actions as the CAAQS are approached or exceeded.
- The CAAQS for PM 2.5 are 28 ug/m3 (24 hour) and 10 ug/m3 (annual).
- Based on the 2014-16 data, no communities exceeded the annual standard for PM2.5 and seven exceeded the 24-hour standard: Courtenay, Port Alberni, Castlegar, Quesnel, Prince George, Vanderhoof and Houston.
- After removal of suspected wildfire influences from the data, there are four communities in the red zone for PM2.5: Courtenay, Port Alberni, Houston and Vanderhoof – this means that their respective air zones (Georgia Strait and Central Interior) are assigned a management level of “red” meaning actions are needed to reduce PM 2.5 to achieve the CAAQS.
- Smithers and Duncan achieved the CAAQS for PM2.5 in the most recent reports, but continue to be located in red air zones and are within 5% of the CAAQS levels.
- A variety of factors could have contributed to these CAAQS exceedances, including geography, weather patterns, woodstove burning and industrial emissions.
- Ministry staff will work with these communities to identify ways to reduce emissions and lower the local ambient levels of PM2.5.
- The Southern Interior Air Zone was assigned an “orange” level based on PM2.5 levels in several communities. This indicates that actions may be warranted to prevent future exceedances of the standard.
- The Coastal and Lower Fraser Valley (LFV) Air Zones were assigned “yellow” management levels for PM_{2.5}, indicating that any actions should focus on avoiding further degradation.
- The ozone standard of 63 ppb was achieved at all monitoring sites.
- The highest concentrations were in Hope; as a result, the LFV Air Zone was assigned an orange management level.
- Other air zones in the province were assigned yellow or green management levels.
- There was insufficient data collected for the Northwest Air Zone and only adequate ozone data for the Northeast Air Zone.

Of note:

Previous versions of this note, as well as public announcements, have quoted the figure of 500 tonnes per year reduction in particulate matter.

- 500 tonnes will be the approximate reduction once the funding is dispersed and the exchanges completed.
- Over 400 tonnes is the reduction calculated from currently reported wood stove exchanges
- The AQM report focuses on reporting what B.C. has achieved to date, and thus is the more appropriate figure to use.
- Provincial estimation of emission reductions is approximate. Local communities can calculate more exact estimates of reductions based on local wood use profiles and the mix of appliances exchanged.

ANMORE GREEN ESTATES SEWAGE LEAK

Key Messages:

- I understand and sympathize with the community, the parents and staff of Eagle Mountain Middle School, and with the residents of Anmore Greens Estates.
- The ministry has issued a pollution abatement order in this case.
- That order requires the landowners take immediate action to mitigate any potential risks to the public.
 - The temporary fencing and warning signs are part of that order – they're to keep the public away from the area.
- The landowners are also required to further investigate the source of contamination and, ultimately, to clean it up.
- The ministry will follow this situation closely to ensure the order is complied with.
- Questions regarding human health risk should be directed to the Health Authority.

Background:

In fall 2017, media reported that signs were posted adjacent to Eagle Mountain Middle School in Port Moody warning the area is subject to fecal contamination. The signs were posted by the management of Anmore Greens Estates as a result of a Pollution Abatement Order issued by the Ministry of Environment and Climate Change Strategy.

- Anmore Green Estates (AGE) is serviced by an on-site sewage treatment system authorized by a permit issued under the Environmental Management Act.
- Sampling of soils and surface water from School District 43 lands (Eagle Mountain Middle School) immediately adjacent the sewage disposal field serving AGE indicates e. coli and fecal coliform results are present.

- Sampling was conducted on September 27, 2017 by a qualified professional from Associated Environmental.
 - The site was dry at the time. Soil samples were taken from 8 sites which included background samples and locations where previous contamination was suspected.
 - For three (3) of the sites, results for e. coli and fecal coliforms were high (above 100 MPN/g).
 - At four (4) locations results were moderate, and at one location results were below the reporting level (non-detectable).
 - The ministry does not have comparative samples to determine if site changes have occurred.
- On November 23, 2017, due to concerns the sewage may break out onto school property, the Ministry of Environment and Climate Change Strategy issued a pollution abatement order to AGE.
 - The Pollution Abatement Order required that qualified professionals be retained to develop and submit an action plan detailing measures to be taken to implement pollution abatement activities by December 31, 2017, for the Ministry's review and approval. The QPs requested an extension to January 15, 2018 to complete the action plan.
 - In response to an application by Anmore Green Estates citing difficulties and delays in pursuing a connection to a nearby municipal sewage trunk line with the respective agencies, on March 5, 2018, the SDM granted a one month extension for submitting the final option report required by the order. Anmore Green Estates now has until April 1, 2018 to submit the report addressing the final proposal for resolving the issue.
 - The Ministry operates on policy of progressive enforcement. Should the site remain out of compliance, action will be taken consistent with the Ministry's Compliance and Enforcement Policy and Procedures found at: https://www2.gov.bc.ca/assets/gov/environment/research-monitoring-and-reporting/reporting/reporting-documents/environmental-enforcement-docs/ce_policy_and_procedure.pdf
 - The Ministry anticipates that the interim cautionary signs and fencing will be in place until the owners implement a solution for safe sewage disposal, and the health hazard is abated.
 - Questions regarding human health risk should be directed to the Health Authority.

Ministry of Environment and Climate Change Strategy, March 2018

ATLANTIC POWER PERMIT – RAILROAD TIES

Key Messages:

- We intend to restore public confidence in government's ability to protect our water, land and air.
- The Ministry of Environment is legally obligated to consider all permit amendment applications submitted; decisions are made in accordance with the Environmental Management Act.
- With respect to permit amendments such as this, these decisions are made by statutory decision-makers in accordance with the Environmental Management Act.
- Currently the approved permit amendment has been appealed to the Environmental Appeal Board.
- As such it would be inappropriate for me to comment further.

Background:

- In July 2015, Atlantic Power submitted an application to ENV to amend their waste discharge permit to allow for an increase in burning used rail ties from 5% to a maximum of 50% of the authorized fuel at their Williams Lake Power Plant. The plant currently burns biomass, mostly wood residue from local sawmills. A decrease in the availability of biomass is expected due to reduced timber harvest levels as a result of wild fires and mountain pine beetle.
- Local residents are concerned about adverse impacts on air quality that the burning of rail ties may have, and have held community meetings and wrote letters to the ministry stating their opposition. There is also a Facebook page for those opposing the amendment.
- On June 24, 2016 a draft permit amendment was posted for a 30-day public input period. The amendment has a number of requirements including: the submission of an ambient air quality monitoring plan, annual reporting, and new discharge limits for the relevant contaminants of concern.
- As part of the application process, Atlantic Power is required to do public consultation and they held an informational open house on June 28, 2016. ENV representatives were also on-hand to answer questions regarding the draft permit and the application process. Approximately 100 members of the public attended the open house. There was a reduced volume of comments submitted since the open house.

GCPE ENV – CONFIDENTIAL ISSUES NOTE

- The continuing operation of the plant will provide some stability to the local economy in an area that will see increasing employment challenges for the forest industry, and will continue to provide a reliable means to use wood residue from wood manufacturing operations, land clearing activities, and clean woody demolition debris from the region.
- The results of the atmospheric dispersion modelling supporting the application have been reviewed by an ENV meteorologist who is working closely with other ministry staff to ensure the public and the environment are protected. The conclusion was that under the worst case modelling scenario, none of BC's ambient air quality objectives will be exceeded.
- The Cariboo Regional District has provided a letter of support for the project (November 4, 2015) and the City of Williams Lake has also publicly supported the proposal.
- This decision has been appealed to the Environmental Appeal Board. The appeal will be by written submissions between April 15 and May 25, 2018.
- The Board will review the decision of the statutory decision maker and determine if the decision should be upheld, varied, sent back to the decision maker with instructions to reconsider, or overturned.

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Ministry of Environment and Climate Change Strategy, January 2018

U.S. CONCERNS - BC SPILL RESPONSE ACTIVITIES

Key Messages:

- While the federal government is the lead-agency responsible for marine spills, we are working with our federal partners to ensure we have a plan in place to meet the concerns around increasing marine traffic along our entire coastline.
- The federal government's Oceans Protection Plan is a good first step in improving federal spill response capabilities along our coast.
- B.C. works very closely with our U.S. counterparts on spill preparedness and response issues as a founding member of the Pacific States-BC Oil Spill Task Force and through participation in the Canada-US Joint Marine Pollution Contingency Plan.
- Through these partnerships, B.C. participates in joint exercises, workshops, information sharing on new policies and technologies, and the development of new initiatives.

Background:

- Washington State has expressed concerns about Canada's spill response capabilities especially with the approval of the Kinder Morgan pipeline and according to media reports (in 2015), U.S. records obtained under FOI show Washington State has been worried about Canada's spill response capabilities for years.
- State officials stated the following in a 2013 letter to Governor Jay Inslee: "B.C. lacks authority over marine waters, and their federal regime is probably a couple of decades behind the system currently in place in Washington State."
- The US Coast Guard's commander of the Pacific Northwest District stated in a briefing to the Governor, "Our industry and port should not have to incur higher cost than their counterparts in Canada because of their weaker standards."
- B.C.'s participation with the US is formalized in two initiatives: the Canada-US Joint Marine and Terrestrial (CANUSWEST and CANUSWEST NORTH) Contingency Plans and the Pacific States-British Columbia Oil Spill Task Force. These are for both marine and trans-boundary spills along our borders with U.S.

- B.C. takes part in joint exercises with our US federal and State counterparts, participating in two annexes under the Canada-US Joint Marine Pollution Contingency Plan – CANUS PAC covering the Juan de Fuca Straight and CANUS DIX covering the Dixon Entrance between Haida Gwaii and Alaska.
- The last CANUS DIX (Dixon Entrance-North) exercise was in August (2017) in Prince Rupert. The last CANUS PAC (south) exercise was held in Victoria BC in 2016. The next exercise will be in summer 2018 but has yet to be scheduled.
- The purpose of the Joint Contingency Plan (JCP) is to provide a coordinated system for planning, preparedness and responding to harmful substance incidents of a trans-boundary nature. The plan supplements the existing national response systems for areas covered by the JCP by ensuring cooperative bilateral response planning at the local and national levels. The Geographic Annexes specify the process that will be used, on either side of the border, to facilitate an effective joint response.
- The Pacific States/B.C. Oil Spill Task Force (Task Force) was established in 1989 and expanded in 2001 through a memorandum of Cooperation signed by the governors of Alaska, Washington, Oregon, California and Hawaii and the premier of British Columbia.
- Members of the Task Force share information on regional and national oil spill programs, policies and emerging technologies with member jurisdictions, stakeholders and the public. The Task Force also coordinates and facilitates projects, workshops and round-table forums on oil spill prevention and response topics of concern, including engagement with industry partners on spill prevention and response planning.
- Our partnership with the Pacific States also includes a mutual aid agreement.

Ministry of Environment and Climate Change Strategy, January 2018

BIOSOLIDS/OMRR

Key Messages:

- The government of B.C. sympathizes with those who have concerns about environmental protection in their community.
- We intend to restore public confidence in government's ability to protect our water, land and air, and to protect human health.
- A new Intentions Paper for the Organic Matter Recycling Regulation OMRR will be released in the coming months.

Background:

- Biosolids have been applied to the land in a variety of locations around the province in accordance with the Organic Matter Recycling Regulation (OMRR) which came into force in 2002.
- A comprehensive review to ensure the OMRR is updated based on the best, current science available was initiated in 2016 and amendments are expected in early 2018.
- Under the OMRR, biosolids are treated and stabilized to reduce odours and harmful substances. Biosolids are then tested to ensure they meet high quality standards that are protective of human health and the environment.
- The ministry must be notified at least 30 days in advance of any biosolids application to the land base and all notifications must meet the OMRR requirements.
- Government released an intentions paper with new and updated proposed policies for the OMRR in October 2016; 75 responses were received from local governments, First Nations, industry and the public.
- In addition to the public engagement, focussed discussions were also held with First Nations, industry associations, agricultural producers and local governments.
- Based on the responses received, the ministry wished to obtain additional feedback on several policy areas; therefore, a follow-up intentions paper is planned.
- In June 2016, the OMRR was amended to require permits for larger facilities composting food waste and/or biosolids. This was necessary since these larger composting facilities are permanent and operate year-round (and causing local residents concerns).
- The requirement for compost facilities to have a permit ensures a public notification process is followed and that consideration is given to environmental protection measures.
- A permitting process increases transparency and allows independent statutory decision makers to put site-specific conditions in place to better monitor compliance.
- Facilities are still required to abide by the OMRR in addition to following permit requirements.

Biosolids spill on SXFN territory (Feb. 2016):

- Interior Health deemed this spill a low risk to human health.
- A qualified professional, retained by the responsible party, submitted a report to the ministry in spring 2016 stating independent remediation was completed.
- The report indicates the site meets provincial requirements under the Contaminated Sites Regulation – and water sampling results met the ambient water quality criteria.

Thomson-Nicola Regional District 2014-2016:

- Residents, including the Thompson-Nicola Regional District (TNRD) and the five Nicola Valley First Nations, have been raising concerns about biosolids application in the area since late 2014 – primarily about the effect of biosolids on human health and the environment.
- The group “Friends of the Nicola Valley” has been an extremely vocal opponent on social media and in the community. The group previously helped organize several protests (both locally and at the Legislature) as well as blockades to stop biosolids from being delivered to the Sunshine Valley Rd. composting facility.
- As a result of this opposition to biosolids, ministry staff has made a number of presentations to the local community and First Nations on the Organic Matter Recycling Regulation and the science of biosolids.
- Currently in the Nicola Valley there is one biosolids land application site and two biosolids composting facilities that are regulated under the OMRR.

Scientific Review

- In response to the concerns raised, on June 17, 2015, the Province announced it would conduct a scientific review of biosolids in the Nicola Valley. This resulted in the development of a literature review and biosolids sampling plan.
- Between October 2015 and March 2016, government worked under a Collaborative Engagement Protocol with the five Nicola Valley Chiefs. Unfortunately, the process dissolved when memberships of the proposed Advisory Committee and Technical Working Group could not be agreed upon.
- As such, government proposed a more streamlined approach to the review, by establishing a 3-person independent science panel rather than the 30 participants originally envisioned. The streamlined panel consisted of three professors (from Royal Roads, SFU and Dalhousie).
- The literature review makes seven recommendations which the ministry will examine as part of the overall provincial review of the OMRR.
- The soil sampling results indicated contaminant levels were all well below the OMRR standards, and the standards specified in the Contaminated Sites Regulation (which OMRR references and also requires compliance with).
- The ministry will continue to monitor best practices and scientific advancements to ensure regulations are up-to-date.
- The ministry is currently conducting phase two of the sampling program. A final report is anticipated in early 2018.
- The ministry is also conducting a risk assessment which will evaluate the potential effects of biosolids on wildlife. An update is anticipated in early 2018.

Stswecemc Xgattem First Nation (SXFN) pilot project – engagement process for land application of biosolids):

- Biosolids spills occurred during transport in Stswecemc Xgattem First Nation (SXFN) traditional territory in February 2016 and August 2016 respectively. After a number of meetings between the former Minister and SXFN (February 15, June 28, and September 8 2017), it was suggested that ENV and SXFN conduct a pilot project with the objective of enhancing engagement regarding the land application of biosolids in SXFN's asserted traditional territory.
- Signing of the project agreement was completed on December 5, 2017. Upon completion of the project, the project team will draft a final report highlighting recommendations for enhanced engagement. These recommendations will help inform the review of the OMRR.

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Ministry of Environment and Climate Change Strategy, January 23, 2018

BORDER FEED LOT

Key Messages:

- The government sympathizes with British Columbians who are experiencing nuisance odors and are concerned about pollution in their communities.
- In response to public complaints of odour and pollution, ministry compliance staff conducted three inspections of the facility in 2017, all of which found the company non-compliant with their permit.
- The company was issued two warning letters but failed to come into compliance.
- Following the latest inspection in December, the matter was turned over to the Conservation Officer Service and remains under investigation.

Background:

- Ministry staff has received multiple complaints about Border Feed Lot in Surrey, alleging nuisance odours and pollution to the Little Campbell River.
- In response to the complaints received from the public, ministry compliance staff performed three inspections of the facility in 2017:
 - March 2017 – Complaint of unauthorized waste discharge to the Little Campbell River. Company was sent a warning letter
 - August 2017 – The ministry followed up by inspecting the facility's operational activities and determined the facility was in non-compliance. The company was issued another warning letter.
 - December 2017 – After receiving numerous new complaints in a short period of time, the ministry inspected the facility again in mid-December and determined that the activities outlined in the second warning letter have continued.
- Although the ministry does not regulate odour nuisance (compliance and enforcement of air discharges within the air shed has been delegated to the Metro Vancouver Regional District), odour complaints can indicate potential non-compliance with the Environmental Management Act, or that an operation is not handling wastes proficiently.

GCPE ENV – CONFIDENTIAL ISSUES NOTE

- Prior to each of the warning letters being issued, ministry staff conducted inspections of the facility and determined that they were out of compliance with EMA in both cases.
- Non-compliances include: improper storage of manure, unauthorized discharge of leachate, and discharge of waste from a prescribed activity without an authorization. To date, no fines have been issued.
- EMA states that offences can lead to fines of up to \$1,000,000, or jail time up to 6 months.
- The COS has charged the company once, in 1998: a \$575 violation ticket for discharging business waste (*Waste Management Act*) to a tributary of the Campbell River which runs through their property.
- In 2007, a provincial audit named Border Feed Lot as one of the worst composters in the Lower Mainland.
- According to the audit of 14 Lower Mainland private and municipal compost operations, Border Feed Lot had the lowest rate of compliance with environmental regulations.
Article link here: <https://www.pressreader.com/canada/vancouver-sun/20070604/281560876369932>

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Ministry of Environment, January 2018

CACHE CREEK LANDFILL

Key Messages:

- The government of B.C. sympathizes with those who have concerns about environmental protection in their community.
- We intend to restore public confidence in government's ability to protect our water, land and air, and to protect human health.
- The ministry's decision to approve the closure plan is currently under appeal by Metro Vancouver and hearings are scheduled for spring 2018; as such, it is inappropriate to comment further on this topic.

Background:

New Cache Creek Landfill Extension:

- The Cache Creek Landfill Extension received an EA Certificate in 2010, and regulatory approval in the Thompson-Nicola Regional District's Solid Waste Management Plan in 2012.
- The landfill extension is a new, detached facility neighbouring the original landfill. It is a state-of-the-art landfill that includes the latest engineering measures to protect the environment.
- The extension is authorized by the Thompson Nicola Regional District's Solid Waste Management Plan and an Environmental Assessment Certificate.
- The operational certificate (OC) was issued to the Village of Cache Creek and Belcorp Environmental Services Inc. in December 2016 and specifies the detailed operating requirements that must be met at the facility.
- The decision to issue the OC was appealed by a member of the community. Submissions were reviewed by the Environmental Appeal Board. On August 18, 2017 the EAB issued its decision to dismiss the appeal.
- The ministry understands that the OC holders are proceeding with development of the landfill. We are not aware of the any plans to use the landfill to accept waste from Metro Vancouver.

Closure of the Existing Landfill:

- The existing landfill is no longer accepting and, as of June 2016, the ministry statutory decision maker approved the closure plan for the existing landfill.
- The closure plan has now been largely implemented, including a new groundwater treatment plant.

GCPE ENV – CONFIDENTIAL ISSUES NOTE

- On August 2, 2016, Metro Vancouver appealed the decision to approve the closure plan. Hearing dates are currently set for May/June 2018.

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Ministry of Environment and Climate Change Strategy, March 27, 2018

CERMAQ PESTICIDE USE PERMIT – AQUACULTURE

Key Messages:

- The people of B.C. expect their government to keep our water safe, and protect our wild fish stocks.
- The ministry is legally obligated to consider all permit applications. The decision to issue this permit was made by a ministry Statutory Decision Maker, who was guided by a new, interim policy that ensures sea lice treatment methods are supported by the best available science.
- For this specific permit, this includes using the well-boat method, as well as requiring more stringent information gathering and reporting.
- Pesticides used in aquaculture have been assessed by Health Canada to ensure their general use will not result in adverse impacts to human health and the environment.
- The interim policy being implemented is in response to First Nations and public concerns about pesticides being applied in aquaculture. The policy will apply to a number of other permit applications currently with SDMs for approval.

Background:

- On March 26, 2018, a ministry statutory decision maker (SDM) issued a pesticide use permit to Cermaq Canada Ltd. to help control sea lice at 14 finfish aquaculture locations in the Clayoquot Sound area.
- The permit authorizes the use of Paramove® 50 (active ingredient hydrogen peroxide), to control sea lice. This is considered the safest pesticide option for sea lice treatment as it breaks down very quickly and does not have lingering effects.
- A well boat allows for the pesticide treatment to be conducted aboard a vessel in a more controlled environment. Once the treatment is complete, the pesticide-treated water can be released away from shore and other areas of sensitive habitats. The discharge from a moving vessel also increases the dilution of the pesticide.
- Additionally, the well boat method often requires less total pesticide, as the fish can be contained in a smaller volume of water during treatment.
- Currently, there are seven active permits with six applications pending permit approval for the use of Paramove® 50 to control sea lice.
- In 2014, the first IPMR permit for pesticide use in water to control sea lice was issued. To-date, 36 treatments using Paramove® 50 have been successfully performed without incident.
- In November 2017, a petition was generated in opposition to the Cermaq permit application.
- In response to these concerns, Minister Heyman announced in December 2017 that he was directing staff to review if treatments for sea lice are scientifically supported and consistent with best practices elsewhere. A strategy was developed by ENV staff to address concerns which includes:
 - Developing an interim policy (to be reviewed in fall 2018) directing SDMs to consider requiring best available technology to minimize exposure of pesticides to the marine environment and to consider the use of pesticides only within an Integrated Pest Management framework.
 - Providing a scientific review to SDMs to ensure sea lice treatment decisions are made in accordance with best science available; and
 - Conducting a jurisdictional scan to understand how pesticide use in aquaculture is regulated globally.
- Pesticide use in aquaculture is regulated both federally and provincially. Health Canada's Pest Management Regulatory Agency (PMRA) is responsible for the assessment and registration of pesticide products for use in Canada.
- Under B.C.'s Integrated Pest Management Act and Regulation (IPMA and IPMR), pesticide application to bodies of water requires an authorization. Usually this is a pesticide use permit, which is a statutory decision involving public and First Nations consultation.
- A permit issued under the IPMR is valid for a maximum of three years and costs \$1000.
- Application of pesticides in aquaculture is performed by certified applicators that are trained in pesticide safety and responsible use.
- Permits can be appealed up to 30 days from when the permit is issued.

2016 COMPLIANCE INSPECTIONS REPORT

- This is the second release of the annual Compliance Inspections Report covering inspections conducted under the *Environmental Management Act*.
- Our government is committed to openness and transparency which is why we are publicly releasing this report and all associated data.
- It is encouraging to see that there was an increase in inspections in 2016.
- Compliance is important to this government and I am requesting Ministry staff continue to increase inspections to make sure the environment is protected.
- Additionally, a new report highlighting compliance inspections conducted under the *Integrated Pest Management Act* is scheduled for release in March.

Background:

- The Ministry of Environment and Climate Change Strategy is releasing its second annual public report on compliance.
- The 2016 report looks at the results of 957 inspections carried out under the *Environmental Management Act (EMA)* in 2016 -- an increase of 325 inspections from 2015.
 - On November 8, 2016, the Ministry released its first ever public report on compliance, highlighting the results of 632 inspections conducted under *EMA* in 2015.
- The data analysis in the 2016 compliance report is very similar to the 2015 report in terms of percentage breakdowns. Out of 957 total inspections completed in 2016 the overall ratio of in compliance vs out of compliance is exactly the same, 40% : 60%. There was slight variation between the two non-compliance categories for advisory and warnings. Inspections that

resulted in advisories went up from 39% to 43%, and inspections resulting in a warning went down from 16% to 12.5%. Inspections conducted in 2016 continue to demonstrate positive results with 83% of inspections either in full compliance or only requiring a first level enforcement (an advisory).

- New to the 2016 report is the inclusion of data from compliance inspections under the Recycling Regulation.
 - An ‘Overview of the Recycling Regulation’ section outlines the purpose of government’s Extended Producer Responsibility program and provides an in-depth look at compliance under the regulation.
- This year’s report also includes a new ‘Overview of Forestry Inspections.’
- An ‘Update on Mining Inspections’ highlights a positive trend in mining sector compliance since the 2015 report.
 - The ministry continues to take a focused approach to mining compliance and enforcement following the Mt. Polley incident. When compared with 2015 inspections responses, compliance in the mining and coal sector has increased (35% compliance in 2015 to 48% compliance in 2016).
- An inspection is considered out of compliance if any one parameter of the whole inspection is deemed out of compliance regardless of how minor it may be. (eg. administrative error, missing paperwork etc.).
- In 2016, ministry staff inspectors received approximately 100 hours of training, an increase of 65 hours from 2015 (35 hours). The number of full-time, permanent compliance staff increased by 12, supported by a number of new auxiliary hires.

Appendix 1: 2015 and 2016 EMA compliance inspections stats at a glance:

Inspections conducted under <i>EMA</i> :	2015	2016
• Number of inspections conducted:	632	957
• Percent in compliance or only required the issuance of a first level enforcement response (advisory):	79%	83%
• Ratio of in compliance to out of compliance:	40% : 60%	40% : 60%
Breakdown of inspections:		
• Percent of inspections that resulted in an order (to address environmental risk):	1%	0.5%
• Percent of inspections referred for further action (to consider escalating enforcement action):	4%	4%
• Percent of inspections that resulted in a warning (to warn of a possible escalated enforcement response if non-compliance continues):	16%	12.5%
• Percent of inspections that resulted in an advisory (to address minor administrative issues or little to no environmental impact):	39%	43%
• Percent of inspections that resulted in a notice of compliance	40%	40%

GCPE ENV – CONFIDENTIAL ISSUES NOTE

(to confirm all parameters were in compliance):		
Inspections referred for further action (4%):		
<i>Actions related to these inspections may carry into the following year if further investigation is required.</i>		
• Administrative penalties that have been issued and paid:	3	6
• Administrative penalties that are/were under consideration:	7	6
• Violation tickets issued:	11	13
• Charges laid:	18	0
Other notable highlights:		
• Number of regulated parties inspected, some at several different sites:	270	480
• Number of different sites inspected, some more than once:	350	600

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Ministry of Environment and Climate Change Strategy, January 2018

CRD SEWAGE TREATMENT

- We are encouraged that the Capital Regional District is moving forward on a single treatment site at McLoughlin Point.
- This is a major step towards fulfilling the requirements for wastewater treatment in the CRD.
- The CRD must be in compliance with both provincial and federal regulations by December 31, 2020.
- Failure to meet deadlines would result in the possible loss of federal and provincial funding, and see the regional district in non-compliance.

Background:

- The provincial and federal requirements for the Capital Regional District to implement sewage treatment and specifically find a site for a treatment plant has been a contentious issue between the municipalities within the CRD for several years. This issue has received significant media attention, including several articles from the Seattle Times calling for a tourism boycott of Victoria by Washington State residents.
- January 10, 2018 - CRD paused the process for seeking options to reuse Class A biosolids with other organic waste streams for an integrated resource management approach at the Hartland landfill, and has refocused on finding a solution for the beneficial use of biosolids as required in the Core Area Liquid Waste Management Plan.
- June 2017 – ENV assigned a dedicated resource to assist and track CRD progress for installation of the sewage treatment plant and biosolids management and disposal.
- September 30, 2016 – Former Minister (Mary Polak) approved an amendment to CRD's Liquid Waste Management Plan (LWMP) stating the McLoughlin Point wastewater treatment plant must be completed by Dec. 31, 2020. The amendment also acknowledges treatment of biosolids at Hartland Landfill in accordance with the Organic Matter Recycling Regulation and a commitment of up to \$2 million for technical studies and environmental impact assessments with respect to a wastewater treatment proposal in Colwood.
- September 14, 2016 – CRD Board of Directors approved recommendation for a tertiary treatment plant at McLoughlin Point with treatment of biosolids at Hartland Landfill.
- September 7, 2016 – the provincially appointed CRD Core Area Wastewater Project Board recommended a single plant should be located at McLoughlin Point based on a revised design. The CRD board ceded control of the sewage project to the Board in May 2016.

Funding:

- The federal government has committed \$253 million to CRD sewage treatment.
- The funding agreement between the Province and CRD is for up to \$248 million of eligible project costs. Three outcomes are needed to trigger payments- substantial completion of the wastewater treatment plant; substantial completion of the energy centre (sewage sludge treatment); and commissioning of the project.

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Ministry of Environment and Climate Change Strategy, February 21, 2018

CRD – SHELLFISH

Key Messages:

- The Capital Regional District is constructing a wastewater treatment system that will include a new tertiary treatment plant at McLoughlin Point by December 2020.
- The new treatment plant will lessen environmental impacts by reducing the discharge of pollutants into the marine environment.
- As part of the process, the CRD is required to provide an environmental impact study that considers the effects of any discharged effluent and establishes requirements to protect human health and the environment, including shellfish.
- Ministry staff will continue to work with CRD staff on these requirements as the process moves forward.

Background:

- Media reports suggest shellfish around sewage outfalls in the Capital Regional District are testing positive for prescription pharmaceuticals.
- The CRD's environmental monitoring program supervisor notes the vast majority of the drugs are excreted by humans, rather than improperly flushed pills, according to media reports.
- The CRD currently discharges coarse screened, raw sewage into the Strait of Juan de Fuca through two outfalls: Clover Point and Macaulay Point.
- However, quantifying impacts of pharmaceuticals and endocrine-disrupting hormones found in wastewater treatment plant effluents to the environment is still an emerging science.
- The CRD is required to register their new wastewater treatment system under the BC Municipal Wastewater Regulation.
- Ministry staff are working closely with the CRD staff on requirements (including the environmental impact study requirements) for the BC Municipal Wastewater Regulation, as well as a review of the five-year monitoring data for the existing discharges at the Clover Point and Macaulay outfalls.

Fees under the Environmental Management Act

KEY MESSAGES:

- We are introducing a new fee structure under the *Environmental Management Act* that we believe is fair for sectors that have been paying the same rates for a very long time.
- Fees under the EMA have not been increased since 2006.
- Every dollar of the increased revenue will be re-invested to ensure we are improving services for companies and local governments, while we enhance environmental protection.
- This includes increasing inspection capacity and other compliance and enforcement activities.

Background:

- On December 4, 2017, Treasury Board approved a suite of fee increases for activities conducted under the *Environmental Management Act* (EMA):
 - Waste discharge permit application and amendment fees.
 - Annual fees for air, effluent, refuse and storage permits.
 - Annual waste discharge fees based on tonnage and emission type.
- Fee increases will primarily impact the forestry, oil & gas, and mining sectors as well as local governments.
- The impact is modest. New revenue is anticipated to be \$2.7 million, spread across multiple sectors and payors.
- Fees have not increased since 2006 and inflation over this period is 20%, meaning the revenue from fees today delivers less industry oversight than 11 years ago.
- Current fees are lower than the Canadian average. Financial analysis shows that an increase will not reduce B.C.'s competitiveness.
- Additional funding is needed to ensure operations that discharge waste do so responsibly.
- The incremental revenue from increasing waste discharge fees will enable government to increase permitting capacity within the Environmental Protection Division (EPD) as well as carry out additional compliance and enforcement activities.
- In accordance with the "polluter-pay" principle, additional funds will be realized by increasing fees on dischargers.
- Anticipated new revenue will be in the range of \$2.7M spread across all impacted sectors and payers.

Ministry of Environment and Climate Change Strategy, January 29, 2018

FISH PROCESSING PLANT AUDIT

Key Messages:

- The people of B.C. expect their government to keep our water safe, and protect our wild salmon stocks.
- The Province will protect the environment and health of wild salmon by strengthening the requirements for fish processing and fish farming operations.
- The government will work with industry, First Nations and local communities on required actions to make sure any discharge into our coastal waters does not contaminate or endanger wild salmon.
- We will do this by developing a comprehensive set of measures that will apply to the fish farming and fish processing industry along our coast.

Background:

- In November, a viral video was posted online of “blood water” being dumped into the ocean from fishing processing plants – including footage from Brown’s Bay Packing in Campbell River, and Lion’s Gate Fisheries in Tofino.
- Ministry compliance staff conducted site inspections at both facilities the week of Dec.4, 2017. Samples were collected and lab results showed the presence of piscine reovirus (PRV) which is infected blood thought to pose a threat to wild salmon.
- The ministry will continue to monitor these facilities to ensure compliance.
- Following an announced review of fish processing plants on December 20, the Province has initiated inspections of the 30 fish processing plants with provincial permits.
- The inspections will review whether:
 - Effluent discharge is potentially causing harmful pollution.
 - Current authorizations contain strong environmental protection provisions.
 - Current authorization holders in the fish processing sector are in compliance with their permit.
 - Best achievable technology (BAT) is being used in the treatment of effluent from fish processing plants.
- Once inspections and data collection is complete, ministry staff will review permits and/or regulations to ensure best available technology is used in the treatment of effluent from fish processing plants to protect wild salmon stocks.

Ministry of Environment, January 2018

GIBRALTAR MINE DISCHARGE

- It is unfortunate the Cariboo Chilcotin Conservation Society felt they needed to take this step.
- It's important to have all voices heard at the Technical Advisory Committee.
- The Ministry continues to work with Gibraltar and First Nations to make sure we have all the information in place to make a decision that protects human health and the environment.

Background:

- On Nov. 5, 2017 the Cariboo Chilcotin Conservation Society resigned from the Technical Advisory Committee for the Gibraltar Mine, saying “there has been no effort to adopt an effective water management plan” on the part of the company or the Ministry of Environment.
- They assert in their letter that “Proper site water management requires a commitment from mine management and the Ministry of Environment to take a common sense (non-regulatory) approach to work together on acceptable solutions. The relationship that exists at present is totally dysfunctional and will result in ... dumping contaminated site water into the Fraser River.”
- Gibraltar Mines Ltd. is authorised to discharge mine water to the Fraser River near Marguerite via a submerged outfall in the river.
- As a condition of their permit Gibraltar facilitates a Technical Advisory Committee (TAC) that provides advice to Gibraltar and to the Director under EMA with respect to the monitoring and management of the discharge.
- The TAC is composed of provincial and federal agency representatives, local First Nation representatives, a community representative and an independent scientist from UNBC.
- On October 13, 2015, an ENV Statutory Decision Maker (SDM) approved a permit amendment for Gibraltar Mines Ltd. to temporarily increase the water discharge rate by 50% from its tailings facility into the Fraser River.
- The temporary increase expired Nov. 10, 2016. The company has applied to make this increase to the water discharge rate permanent and their application is currently being reviewed to ensure a complete information package has been submitted.

- An initial review by ENV and other reviewers identified deficiencies regarding information related to water balance and mine chemistry and this has been discussed with Gibraltar.
- Gibraltar has been made aware since the temporary amendment was issued in Oct 2015 that up-to-date water balance and mine water chemistry information is a requirement for their application. This is typical information required for all mine effluent applications.
- The Ministry needs water balance and mine chemistry information in order to assess whether permit limits can be met for the foreseeable future, and if and when future discharge treatment and alternative management needs to be implemented.
- The approach by Gibraltar, that this information is unnecessary for review by the regulatory agencies and members of the TAC, is in part why the CCCS resigned from the committee.
- The Ministry is prepared to move on with the process of making the temporary increase a permanent one, but won't be able to go into full review until the screening is passed.
- First Nations have expressed opposition to the discharge, arguing that increased discharge will harm aboriginal rights by negatively impacting river water quality and therefore the fishery, fish habitat, fish health, and the health of drinking water for wildlife such as deer. The Tsilhqot'in have been vocal in the media and say they want alternative locations and different types of water treatment to be considered.
- The ministry is consulting on a government-to-government basis with local First Nations. The Xatsill First Nation has an Economic and Community Development Agreement with the province that includes revenue sharing and outlines appropriate consultation steps that must be followed. The TNG has a strategic engagement agreement that outlines how consultation is to be undertaken, and a work plan is in place specifically for consultation on the application by Gibraltar.
- All parties are working to ensure a safe discharge plan is in place to avoid further accumulation of surplus water in the tailings impoundment. A short term authorization is being sought by Gibraltar to allow continued reduction in the inventory of surplus water off the site starting in the spring of 2018.
- Past testing of the river downstream of the outfall conducted under the environmental effects monitoring program has shown no significant environmental effects. While the discharge met limits for metals, concern has been raised about cumulative impacts since during high river flow many metals such as selenium, iron, lead, mercury, and total aluminum are normally higher in upstream in the Fraser River due to increased turbidity during freshet.
- Since the CCCS no longer wishes to participate on the TAC, Gibraltar will need to seek an alternative representative organization of the community.

Ministry of Environment and Climate Change Strategy, January 2018

GOWARD ROAD CONTAMINATED SOIL

Key Messages:

- We can sympathize with the situation faced by this family, who bought a property that contained contaminated soil.
- Ministry staff met with the property owners, the Blazkows, in March and April 2017 to discuss the contaminated soil on their property and the actions they've taken to manage it.
- Under the Environmental Management Act, whoever incurs the cost of cleaning up a site may seek compensation from other responsible persons (e.g. a previous owner) in court.
- Ministry staff will continue to work with the Blazkows and are available to provide advice on regulatory requirements and the implications of various remedial options.

Background:

- The ministry became aware of contaminated soil at 240 Goward Road in Saanich on September 15, 2016 as a result of excavation by the owner for a garage on the property.
- The contaminated soil was left by previous owners and the current owners don't believe they should be financially responsible for the remediation and removal of this soil.
- The previous owner of the property operated a truck washing and tank cleaning service and it is suspected the contamination comes from tank contents that were drained onto the property.
- Under the Contaminated Sites Regulation (CSR), owners of properties where activities such as tank cleaning occurred are required to provide a prospective purchaser with a Site Profile indicating the nature of the activity that took place and potential sources of contamination. This did not occur.
- After finding the contamination, the Blazkows hired an environmental consultant and continued to excavate the contaminated soil (approx. 800 m³ or 80 dump truck loads) and stockpile it on their property. By spring 2017, there were no disposal facilities on the island that could take the soil and the Blazkows hired a contractor to bioremediate the stockpiled soil.
- In March 2017, the owners contacted the media, and the Minister of Environment to complain about the high costs of remediating their site and request financial assistance, as they did not feel they should be responsible for recovering costs from the previous owner.

GCPE ENV – CONFIDENTIAL ISSUES NOTE

- Under the *Environmental Management Act*, innocent landowners can seek to recover the costs of remediating their sites from responsible parties. The Blazkows are seeking to recover costs from the widow of the previous owner with a court date set in 2018.
- A final report was submitted by the Blazkow's environmental consultant (Roy Northern) on December 15, 2017. The report indicated site investigations and remediation were nearing completion and that the site owner would be seeking a Certificate of Compliance (CoC) from the ministry in early 2018.
- In October 2017, the Blazkows advised they had spent \$262,000 to date in remediating their property and estimated another \$260,000 was needed to complete the remediation. They sold a second home to finance the remediation.
- The ministry has taken a number of steps to assist the Blazkows:
 - Streamlining regulatory requirements for the independent remediation of the site
 - Offering to undertake water sampling on neighbours' wells (no longer required)
 - Providing ongoing assistance and advice to the Blazkow's consultant.
 - Committing to accepting the Certificate of Completion application directly, rather than requiring that it go through the normal Approved Professional review process.
- The ministry has advised the Blazkows that ministry fees for issuance of CoCs (\$8,000) are prescribed in the regulation and cannot be waived but an extended pay schedule will be offered to further offset immediate costs.

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Ministry of Environment and Climate Change Strategy, January 2018

PROPOSED INDIGENOUS MARINE RESPONSE CENTRE

Key Messages:

- We welcome the proposal by the Heiltsuk to improve spill response in the central coast and better involve indigenous communities in a robust marine response regime.
- Given the 2016 spill in the Seaforth Channel, we can understand why the Heiltsuk would want to make sure they are ready for spills in their community.
- Members of the Heiltsuk Nation worked tirelessly in the aftermath of that spill to help with the recovery efforts.
- We look forward to working with the Heiltsuk and the federal government on improving marine spill response.
- The province will continue to develop a robust spill prevention, response and recovery program that improves initial response standards, and complements the federal marine spill regime to protect our coastal waters.

Background:

- A November, 14, 2017 report by the Heiltsuk Tribal Council titled “Indigenous Marine Response Centre (IMRC): Creating a World Leading Response System” proposes the establishment of an indigenous marine response centre (IMRC) near Bella Bella.
- The report recognizes the value of Geographic Response Planning, for the central coast, something that B.C. also supports, and has financially contributed to.
- The decision on approval and funding of the proposed IMRC is a federal decision.
- If such an IMRC is created, B.C. agencies, including the Ministry of Environment and Climate Strategy will naturally work in cooperation with the IMRC and Heiltsuk First Nation to ensure that there is integration in planning and operation between it and provincial and federal agencies.
- B.C. supports adding new marine response resources through the Oceans Protection Plan as committed to by the government of Canada, and including indigenous communities in a robust marine response regime.

Report Summary:

- This report proposes the creation of a new marine response organization. This organization would have the mandate to respond to marine incidents with the potential to threaten the environment along the central coast.
- The report argues that the proposed IMRC would enable trained individuals, with local knowledge and appropriate equipment, to respond to marine emergencies more quickly and effectively than existing resources are able to do so.
- The report uses the ENV Nuka reports as a reference point with respect to recommended elements of world class marine spill response frameworks.
- The proposal calls for an IMRC with resources including:
 - A main response centre located at Denny Island, across from Bella Bella
 - A full time staff/crew of 37
 - Two Fast Response Vessels
 - A tug and barge
 - Smaller landing craft vessels
 - Satellite stations and depots
- The budget for the proposed IMRC is \$111.5 M and operating costs of \$6.8 M/yr.

HOME HEATING OIL TANKS SPILLS/LEAKS

Key Messages:

- The ministry continues to work with local government and the fuel suppliers to minimize the occurrences of leaks through awareness programs, bylaws and best practices.
- Under the Environmental Management Act, a current or previous owner may be held responsible for clean-up of a home heating oil spill.
- Homeowners are responsible for ensuring their home heating oil tanks and any associated pipes are in good condition.
- It is important that British Columbians be reminded to regularly check their home heating oil tank for leaks and are advised to replace it approximately every 15 years to minimize the chance of a leak.

Background:

- Every year there are several reports of home heating oil spills occurring in the fall/winter. The primary cause of spills appears to be aging oil tanks and lines – a typical oil tank needs to be replaced approximately every 15 years.
- While the ministry does not regulate the installation, care and maintenance of home heating oil tanks, all property owners are prohibited under the Environmental Management Act (EMA) from “causing pollution” and are responsible for clean-up costs from spills.
- Property owners are also required to comply with the Spill Reporting Regulation, Contaminated Sites Regulation and Hazardous Waste Regulation.
- The Ministry of Environment’s role is to establish standards for chemical and hazardous materials cleanup and to provide regulatory oversight of the response to spill incidents and remediation.
- In early January 2017, a home heating oil spill resulted in an unknown amount of fuel being spilled into the West Bay Marina in Esquimalt. In recent years, there have been a series of home heating oil spills into Greater Victoria waterways such as the Gorge, Blenkinsop Creek, and Colquitz River. However, it should be noted that a spill into the Gorge in January 2015 and other past spills in the area are a result of major supply lines to tanks being severed.

GCPE ENV – CONFIDENTIAL ISSUES NOTE

- If a spill occurs, the ministry provides oversight to ensure action is taken such as appropriate clean-up. The Environmental Emergencies Program responded to several of these high-profile heating oil tank leaks. However, the ministry does not typically locate or remove underground storage tanks, unless they pose an imminent threat to the environment.
- Under EMA, the following may be responsible for cleaning up a contaminated site: current owner or operator; previous owner or operator; producer or transporter of a substance that caused contamination. Any of these individuals may also be responsible for cleanup if an adjacent site becomes contaminated by a substance migrating from the original site.
- Homeowners are responsible for their tanks even if underground and they are unaware of their existence. Previous owners are contractually obliged to disclose a tank's location in a property disclosure statement if aware of their existence, but there is no legislative requirement.
- The Office of the Fire Commissioner and local governments have a regulatory role and some local governments have bylaws that include provisions for the removal or decommissioning of abandoned or unused residential heating oil storage tanks.
- In 2004, government created the Land Remediation Fund through an amendment to EMA to provide funding for government programs related to brownfield development, orphan site remediation and remediation of domestic and commercial underground storage tanks. The amendment creating the fund was passed but not brought into force and, as such, no funding assistance is currently available from the province for these circumstances.
- A number of local governments have taken initiatives regarding Residential Underground Storage Tanks (UST). For example, Saanich and Oak Bay require permits to be obtained for the installation, decommission, or removal of tanks. West Vancouver has built an inventory of properties with USTs and has maintained their records by requiring permits for their removal.
- In November 2012, an Environmental Law Centre report suggested B.C. have mandatory tank inspections with a tag system to confirm tanks and pipes are in good shape and ensure companies don't deliver to a tank without a valid tag. According to the report, a max lifespan for tanks should be set, and decommissioned tanks should be identified and inspected.

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Ministry of Environment and Climate Change Strategy, January 2018

HULLCAR REPORT – AGRICULTURAL WASTE CONTROL REGULATION

Key Messages:

- Our government initiated this review because residents need to have faith their government is listening and will be taking action to ensure both water quality and agricultural interests are protected.
- The nine sets of recommendations outlined in the review of the Hullcar Valley aquifer are clear, thoughtful, and based on the best available information we have.
- We accept the recommendations of the report and are working to implement many of the short- and longer-term suggestions.
 - We will take lessons learned from the Hullcar review and ensure best practices for agriculture waste management are applied across the province.
 - We have released for discussion an intentions paper on proposed amendments to the Agricultural Waste Control Regulation.
- This government is committed to working with the Splatshin First Nation, residents of the Hullcar Valley and the local agriculture producers to restore the Hullcar Valley aquifer and to have the water advisory removed.

Background:

- On August 2, 2017, the Province ordered a review into the pollution in Hullcar Aquifer with the end goal of ensuring agricultural practices are consistent with the provision and protection of clean, safe drinking water.
- Oliver Brandes, an independent national water and governance expert, was chosen to provide strategic advice and oversee the review. Calvin Sandborn, legal director with the University of Victoria's Environmental Law Centre served as special advisor.
- Mr. Brandes provided a review copy of the nearly-final report to the Ministry of Environment Hullcar Review Project team in early October, and to key stakeholders later in October 2017.
- The final report was received November 24, 2017.

- The key stakeholders are: the Township of Spallumcheen, the Steele Springs Water, and the agriculture industry.
- The Splatstin has significant interests in the issue and copies of the draft report have been shared and discussed with them.
- Representatives from the agriculture sector were also informed of the report's draft recommendations.
- The final report lists nine sets of recommendations with the end goal of returning the soil nitrate balance and restoring the aquifer to acceptable nitrate levels.
- The immediate and short term actions contained in those recommendations include a moratorium on spreading liquid manure on areas of concern and ensuring residents have immediate access to clean drinking water.
- Longer term actions include establishing sustainable governance structures for water utilities in the area, and supporting new technologies.
- Accordingly the government has released an intentions paper seeking public comment on proposed amendments to the Agricultural Waste Control Regulation that:
 - Will apply to all agricultural operations across the province, including hobby and commercial operations.
 - Will provide outcome-based requirements to protect the environment and prevent pollution. The proposed requirements:
 - Address the concept of a "temporary moratorium" (as recommended in the Hullcar report) by giving the statutory decision maker the discretion to prohibit land applications in high precipitation areas, including over vulnerable aquifers for a high-risk period.
 - This discretion would apply in specific conditions and circumstances, on a case by case basis, based on evidence.
 - Address the concern regarding intensive livestock operations by limiting the amount of nutrients applied to crop nutrient requirements, which should leave no excess nutrients to leach into the aquifer.
- The inter-agency working group has been refreshed and is developing a multi-agency response plan to address the recommendations made in the final report.

The Hullcar Aquifer:

- Nitrate levels have consistently exceeded water quality guidelines from March 2014 to present with respect to the Hullcar aquifer which is a drinking water source for the Hullcar Valley. There are 53 residents connected to the Steele Springs Water District (SSWD), 22 independent well users, and the Splatstin which all rely on the aquifer for drinking water.
- The aquifer provides drinking water to as many as 250 people.
- A combination of factors is likely affecting the Hullcar aquifer, but the 2017 Golder Study of the Hullcar Aquifer identified agriculture as the primary cause. It is understood that the nitrates are coming from several area farms/feedlots (primarily manure), and possibly, to a lesser extent, residential septic systems.
- Interior Health (IHA) issued a "Water Quality Advisory" in July 2014 to all drinking water users in Hullcar Valley - not a "Do Not Drink" or "Do Not Use" order. While there is a level of risk associated with consuming the drinking water, it does not meet the threshold for a "Do Not Use" order. Boiling the water will have no effect on nitrate levels.

Ministry of Environment, February 6, 2018

MT POLLEY – CURRENT STATUS (ENV)

Key Messages:

- A disaster like this should never have happened in B.C., and it must never happen again
- While full environmental remediation will take years, significant progress has been made in the remediation efforts done to-date.
- Actions completed so far include assessing the extent of impacts from the breach (including impacts on fish and fish habitat), determining risks to human health, and revising long-term monitoring plans.
- Mount Polley Mining Corporation (MPMC) conducts sampling weekly for the effluent discharge permit. Monitoring of the waterways downstream of the mine continues.
- The Province, with First Nation participation, has overseen all environmental remediation and monitoring work done by MPMC and will continue to do so.
- The ministry has a monitoring and auditing plan in place. MPMC's comprehensive environmental monitoring plan is currently under revision in consultation with the ministry and First Nations.
- Government will continue to share information with the public as it becomes available.

If asked about the private prosecution:

- The Public Prosecution Service of Canada will consider all of the information gathered during the course of this investigation, should charges be recommended under the *Fisheries Act* or other legislation.

Background:

Long-term Water Management Plan:

- On April 7, 2017, a permit for a long-term water management plan was approved by a statutory decision-maker (SDM) and issued to Mount Polley Mining Corporation (MPMC).
- The permit application underwent extensive public consultation, including First Nations and local communities, as well as a full technical review from the Cariboo Mine Development Review Committee.
- The permit requires the company to meet all water quality and aquatic health quality guidelines in Quesnel Lake after effluent mixing.
- The permit conditions require that the discharge into Quesnel Lake will preserve the lake water quality and protect water uses and aquatic life.
- The discharge to Quesnel Lake is viewed to be the best option for current operational water management based on various factors including environmental, technical, social and economic criteria.
- In accordance with the permit, treated water enters a pipeline that discharges approximately 50 metres below the surface of Quesnel Lake (out of range of drinking water intakes).
- Any treated and discharged water is required to meet BC water quality guidelines for aquatic and public health at the edge of a 100 metre dilution zone in Quesnel Lake.
- The permit amendment allows the discharge of up to 0.6 m³/s of treated mine water from Mount Polley directly to Quesnel Lake at depth via a pipeline until the end of 2022. A final water management plan will be required once site reclamation is complete and the mine is closed.
- Those opposed to the permit amendment would prefer the effluent be piped further downstream to Quesnel River. The discharge to Quesnel Lake was selected by MPMC after reviewing alternatives, based on consideration of various factors including environmental, technical, social, economic criteria.
- The permit allows a discharge up to 420 m³/d of treated mine effluent to Bootjack Lake via groundwater from Springer Pit. The permit amendment approved a 10% increase in discharge volume over the previous version and includes adjustments to some permit limits based on existing water quality data.
- MPMC and a local property owner have appealed the amended permit to the Environmental Appeal Board (EAB). MPMC contends that the amended permit is too restrictive given background water quality could exceed limits at the edge of the initial dilution zone, while the local property owner contends that the permit does not require sufficient treatment of the effluent to protect lake water quality.

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First Nations engagement:

- First Nations remain important partners in the next phase of addressing remediation of the site.
- Soda Creek and Williams Lake Indian Bands (Xat'sull and T'xelcenc First Nations) will continue to be fully engaged on permitting decisions related to Mount Polley mine.
- To-date, the two Bands have had substantial technical involvement in the water discharge permit review and the update to the Pollution Abatement Order, as well as in the review of impact and risk assessments, and the development of comprehensive environmental monitoring plans.
- Information is also being shared with the TNG and Lhtako who use downstream waters during aboriginal fisheries.

COS Investigation:

- There is an ongoing investigation between the B.C. Conservation Officer Service, the Department of Fisheries and Oceans, and Environment and Climate Change Canada.
- All of the information gathered during the course of this investigation will be considered by the Public Prosecution Service of Canada should charges be recommended.
- While the statute of limitations on provincial charges expired in 2017, potential charges under the federal fisheries act remain in play - and are, in fact, much more significant.
- B.C.'s Conservation Officer Service will continue to actively work alongside federal agencies on this complex and thorough investigation.

General info:

- To meet the requirements outlined in the Pollution Abatement Order (PAO), Mount Polley is executing the long-term mitigation and remediation plan in two phases:
 - Phase one ended in June 2015 and focused on public safety and restoration of the stream channel and riparian areas of Hazeltine Creek.
 - Phase two focuses on detailed site investigation, long-term remediation and restoration monitoring.
- All deliverables for phase one were completed by the end of June 2015, which included successfully implementing measures to ensure the increased water flow in Hazeltine Creek did not result in additional environmental or human health impacts.
- To-date, the ministry considers the following activities complete or substantively initiated:
 - Public Safety (e.g. woody debris removed from Quesnel Lake)
 - Repair to infrastructure (e.g. bridge and Forest Service Road)
 - Containment of tailings
 - Monitoring, risk assessment and detailed site investigation
 - Protection of archaeological resources
 - Protection of fish
 - Erosion mitigation
 - Water treatment
 - Reporting

- Phase two continues to focus on remediating the impacts of the tailings materials lost through the breach and includes development of a conceptual remediation plan. Ongoing impact assessment, monitoring and mitigation activities will also occur.
- Remediation and restoration work done over the past two years includes:
 - Reconstruction of the Hazeltine Creek channel has restored the water channel, and Quesnel Lake foreshore has been restored at the mouth of Hazeltine Creek.
 - Creation of fish habitat between Polley Lake and the mine discharge point.
 - Removal of spilled tailings from both sides of the Upper Hazeltine Creek.
 - Erosion control including re-vegetation, re-sloping, placement of large woody debris, mammal habitat has been installed along the Hazeltine Creek corridor.
 - Trees “suffocated” by the spilled materials along Hazeltine Creek have been removed and the spilled materials in the area has either been removed or renovated and replanted.
 - Relocation of 80,000 toads in spring 2016 was required to enable the restoration of Upper Hazeltine Creek
- A series of reports and assessments are required under the PAO to inform long-term remediation and restoration plans:
 - A Post-Event Environmental Impact Assessment Report was completed which reports out on the physical, chemical and biological impacts of the spill,
 - A Detailed Site Investigation was completed which reports out on the contaminants of potential concern informing the risk assessments, and
 - A Human Health Risk Assessment was finalized and approved on June 28, 2017.
 - An Ecological Risk Assessment was conditionally accepted in January 2018.
- The company was also required to submit a Comprehensive Environmental Monitoring Plan (including fish monitoring) to the Province by March 31, 2016. This was approved by the ministry and is being implemented. An update to the Comprehensive Environmental Monitoring Plan is currently under development by MPMC in consultation with ENV and FNs. In the interim, monitoring continues under the approved 2016 plan. Monitoring data is reported monthly and comprehensive annual reporting and evaluation is provided by MPMC by March 31st of each year. A significant amount of data is available publicly on the ministry’s EMS data system.
- A long-term project, led by FLNR, called the Quesnel Lake Acoustic Study is also underway and will track the movements, behaviour and mortality rates of Lake Trout, Rainbow Trout and Bull Trout in Quesnel Lake.
- On April 29, 2016, MEM and ENV authorized an amendment of the restricted operations permits, increasing the mine’s allowable production level from four million tonnes to five million tonnes of ore, and allowing the mine to continue restricted operations while its application to return to full production is under review.
- Reports from Mount Polley are being made available to the public via the BC Mine Info website as they become available.

Water Sampling and compliance:

- ENV has a monitoring and auditing plan in place and has reviewed and approved MPMC's water, dust control and fish tissue monitoring plans.
- The Province continues to conduct independent monitoring in Quesnel Lake as well as conduct compliance monitoring to ensure the discharge is compliant with the conditions of the permit.
- The Quesnel River is monitoring at the federal/provincial monitoring station located at Gravelle Ferry.
- The ministry continues to collaborate with researchers undertaking work on Quesnel Lake and an annual forum was held in the spring of 2017.
- Inspection Reports and annual environmental reports are posted to the BC Mine Information website.

Private Prosecution:

- On August 4, 2017, Bev Sellars swore a private information alleging that the Mount Polley Mining Corporation (MPMC) had committed various offences contrary to the provincial Environmental Management Act and Mines Act.
- In January 2018, the BC Prosecution Service (BCPS) announced that it has directed a stay of proceedings in the private prosecution relating to the dam failure at Mt. Polley Mines.
- BCPS news release can be found here: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/media-statements/2018/18-02-sop-mt-polley-mines.pdf>

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NEONICOTINOIDS

Key Messages:

- We intend to restore public confidence in government's ability to protect our water, land and air, and to protect human health.
- The registration of pesticides falls under federal authority and is administered by Health Canada's Pest Management Regulatory Agency (PMRA).
- The PMRA has called for a phase-out of all commercial agricultural uses of one neonicotinoid (imidacloprid) based on risks to aquatic organisms, and is reviewing two others.
- The Province is keenly interested in the final evaluations that will result from the federal review and will rely on their scientists and expertise.
- Any changes to the B.C. regulatory model would have to be done in consultation with the Ministry of Agriculture, the agricultural sector, beekeepers and the pesticide industry.

Background:

- Media have reported on studies linking bee deaths to neonicotinoids, a class of insecticides introduced in the 1990s. The insecticides are widely used on some commercial crops, including corn, canola and soybeans as well as on many plants sold in commercial nurseries.
- Studies have led to restrictions and bans on the use of different neonicotinoids in several countries, and re-evaluation of their use in others. In April 2013, 15 of 27 EU members voted to restrict use of three neonicotinoids for two years. The restriction is now lifted.
- In 2012/2013, Health Canada's Pest Management Regulatory Agency (PMRA) received an unusually high number of reports of honey bee mortalities from beekeepers in corn growing regions of Ontario, Quebec and Manitoba. PMRA concluded current agricultural practices related to the use of neonicotinoid-treated corn and soybean seed were unsustainable.
- Measures were undertaken by the PMRA following 2013 that aimed to reduce unnecessary neonicotinoid exposure to bees from pesticide contaminated dust during seed planting.

- A preliminary review by the PMRA posted January 6, 2016 found that imidacloprid posed "no potential risk to bees" when used as a seed treatment. Response measures were implemented and have resulted in a 70-92% reduction (2014-2017) in bee mortality compared with 2013 levels.
- On November 23, 2016, the PMRA released a proposed re-evaluation decision stating the current use of imidacloprid is not sustainable since levels of the pesticide being found in waterways are harmful to aquatic insects which are an important food source for many fish.
- PMRA is proposing a 3 year phase-out of agricultural uses of imidacloprid where there are alternative products and a 5 year phase-out where there are no identified alternative products.
- The final decision for imidacloprid on protecting aquatic organisms is expected in December 2018. Consultation on proposed decisions for the remaining two neonicotinoids to protect aquatic organisms will occur in 2018 with a final decision expected in January 2020.
- The PMRA is also launching a special review of two other widely used neonicotinoids, clothianidin and thiamethoxam. Consultation on proposed decisions following the evaluations is expected in 2018 and the federal government is expected to provide final decisions by Jan 2020.
- On March 23, 2015, Ontario announced proposed new rules to reduce the amount of neonicotinoid-treated seed planted by 80% and establish a Pollinator Health Action Plan. The new regulation came into effect on July 1, 2015 and will be phased in over a two-year period.
- Changes to the Ontario regulation require farmers to practice integrated pest management (IPM) and set standards for pesticide use. Farmers must also undergo certification and obtain 3rd party verification of their IPM practices.
- B.C. only requires farmers to be certified if they are using Restricted class products and does not require farmers to practice IPM or meet additional standards when planting treated seed.
- Currently, most agricultural uses of pesticides do not require an authorization under B.C.'s Integrated Pest Management Act and are exempt from most of the requirements placed on commercial pesticide users. Any modification to this would require an amendment.
- B.C. does not collect data from agricultural producers about specific pesticide uses; however, analysis of available data shows an increase in the sale and use of neonicotinoids.
- The Province will continue to rely on the toxicological assessments and residue analysis performed by PMRA on consumer products with regard to safe pesticide levels.
- There is currently no provision in B.C.'s IPM Act to ban a pesticide; however, the Province does have the ability to amend current IPM legislation to place restrictions on the use of specific pesticides such as by requiring a Pesticide Use Permit.

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Ministry of Environment, January 2018

Recycling Regulation Amendments and Newspaper Sector Stewardship Plan

Key Messages:

- Government has taken steps to further reduce waste and increase recycling across the province by approving a stewardship plan for the newspaper sector.
- The stewardship plan for the newspaper sector provides all newspaper producers the ability to comply with the B.C. government's recycling regulation and in turn provide for Recycle BC to offer services to more communities.
- All waitlisted communities received service offers as of December 20, 2017.
- B.C. has the best track record of recycling through such stewardship programs in Canada.

Recycling Regulations:

- Recycling Regulation amendments were also approved in November 2017. They are housekeeping amendments that clarify and update language and responsibilities.
- The regulations ensure a level playing field for large-volume newspaper producers.

Background:

Newspaper Sector Stewardship Plan:

- This Stewardship Plan was submitted by News Media Canada acting as a stewardship agency for the newspaper sector. It is a means for all newspaper producers to become compliant with B.C.'s Recycling Regulation.

- Through arrangements between the newspaper sector, the Province and Recycle BC it will allow Recycle BC to bring on more than 30 communities waitlisted for producer-funded recycling services.
- Although costs will not be finalized until audited statements are submitted, the total provincial costs involved over the five years are capped at \$14 million. The government's net cost, after receiving \$6 million in advertising rebates, estimated at up to approximately \$8 million.
- Five-year agreements commit the newspaper sector to contributing to the costs of recycling their product by making a combination of annual cash and rebate payments on provincial public-sector newspaper and digital-media advertising costs. Government will use those funds to help offset Recycle BC's costs to collect newspapers and expand services to waitlisted communities.
- The newspaper sector stewardship plan relies on the Recycle BC stewardship plan to achieve several performance measures, instead of simply joining the Recycle BC program.
- The collection and recycling of newspapers is one of the strongest performing products within the entire recycling program (perhaps second only to beverage containers).
- Maintaining this high recovery rate (estimated at 75% or greater) and not disrupting the consumer recycling experience is the primary focus of the plan.
- Through this Stewardship Plan, the Province is offering temporary support for the entire newspaper sector to come into compliance with the Recycling Regulation.
- The exact annual costs involved will not be known until audits for amounts generated and collected are undertaken by the newspaper sector and Recycle BC respectively.
- After five years, the newspaper sector will be required to achieve compliance without government support.
- The newspaper sector faces unique challenges and therefore receives similar accommodations elsewhere across Canada. Also similar to elsewhere in Canada, newspapers will provide value-in-kind advertising to the government, which will in turn use cost-savings towards payments to Recycle BC.
- The net result is that the stewardship plan is intended to have all newspapers meet their regulatory obligations without further financial challenges, while maintaining the well-established recycling experience for B.C. citizens.

Recycling Regulation Amendments:

- The Recycling Regulation amendments clarify existing policy intent and reflect practices of producers who are already in compliance, and are therefore considered housekeeping amendments. For instance, they clarify the definitions of a “small producer” and “printed paper,” and make clear that all such products distributed in the province are obligated.
- Other amendments are more administrative in nature.
- The amendments confirm existing obligations, and all producers were notified of these amendments (e.g. a courtesy call followed by correspondence). For the handful of affected publications there will be a nominal financial impact (e.g. \$6,700 annually for the Georgia Straight).

Ministry of Environment and Climate Change Strategy, January 2018

FEDERAL OCEANS PROTECTION PLAN

Key Messages:

- B.C. welcomes the federal government's Oceans Protection Plan and acknowledges the investment and assets deployed are a good first step in helping to protect our coast.
- This includes upgrading Coast Guard facilities right up the coast and two rescue tugs for B.C. to ensure there is adequate spill response capacity for the current levels of marine traffic.
- Through the Oceans Protection Plan, the federal government is starting to address the removal of abandoned boats and wrecks, through the Abandoned Boats Program, the Abandoned and Wrecked Vessels Removal program and the Wrecked, Abandoned or Hazardous Vessels Act.
- We also recognize the importance of training and capacity building for First Nations so they can be our first responders.
- We continue to work with our federal partners on the details of the plan.

Background:

- On Nov.7, 2016, the federal government released their Oceans Protection Plan (OPP) which outlined four priority areas:
 - Creating a world-leading marine safety system that improves responsible shipping and protects Canada's waters, including new preventive and response measures;
 - Restoring and protecting the marine ecosystems and habitats, using new tools and research, as well as taking measures to address abandoned boats and wrecks;
 - Strengthening partnerships and launching co-management practices with Indigenous communities, including building local emergency response capacity; and,
 - Investing in oil spill cleanup research and methods to ensure that decisions taken in emergencies are evidence based.

- The OPP also provides \$6.85 million in grants and contribution funding for the removal of wrecks and abandoned vessels. This is viewed as an initial step and will not be enough to address the majority of abandoned vessels in B.C., the province continues to work closely with the federal government to solve the problems surrounding abandoned vessels and wrecks on the west coast. On October 30, 2017, the federal government introduced the Bill C-64 – *The Wrecked, Abandoned or Hazardous Vessels Act*, which aims to bring into law the 2007 Nairobi Convention. This act aims at increasing the accountability of abandoned vessels and wrecks back to the ship owners.
- As part of the federal plan, B.C. will also see enhanced resources for the Coast Guard along the entire coast including:
 - New rescue stations
 - A dedicated Primary Environmental Response Team near Port Hardy to ensure quicker response times
 - A 24/7 emergency operations centre
 - Increased tug capacity (two tugs for B.C. – one on the south coast of Vancouver Island and one likely on the North Coast)
 - New radar and navigation systems to allow for proactively managing vessel routing.
- The Coast Guard will also form new Indigenous Community Response Teams in B.C., which will offer formal training for search and rescue, environmental response and incident command.
- The OPP will also strengthen the polluter-pay principle by amending the Canadian Ship-source Oil Pollution Fund to ensure adequate industry-funded compensation is available for those affected by oil spills and set tougher requirements on industry to provide quicker action for any spills from a ship. In addition, the federal government has announced, as part of the OPP, to lift the existing limit of the Ship-Source Oil Pollution Fund to ensure that unlimited compensation is available to those affected by a spill.
- The OPP will include over \$1.5 billion in funding over five years, starting in 2017-18.
- B.C. invested in research and analysis to review response systems in other jurisdictions and shared findings with the federal government.

Ministry of Environment and Climate Change Strategy, January 2018

REVOLUTION RANCH

Key Messages:

- Ministry and other provincial representatives have been working with the Lytton First Nation and local residents to try to find a positive resolution for all parties.
- Ministry staff have made numerous site visits to the composting facility in recent years in response to complaints about odour.
- The most recent ministry inspections were in March 2017, in response to odour complaints, and found the facility to be in compliance with their odour management plan and applicable legislation.
- The Organic Matter Recycling Regulation (OMRR) was amended in June 2016 to require large composting facilities, such as Revolution, to have a permit.
- Revolution Organics will argue whether they need a permit before the Environmental Appeal Board in June 2018.
- The ministry will continue to work with Revolution Organics to ensure the facility remains in compliance with OMRR and fulfills all requirements of the permit application process.

Background:

- Revolution Organics has been the source of numerous odour complaints from nearby residents. Since 2012, ENV staff members have visited the site on multiple occasions to verify compliance and have found the facility in compliance with their operations plan and all applicable legislation including prevention of pollution to water and soil.
- Representatives from First Nations Health Authority (FNHA), MIRR and ENV met with Lytton FN on March 31, 2016. LFN shared concerns about the size of the facility, possible contaminant leaching, odour and pests from the facility. LFN also was concerned the facility was drawing water without permission. ENV confirmed the facility was meeting all applicable requirements at the time.

*Intentions Paper re Odour
& other matters - out late*

*spring
new
authorities
to address
odour*

GCPE ENV – CONFIDENTIAL ISSUES NOTE

- Access to the facility is via Botanic Creek Road, a portion of which LFN claims crosses Indian Reserve lands. At the meeting, LFN provided a copy of their bylaw requiring commercial vehicles to have a band-issued permit to gain access through their reserve on Botanic Creek Rd. Revolution was notified of the bylaw on March 31, 2016 and temporarily ceased hauling compost to the facility. Revolution resumed operations in early June 2016 and the gate remains open.
- Mediated talks didn't work and both parties made legal claims. Revolution claimed the road is public and responsibility lies with the Province to keep it open; they filed an injunction against LFN to keep the road open. LFN's counter-claim is in regard to nuisance from Revolution (odour, vermin and leachate) and interference with use of their traditional territory. LFN also made a claim against the Province regarding the road.
- On August 25, 2016 the BC Supreme Court ordered an injunction until Nov.30, 2016 preventing LFN from obstructing the use of the road. On Jan. 4, 2017, the BCSC reserved judgement on Revolution's application to extend the injunction. Currently, the injunction remains in place.

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- OMRR was amended in June 2016 to require large composting operations meeting specific size and feedstock requirements (such as Revolution) to submit an application for an EMA permit by August 8, 2016. Revolution submitted an application; however, the company's law firm stated they did not believe a permit was required to continue operating.
- On Feb. 14, 2017, the ministry sent Revolution a letter outlining the public notification requirements and deadlines required under the Public Notification Regulation (PNR)
- Revolution submitted a notice of appeal to the EAB to stay the letter and the EAB allowed the appeal to proceed, stating that Revolution is free to argue that a permit is not required under OMRR. The hearing is scheduled for June 2018.
- The stay application by Revolution with respect to providing public notice was rejected by the EAB in June 2017. The EAB found Revolution had provided insufficient evidence to support its claim that providing public notice in accordance with the Director's decision letter would cause irreparable harm. Other factors included: concerns about the potential environmental impact of the facility, public complaints about odours from the facility and that the public interest in Revolution completing the public notification requirements in a timely manner outweighed any inconvenience to Revolution. In September 2017, Revolution initiated public notification in accordance with updated timelines set by the Director on September 1.
- ENV received approximately 30 submissions from concerned residents, and will consider the submissions as part of the application review process which is now underway.

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Ministry of Environment and Climate Change Strategy, January 2018

RIO TINTO KITIMAT SMELTER

Key Messages:

- The government of B.C. sympathizes with those who have concerns about air quality in their community.
- We intend to restore public confidence in government's ability to protect our water, land and air.
- With respect to permit amendments such as this, these decisions are made by statutory decision-makers in accordance with the *Environmental Management Act*.
 - Currently the environmental effects monitoring plan under the permit has been appealed to the EAB.
 - As such it would be inappropriate for me to comment further.

Regarding air quality monitoring in Kitimat:

- Air quality is monitored at four stations in the Kitimat valley - one industrial fence-line site and three community sites - and the data is posted by the Ministry of Environment and Climate Change Strategy.
- Air quality monitoring for human health is and will continue to be done to ensure that ambient sulphur dioxide (SO₂) levels do not exceed acceptable levels.
- Following lengthy appeal proceedings, the Environmental Appeal Board (EAB) upheld the Director's permit decision to allow an increase in SO₂ emissions from the modernized smelter and made nine recommendations in December, 2015.

Background:

- An amended permit granted to Rio Tinto by ENV in April 2013, increased SO₂ emissions as part of the RIO Tinto Smelter modernization project and reduced other emissions.
- The current SO₂ limit is 42 tonnes per day compared to the previous limit of 27 tonnes. Emissions reduction due to smelter upgrades included: total fluoride, total particulate and polycyclic aromatic hydrocarbon (PAH) emissions.
- The EAB heard an appeal from two Kitimat residents with regards to the permit amendment.
- In its 2015 decision, the EAB upheld the Director's decision to amend the permit and made nine recommendations to ENV including: requiring Rio Tinto to update the human health section of their Environmental Effects Monitoring (EEM) Plan, assess the feasibility of a provincially-lead Kitimat regional health study; if feasible the Province oversee that it get done, developing a health advisory system for Kitimat to alert residents of air quality related issues that may impact their health
- With regards to EAB recommendation about updating the EEM program, the Province implemented a new interim air quality objective for SO₂ on Dec.16, 2016 and this is the KPI.
- The EEM Plan includes impact threshold criteria, that when exceeded, would trigger emission reduction and/or other mitigation. This plan includes scrubbing options for mitigation. The Director may also require the installation of scrubbers if mitigation measures are warranted.
- The Director approved the SO₂ EEM plan in October 2014. This decision was appealed by the two appellants appealing the permit amendment. The EAB ruled that the Director's approval of the EEM plan was not an appealable decision. Unifor (the union representing workers at Rio Tinto's smelter) subsequently petitioned BC Supreme Court that it was an appealable decision. The final outcome of the judicial review was that the Director's approval of the plan was an appealable decision.
- The appeal of the SDM's decision to approve the EEM plan is currently before the EAB but a hearing date has not been set.

Ministry of Environment and Climate Change Strategy, October 17, 2017

SEAFORTH SPILL - HEILTSUK FIRST NATION

- The government is actively seeking out the Heiltsuk Nation's input into plans to recover from last year's tugboat spill in Seaforth Channel. We welcome their participation.
- We acknowledge improvements in spill prevention, response and recovery are needed, and this includes ensuring Indigenous groups are fully engaged.
- New provincial spill response regulations will begin to address shortcomings, for example, by requiring a spiller to implement a recovery plan including impact assessments.
 - In phase two we will be looking at our ability under the division of powers between the federal government and the province, to regulate the impacts of marine spills that affect British Columbia coastline and seabed.

Background:

On October 13, 2016 at 1:13am the tug Nathan E. Stewart ran aground and sank in Seaforth Channel, approximately 11 nautical miles west of Bella Bella and within the Heiltsuk Nation lands.

The tug released a total of 107,552 litres of diesel and 2,240 litres of lubricants (lube oil, hydraulic oil, gear oil, and spent lube) into the environment, impacting traditional food gathering areas, fishing grounds, wildlife and marine coastal habitat within the Heiltsuk Nation lands.

BC Ministry of Environment - Environmental Emergencies Program (ENV) responded to the incident site and joined Unified Command with the Responsible Party (Kirby Offshore Marine), Heiltsuk Nation, and the Canadian Coast Guard. The six-week response effort included 200 workers from multiple government agencies and various specialized contractors.

The tug was removed from the seafloor by a crane barge on November 18 and the on-site incident command post was demobilized on November 22, 2016.

EIA Agreement

GCPE ENV – CONFIDENTIAL ISSUES NOTE

In order to encourage Kirby to execute on the Environmental Impact Assessment Plan prepared by the multi-agency Environmental Unit (EU), ENV has encouraged Kirby to consider signing an EIA Agreement. In August 2017, ENV also communicated its intent to share the EIA Agreement with Heiltsuk Nation following legal review.

At the one-year anniversary of the spill, the Heiltsuk Nation issued a news release announcing their intention to pursue legal action due to the following concerns

1. Kirby is unwilling to compensate Heiltsuk Nation for their costs incurred from hiring professionals to represent Heiltsuk Nation and participate in the development of the EIA Plan or the review of future environmental plans and monitoring results.
2. The EIA Plan does not go far enough in the view of Heiltsuk Nation.
3. The EIA Agreement is being negotiated solely between ENV and Kirby and has not yet been shared with Heiltsuk Nation.

In addition, the Heiltsuk Nation posted an open letter to Minister Heyman asking for consultation.

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Legislation/Regulation: B.C.'s new Spill Response regime provides enhanced mechanisms that help support marine spills; recovery plans and lessons learned reports can now be applied to events like the Seaforth Channel spill. For example, the Ministry can now direct a spiller to undertake a necessary response action, above and beyond what is set out in regulations. Recovery plans could include assessing the environmental impacts of a spill, restoring and remediating areas impacted including wildlife habitat, and preparing a summary of engagement and consultation with a First Nation government.

The *Environmental Management Act* does not include provisions for cost recovery on behalf of affected communities.

s.16,s.17

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Ministry of Environment and Climate Change Strategy, September 2017

UPDATED FINAL CLOSURE PLAN FOR COBBLE HILL LANDFILL (FORMERLY SIA)

Key Messages:

- The foremost concern of the government in this instance is to ensure protection of human health and the environment.
- Though the landfill site is no longer operating, the company is still responsible for maintaining the site and dealing with any remediation necessary.
- The Spill Prevention Order, originally issued in January, remains in effect to lessen the risk of an escape or spill of contaminants from the landfill.
- The Ministry continues to monitor this site closely. Ministry representatives are on the site each day that work is going on.
- Work on activities to safeguard the site for the long term is ongoing and will be finalized in Spring 2018.
- All information regarding the Landfill, including sampling data, inspection reports, and warnings/orders are posted publicly on the ministry's website.

Background:

- On February 23, 2017, former Minister Polak invoked Section 18 of the *Environmental Management Act* to cancel the waste discharge permit held by Cobble Hill Holdings (CHH). This is the first time this power was used.
- The permit was originally suspended in January. The company then failed to respond completely to requirements listed in the suspension letter.
- A Spill Prevention Order (SPO) was issued after the permit was suspended. Since then it has had several amendments.
- The company elected to permanently close the facility, and submitted final closure plans on May 31. The plan was reviewed by ministry staff and by independent qualified professionals who made recommendations to address some minor deficiencies.

- On July 21, an Updated Final Closure Plan was submitted to the ministry, proposing minor construction works in 2017 and postponement of major construction activities until the 2018 season in order to avoid construction during the wet months.
- On August 11, the Minister conditionally approved minor construction works and required the company and other named parties to begin work in August and complete it by October 31, 2017. Additional testing and monitoring requirements were also put in place to address local resident concerns about the integrity of the landfill liner.
- In mid-September, 2017 the parties named in the SPO proposed the exposure and testing of the clay layer in only one location in Fall 2017, citing increased environmental risks associated with the prescribed timing of the test pit excavations as had been required by the minister. This was approved.
- The company was also advised that the Ministry may also conduct non-invasive surveys or testing work to verify the extent of the basal clay layer, and that new information may affect any further decisions under the updated Final Closure Plan.
- Non-compliance with the Spill Prevention order is considered an offence under the Environmental Management Act.

UPDATE September 29:

- On September 28, 2017 it was determined that the single test pit requested by the Minister could not be safely dug and sampled; however four other test pits were excavated and are now being tested. Once those results are received, the ministry determine if any further testing is needed for next year.

Next Steps

- The ministry intends to continue engaging its own independent Qualified Professionals (QPs) to attend the site each day that construction activities are occurring. These QPs assist in overseeing site activities, engage in further monitoring and testing, and review submissions and reports from the Named Parties.
- Decisions made under the Order will be based on review and advice from technical and legal staff.
- Qualified Professionals are governed by associations that hold their members responsible and undertake disciplinary action where necessary. ENV is following up with Engineers and Geoscientists of BC (formerly APEGBC) to ensure there are steps in place to ensure there is not a similar situation to Active Earth in the future.
- The Ministry's review of the professional reliance model may also consider the CHH/SIA situation as a case study.

CHH Lawsuit:

- On August 22, 2017, CHH filed a notice of civil claim in the Supreme Court of B.C. against the Province and former Minister Polak.
- Legal staff will review the materials and advise on a response. There will be no further comment while this matter is before the courts.

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Ministry of Environment and Climate Change Strategy, March 2018

SPILL RESPONSE PROGRESS

Key Messages:

- Our government is working to protect our economy and our environment by having effective spills prevention, response and recovery in place, while making sure that those responsible for spills are also made responsible for fixing the environmental damage they've caused.
- The provincial government is seeking input from British Columbians on its next steps to protect B.C.'s land, coast and waters from land and water-based oil spills.
- We understand the personal connection British Columbians have with their natural environment and how passionate we all are in making sure it, along with our fish and wildlife, is not put at undue risk from potential spills.
- We expect the second phase of regulations to come into effect in spring 2019. This will build on the first phase of regulations, and will continue to strengthen our rules around preparedness, response and recovery from potential spills.

Background:

- On February 28, 2018, the Province released its intentions paper on proposed spills regulations.
- Feedback is being sought from British Columbians in four policy areas:
 - Response times, which ensure timely responses following a spill;
 - Geographic response plans, which ensure resources are available to support an immediate response, which consider the unique characteristics of a given sensitive area;
 - Compensation for loss of public use from spills, including economic, cultural and recreational impacts, and
 - Maximizing application of regulations to marine spills.

- The first set of regulations passed in October 2017:
 - Establish new requirements for spill preparedness, response and recovery.
 - Define who is responsible for transporting hazardous materials, and exactly what contingency plans they need to have in place.
 - Sets out what must be reported following a spill.
- In May 2016, B.C. passed legislation (amendments to the Environmental Management Act) to modernize B.C.'s Environmental Emergencies Program.
- In 2015 the federal Pipeline Safety Act received Royal Assent – the act complements B.C.'s policies, such as the “polluter pays” principle.

MARINE

- In November 2016, the federal government released their \$1.5 billion Oceans Protection Plan.
- As part of the federal plan, B.C. will also see enhanced resources for the Coast Guard along the entire coast including new rescue stations, increased tug capacity (two tugs for B.C.) and new communications equipment.
- B.C. contracted Nuka Research, an international expert in marine spill response and preparedness, to provide a comprehensive report on B.C.'s current marine spill capabilities.
- Nuka provided a 3 volume report, released in October 2013, which identified 11 key features for best practices. Nuka completed a follow-up technical report, in October 2015, compiling specific examples of best practices and regulations in neighboring jurisdictions. Both reports are available on the MOE website and helped inform the federal government's plan.

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Ministry of Environment and Climate Change Strategy, February 27, 2018

TECK TREATMENT PLANT SHUTDOWN

Key Messages:

- Government is aware of the decision by Teck to shut down its West Line Creek water treatment plant.
- The ministry continues to work with Teck and the Ktunaxa Nation Council to ensure that a robust monitoring program is in place for the Elk River watershed to provide data on the state of the aquatic ecosystem.
- The ministry will continue to monitor this situation.
- Teck has invested significant resources to try to mitigate its impact on the environment and meet the targets of the Area-Based Management Plan (ABMP).

Teck Non-Compliance (general)

- Over the past five years, Teck has received about \$4 million in fines and penalties for various environmental violations.
- This includes a \$3.4 million fine for polluting the Columbia River, a result of enforcement actions from both provincial and federal officials.

Non-compliance (Elk Valley)

- The ministry is committed to monitoring and enforcing compliance with the Valley Permit in the most efficient and effective manner.

Background

- On February 26, 2018, a statutory decision maker granted Teck authorization to temporarily bypass the West Line Creek water treatment facility.
- This bypass is in place until additional works can be constructed to address residual selenium that is bioavailable in the plant effluent.
- The work must be done by mid-August 2018.
- Teck will continue to have to meet the site performance objectives at order stations in the watershed.
- In October 2017, Teck made the decision to shut down the West Line Creek water treatment plant until the Advance Oxidation Process (AOP) add-on is fully operational.
- The AOP will convert remaining selenium in the effluent from selenite to selenate, a less bioavailable form of selenium.
- Teck's decision was based on recent fish tissue data which showed continuing accumulation of selenium in bull trout tissue within 2km downstream of the treatment plant.
- The hope is that selenium concentrations in fish will come down before spawning in the spring of 2018 –young fish are more susceptible to selenium effects.
- The shutdown will also result in increased non-compliance with nitrate concentrations, which are anticipated to exceed Level 2 effects benchmarks for benthic invertebrates.
- Teck is completing detailed design of AOP add-on to the treatment plant and anticipates the plant will be permitted, constructed and operational by the end of August 2018.
- There may be additional permit amendment requirements to dealing with residues and non-hazardous waste from the treatment plant.

Treatment plants

- Currently Teck operates only one treatment plant in the Elk Valley – West Line Creek (WLC) Active Water Treatment Facility (AWTF). Eight more treatment plants are planned for construction over the next 15 years at various locations in the Elk Valley.
- Detailed effluent sampling from the WLC AWTF collected in 2016 indicated selenite, which is a portion of total selenium that is more bio-available, was greater than expected. The discharge permit regulates total selenium, which continues to meet permitted levels.
- In 2016, the plant removed approximately 95% of the selenium and 99% of the nitrate from the water going through the plant.
- Sampling indicated nitrate levels in the water entering the treatment plant are higher than predicted (modelled during the ABMP process). The AWTF's ability to treat selenium is directly related to nitrate loading.
- Teck has implemented a Nitrate Management Strategy (NMS) to address non-compliances related to nitrate exceedances. The NMS includes measures for source control, water management and modelling and investigating ways to optimize the treatment facility.

Teck background:

- Teck Coal Ltd. owns and operates five coal mines in the Elk River Valley (Line Creek, Fording River, Greenhills, Coal Mountain and Elkview).
- The Elk River has seen selenium levels rise as a result of the current and historical mining activity in the area.
- Selenium is released from the weathering of mine waste rock as surface water and precipitation flow through the waste rock piles and into the tributaries and main stem of the

Elk River. Selenium is a naturally occurring and essential element that bio-accumulates; high levels of selenium are harmful to birds, fish and other aquatic life and may be harmful to human health.

- The Elk River flows into Lake Koocanusa which is a trans-boundary waterway on the BC/Montana border. Lake Koocanusa is a reservoir controlled by the Libby Dam operated by the US Army Corp of Engineers.
- On April 15, 2013, a ministerial order was issued to Teck to prepare an Area Based Management Plan (ABMP) to manage water quality and stabilize and reverse increasing trends in water contaminants in the Elk River watershed.

Valley Permit and non-compliance

- Over the past five years, Teck has received about \$4 million in fines and penalties for various environmental violations.
- This includes a \$3.4 million fine for polluting the Columbia River, a result of enforcement actions from both provincial and federal officials.
- As of June 2017, the ministry has performed compliance verification inspections under the permit on over 25 separate occasions - either through on-site inspections or data reviews.
- Of these more than 25 inspections, there were approximately 80 individual non-compliances recorded that resulted in 10 advisories and 12 warnings issued to Teck.
 - ENV has a dedicated management position supported by one technical officer and one technician to oversee Teck, and a compliance plan has been developed that specifies a schedule of inspection frequency and audit sampling.
 - Non-compliances ranging from administrative requirements to effluent discharge exceedances have been reported.
 - To-date, ENV, EMPR and Teck are working together to ensure these non-compliances are addressed in a timely manner.
- The majority of the non-compliances are due to exceedances of water quality targets at two compliance stations and effluent toxicity failures at several discharge streams.
- The Province is aware of ongoing investigations by Environment Canada and the Conservation Officer Service at various Teck operations.

FN and Area Based Management Plan (ABMP)

- Ktunaxa Nation Council (KNC) and Teck have continued to support the plan in a constructive and collaborative manner.
- The plan contains short, medium, and long-term water quality targets for seven monitoring stations (the stations outlined in the Order). A Valley-Wide Permit issued in November, 2014 is in place setting these targets as legal requirements.

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Ministry of Environment and Climate Change Strategy March 2018

TULSEQUAH CHIEF MINE & AQUATIC AND ECOLOGICAL RISK ASSESSMENT (AERA)

Key Messages:

- The aquatic and ecological risk assessment was shared with the Alaska government and ministry staff also briefed the local First Nations (Taku River Tlingit) on the report's findings. The report is also publically available on the ministry website.
- Monitoring of the Taku River continues as part of the BC/Alaska water monitoring program (2017-2019).
- The Ministry of Environment and Climate Change Strategy will continue to work with the Ministry of Energy, Mines and Petroleum Resources on next steps in relation to remediation of the site and viable closure options to pursue.
- Any new or existing owner of the Tulsequah mine would require operating permits from the Ministry of Energy, Mines and Petroleum Resources and the Ministry of Environment and Climate Change Strategy before any mining at the site could proceed.
- Non-compliances at the site are currently under investigation by the BC Conservation Officer Service.

Background:

- Pollution caused by the Tulsequah Chief Mine has been a longstanding complaint by Alaska and U.S. federal legislators, as well as Alaska tribes and NGOs.
- The Aquatic and Ecological Risk Assessment (AERA) by ENV in April 2017 found that there is environmental risk to the zone most directly affected by mine discharge. More specifically, findings are that some sampled areas contain metal concentrations that pose potential risks to fish, fish eggs and pelagic invertebrates. The impacted areas do not extend to the B.C.-Alaska border; however, potential effects on fish populations that migrate to Alaska waters are unknown.

- The AERA recommends that the Province:
 - Restrict overland flow of acid rock drainage.
 - Conduct an additional risk assessment to address the limitations of the report.
 - Conduct a geochemical assessment of waste rock piles to determine their potential future risk of leaching.
- The Province has publicly stated the AERA would inform to what extent mine effluent may be impacting the environment, and provide a foundation for next steps.
- In late July 2017, the report was shared with the Government of Alaska and the Taku River Tlingit First Nation were briefed on the report's findings. The AERA was also posted online.

Non-compliance:

- EAO inspected the site on the July 14, 2017 and found the site to be out of compliance with the EAC and issued direction to the company to come back into compliance.
- On July 4, 2017, MEMPR issued a letter to Chieftain and the court-appointed receiver ordering compliance with previously issued orders by July 31, 2017. The orders related to the appointment of a mine manager, retaining an engineer of record for the exfiltration pond, addressing issues at the exfiltration pond and dam, and removing or securing hazardous waste.
- ENV and MEMPR inspectors last visited the site on July 12, 2017. The ENV inspection found significant non-compliance with EMA and the permit. The inspection record was sent to the COS for investigation. There are no present plans for ENV to conduct additional inspections on the site in 2018 unless site conditions change, as the COS are investigating current non-compliance.
- MEMPR conducted necessary engineering improvements to address structural and safety deficiencies at the site September 22/23, 2017.
- On October 27, 2017, the Chief Inspector of Mines issued an order under the Mines Act requiring Chieftain Metals provide a plan that sets out remediation strategies and an implementation plan to mitigate the discharge of acid waters into the receiving environment and the exceedances of the applicable provincial water quality standards in that environment. The plan has been submitted to the Chief Inspector and is under review.

MOU/Transboundary monitoring:

- A November 2015 Memorandum of Understanding signed by the former B.C. Premier and the Alaska Governor is being implemented through a Statement of Cooperation (SoC) on the Protection of Transboundary Waters (October 2016).
- The SoC is overseen by a Bilateral Working Group (BWG) of B.C. Deputy Ministers of Energy, Mines and Petroleum Resources (EMPR) and Environment and Climate Change Strategy (ENV), and Alaska Department Commissioners of Environmental Conservation, Fish and Game, and Natural Resources.
- The BWG formed the Technical Working Group on Monitoring that is tasked with:
 - Providing recommendations to the BWG on a coordinated monitoring approach; ways to collect, import or link trustworthy data stored by others; and presenting data and information in an accessible way.
 - Engaging with First Nations, Tribes, industry and other stakeholders
 - Finding efficiencies and avoiding duplication

- The Taku River is part of the monitoring plans for the BC/Alaska transboundary monitoring. The first year of data has already been sent to Alaska and the Taku River Tlingit. The detailed plans and budget for 2018-2019 sampling have been developed and reviewed by Alaska and the Taku River Tlingit. ENV is working with both the Tahltan and Taku River Tlingit on having them participate in the monitoring program and sampling

Background on the Project Ownership:

- Chieftain Metals Corp.'s Tulsequah Chief copper-zinc-gold-silver-lead project is located in northwestern British Columbia, approximately 100 kilometres southwest of Atlin and 65 kilometres northeast of Juneau, Alaska, within the traditional territory of the Taku River Tlingit First Nation (TRTFN).
- The project comprises two previously producing mines, the Tulsequah Chief deposit and the Big Bull deposit. Chieftain acquired the Tulsequah Chief project in 2010 from Redfern Resources when it and its parent company, Redcorp Ventures, went into bankruptcy.
- Ownership status and responsibility for clean-up of the site has been a contentious issue.
- The mine went into care and maintenance in June 2015. Chieftain was seeking financing to continue developing the project; however, the company went into receivership on Sept. 6, 2016.

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- Under provisions of the provincial Environmental Management Act (EMA), Section 45, the provincial government may hold previous owners or operators of a site accountable for remediation of contamination.
- On June 15, 2017, Teck Metals Ltd. confirmed that they conducted mining at Tulsequah Chief property from 1951 to 1957 and, as previous operators, would be willing to voluntarily take the lead on closure/remediation planning under the following two conditions:
 1. Assurances from the Province that no entity pursues further development of the property.
 2. The Province would continue to participate in the closure/remediation plan development.
- The court-appointed receiver has indicated that, in their opinion, they are not the owner as defined under the Mines Act, and they have not taken possession or control of the Tulsequah Project.
- On August 10, 2017, the primary secured creditor, West Face Capital informed MEMPR that they had retained an environmental consultant to collate and review existing environmental information pertaining to the mine site and develop conceptual remediation options to bring the site back into regulatory compliance. A final report was provided to MEMPR in January 2018 and is now under review.
- On December 1, 2017, EMPR and ENV met again with Black Loon Metals Inc. Black Loon has approached the province again seeking additional information about the liabilities and remediation work required at the mine. Black Loon has expressed an interest in working with the province regarding innovative opportunities to take remediation action and assess project development opportunities at the same time.

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Ministry of Environment and Climate Change Strategy, November 23, 2017

USED CONSUMER MOTOR OIL RECYCLING

Key Messages:

- Government is well aware of the issue and has been working with the industry association (BC Used Oil Management Association) on implementing a solution.
- About 3% of all used oil collected is from the public.
- A series of actions – from increased payments to collection sites, to infrastructure grants for such sites are now being implemented by BCUOMA
- Key areas across the province experiencing a shortage of return locations are being targeted for resolution by year end.
 - The top priority areas are the Kootenays, Fraser Valley and North Vancouver, given the service gaps in these areas.

Background:

- CBC news reported on November 23, 2017 that small garages have been swamped with used oil after large retailers stopped collecting it from consumers.
- The location of return collection facilities (RCFs) has always fluctuated, with return locations voluntarily entering and exiting the market place. However, there has been a substantial decline in RCFs since 2014, from 505 to what is currently at 370 sites.
 - The decline is attributed to a number of factors, including the decline in the price of oil, liability issues stemming from possible PCB contamination, and consumer behaviour.
- Of all oil collected by the program, approximately 3 per cent of the oil is from the do-it-yourself population (public drop offs, as mentioned in the media).
- The other 97 per cent is a mix of commercial/industrial generators and services centres.
- BC Used Oil Management Association (BCUOMA) has been working to understand and resolve the issues with RCFs.
- Since 2015, the program has invested \$1M in incentives for collectors (e.g., transporters), conducted service level studies, increased the RCF incentive rates to collection sites, and consulted on proposed program changes.

GCPE ENV – CONFIDENTIAL ISSUES NOTE

- As a result of these studies and consultations, the following additional actions have or will be implemented in 2017 with the goal to ensure adequate province-wide access to RCFs:
 - Implementing an increased return collection incentive rate (payment for litres collected);
 - Adopting new minimum service level standards to set performance measures and targets for accessibility;
 - Expanding the community collection event program to better service remote locations;
 - Implementing an infrastructure grant program (for RCFs) to assist collection sites with infrastructure needs;
 - Adding new multi-material depot return options for consumer convenience; and
 - Providing a new advertising tool-kit for all collection sites.
- It will take some time for the public to respond to these efforts.
- BCUOMA is doing a full plan review and hosting public consultation events in fall 2017. Once this initial consultation is complete, BCUOMA will update their plan and consult on the plan in January 2018, prior to submitting an updated stewardship plan to the Ministry of Environment for review and approval.
- Although BCUOMA remains in compliance with their current stewardship plan and the regulation, the updated plan will include significant improvements and performance measures intended to ensure a more sustainable collection system.

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Environmental Assessment Office, March 8, 2018

BLACKWATER GOLD MINE PROJECT

- The Blackwater Gold Mine is in the Application Review phase of the environmental assessment process.
- In August, 2016, the review of the application for an Environmental Assessment Certificate was suspended at the company's request, so it could address outstanding information requests related to water quality, project changes, and revised effects assessment.
- The company has made several changes to its proposed project during the review of the Application in order to address issues raised by Indigenous Groups and provincial and federal government technical advisors.
- While that means a lengthier environmental assessment process, the changes address concerns and reinforces the value of the EA process in ensuring major projects are designed to reduce potential adverse effects and addresses the concerns of Indigenous Groups.
- Since the suspension, there has been considerable progress in addressing outstanding issues, and the Environmental Assessment Office continues to work with the company, Indigenous Groups and the working group to address the remaining issues.

Background:

- The proponent, New Gold Inc. (New Gold) proposes to develop an open pit gold and silver mining project approximately 110 km south of Vanderhoof, BC. The Blackwater Gold Project (Blackwater) would generate approximately 3,480 person years of employment during construction and 8,415 person years during operation. The anticipated capital cost is approximately \$1.814 billion.
- The timeline for Application Review for the environmental assessment (EA) of Blackwater was suspended on August 15, 2016 at New Gold's request with six days remaining until the deadline for referral for decision, in order to allow New Gold additional time to address outstanding issues, primarily related to water quality.
- Subsequent to the suspension being issued, New Gold proposed changes to the routing of the 140 km transmission line to address the concerns of Indigenous groups.
- Given the substantive change in the proposed transmission line routing, the Environmental Assessment Office held an additional public comment period on the change from April 5, 2017 to May 4, 2017.
- The discussions related to water quality have significantly advanced and New Gold has proposed new mitigation measures to address comments raised by the Working Group. The EAO is working to resolve issues associated with the additional changes made to the design of the Project during the EA as well as ensuring the information needed for a decision by Ministers on the Application for an EAC is complete.
- The EAO is also working with provincial and federal advisors to come to a common understanding of the effects of Blackwater on Southern Mountain Caribou and in consideration of the federal Recovery Strategy for Southern Mountain Caribou.
- The timeline for completing the review of these issues is uncertain.
- The proposed Project is subject to review under the *Canadian Environmental Assessment Act 2012* and is undergoing a cooperative EA (separate process and decision but the EA process is coordinated).

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Environmental Assessment Office, March 8, 2018

ENVIRONMENTAL ASSESSMENT PROJECTS

- The Environmental Assessment Office (EAO) reviews natural resource development projects that trigger the *Environmental Assessment Act*. Not all natural resource development projects trigger the *Environmental Assessment Act*.
- Currently there are 19 projects at various stages of the environmental assessment (EA) process – totalling an estimated \$76 billion of capital investment.
- Of those projects, eight are mining, two are transportation, two are liquefied natural gas, six are energy, and one is a water management project.
- Since 2015, 18 projects have received Environmental assessment certificates.
- We are committed to revitalizing the EA process which will focus on three key outcomes:
 - Enhancing public confidence and meaningful participation;
 - Advancing reconciliation with First Nations; and
 - Protecting the environment while supporting sustainable economic growth.
- We are working to ensure First Nations, local governments and communities and the general public can meaningfully participate in all stages of a revitalized environmental assessment process that will be transparent, timely, science-based and provides early indications of the likelihood of success.
- This work will also contribute to our government's commitment to fully implement the United Nations Declaration on the Rights of Indigenous Peoples.

Background:

- Below is a brief description of some of the natural resource development projects currently in the latter stages of the EA process.

Red Mountain Underground Gold

- IDM Mining Ltd. (IDM) is proposing to develop a 275,000 tonne per year high-grade gold and silver metal mine with a mine life of five years approximately 15 kilometres east-north-east of Stewart, BC.
- IDM has proposed to increase production to 365,000 tonnes per year and intends to process ore in an onsite mill. Processed ore bars will be transported from site via truck to Stewart where they will then be transported to a domestic or international refinery.
- Red Mountain requires an Environmental Assessment (EA) Certificate under the Reviewable Projects Regulation as it is a metal mine with a production rate greater than 75,000 tonnes per year.
- The project is undergoing a coordinated federal-provincial review with the Canadian Environmental Assessment Agency.
- Red Mountain is in the Application Review phase.

Revelstoke Generating Station Unit 6

- BC Hydro proposes to install a sixth 500-megawatt turbine into an existing empty turbine bay at the Revelstoke Generating Station on the Columbia River, five kilometres north of the City of Revelstoke.
- The Revelstoke Generating Unit 6 Project (Project) also requires a new capacitor station along the existing corridor between Vascux Lake Terminal Station and Nicola Substation and upgrades at the Nicola substation near Merritt, approximately 19 kilometres west of Summerland.
- Since the project is a hydroelectric facility that exceeds the rated nameplate capacity threshold of 50 megawatts, it triggered the requirement for an environmental assessment (EA) under the Reviewable Projects Regulation.
- The Canadian Environmental Assessment Agency has confirmed that a federal EA is not required for the project.
- The project is located within or near land with overlapping claims asserted by the Ktunaxa Nation, Okanagan Nation, and Secwepemc Nation.
- At this time, the project is in the application review phase and currently suspended, it is unknown when the EAO will be referring the project to Ministers for a decision.

Blackwater Gold Project

- New Gold Inc. (New Gold) proposes to develop an open pit gold and silver mining project, about 110 km south of Vanderhoof. The anticipated capital cost is approximately \$1.814 billion.
- The application review phase began on January 12, 2016. On August 15, 2016, the EA was suspended to allow sufficient time to review supplemental information submitted by New Gold.
- New Gold has proposed major changes to its project design to address issues raised in the EA. This has resulted in the need for a significant amount of additional information and additional time for the review.
- The discussions related to water quality have significantly advanced and New Gold has proposed new mitigation measures to address comments raised by the Working Group. The EAO is

working to resolve issues associated with the additional changes made to the design of the Project during the EA as well as ensuring the information needed for a decision by Ministers on the Application for an EAC is complete.

- The EAO is also working with provincial and federal advisors to come to a common understanding of the effects of Blackwater on Southern Mountain Caribou and in consideration of the federal Recovery Strategy for Southern Mountain Caribou.
- At this time, it is unknown when the EAO will be referring the Blackwater project to Ministers for a decision.

Sukunka Coal Mine Project

- Glencore PLC (Glencore) proposes to develop and operate an open pit coal mining operation and produce approximately three million tonnes per year of saleable coal. The project is located approximately 55 km south of Chetwynd and about 40 km west of Tumbler Ridge. The anticipated capital cost is approximately \$443.7 million.
- The application review phase began August 10, 2015. On January 21, 2016, the EA was suspended to allow sufficient time for Glencore to address outstanding issues related to water quality and caribou.
- Glencore has proposed major changes to its proposed project design as well as additional mitigation measures to address issues raised in the technical review. This has resulted in the need for a significant amount of additional information and additional time for the review.
- At this time, it is unknown when the EAO will be referring the project to Ministers for a decision.

Harper Creek Project:

- Harper Creek Mining Corp. (HCMC) proposes to develop an open-pit copper-gold-silver mine approximately 150 km northeast of Kamloops, near the town of Vavenby. The mine is expected to produce approximately 25 million tonnes of ore per year.
- The anticipated capital cost is approximately \$839 million.
- The key technical issue is the large excess water balance and the proposal to store a large volume of water in the tailings storage facility, which is not consistent with the recommendations of the January 30, 2015, Independent Expert Panel Report on Mount Polley Tailings Storage Facility (TSF) Breach.
- The proposed project was suspended on day 153 of the 180 day review period on June 30, 2015 to allow time for HCMC to submit additional tailings management information resulting from the Report on Mount Polley TSF Breach. The deadline to submit this information is March 19, 2018.
- At this time, it is unknown when the EAO will be referring the project to Ministers for a decision.

List of the Project that received Environmental Assessment Certificates since 2015:

EA Project:	Sector:	Date of Certificate:
Baldy Ridge Extension Project	Mining	2016-09-16
Brucejack Gold Mine Project	Mining	2015-03-26
Eagle Mountain - Woodfibre Gas Pipeline Project	Energy	2016-08-09

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Fording River Operations Swift Project	Mining	2015-09-10
Garibaldi at Squamish Project	Tourist Destination Resorts	2016-01-26
George Massey Tunnel Replacement	Transportation	2017-02-08
Giscome Quarry and Lime Plant Project	Mining	2016-12-14
James White Park Wells Project	Water Management	2015-11-04
Kemess Underground	Mining	2017-03-13
Kootenay West Mine	Mining	2018-01-24
LNG Canada Export Terminal Project	Energy	2015-06-17
Murray River Coal Project	Mining	2015-10-01
North Montney Mainline Pipeline Project	Energy	2017-01-18
Northeast British Columbia Expansion Project	Energy	2016-08-09
Terminal A Extension Project	Transportation	2015-12-17
Towerbirch Expansion Project	Energy	2017-02-23
Trans Mountain Expansion Project	Energy	2017-01-10
Woodfibre LNG Project	Energy	2015-10-26

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Environmental Assessment Office, March 8, 2018

EA REVITALIZATION ANNOUNCEMENT

- Today I'm pleased to announce the start of a process to revitalize B.C.'s Environmental Assessment Process.
- We are working to strengthen our environmental assessment to ensure that major projects are in the best interests of British Columbians.
- Revitalization means enhancing public confidence, advancing reconciliation, and protecting the environment while supporting sustainable economic growth.
- The Environmental Assessment Office is working with Indigenous groups at every step of the revitalization process to ensure that this work contributes to achieving government's commitment to fully implement the United Nations Declaration on the Rights of Indigenous People and advances reconciliation.
- Environmental NGOs, academics, industry, local governments and stakeholders will also be engaged throughout the process to ensure that all voices are heard.
- There will be significant opportunities for public engagement.
- We anticipate an aggressive timeline to make recommendations and implement changes to the EA policy/legislative framework.
- I look forward to working with all Members to ensure we have a robust and efficient science-based environmental assessment regime that helps to create and sustain jobs while protecting the environment.

Background:

- The Premier has directed the Minister of Environment and Climate Change Strategy to revitalize the Environmental Assessment (EA) process “to ensure the legal right of First Nations are respected, and the public’s expectation of a strong transparent process is met.” This means:
 - Enhancing Public Confidence: ensuring impacted First Nations, local communities and governments and the broader public can meaningfully participate in all stages of environmental assessment through a process that is robust, transparent, timely and predictable;
 - Advancing Reconciliation with First Nations; and,
 - Protecting the Environment while Supporting Sustainable Economic Growth by providing certainty of process and clarity of regulatory considerations including opportunities for early indications of the likelihood of success.
- To achieve this objective, the Ministry, led by the EAO proposes to:
 - work collaboratively with Indigenous groups to identify priority actions to implement;
 - ensure this work contributes to achieving government’s commitment to fully implement the United Nations Declaration on the Rights of Indigenous People; and,
 - engage proponents, the public, and other stakeholders regarding EA Revitalization.
- The EA revitalization process was formally announced on March 7, 2018. Several parallel streams of engagement are now underway:
 - In keeping with government’s commitment to fully implementing UNDRIP, extensive engagements will be held with First Nations through bilateral meetings, and regional workshops in collaboration with the First Nations Energy and Mining Council, including a province-wide workshop in Vancouver for First Nations Leaders;
 - An EA Advisory Committee that includes a cross section of members from industry, academia, NGOs, First Nations and local governments will provide advice on matters related to EA revitalization and make recommendations regarding potential changes to the current EA process and legislative framework.
 - A variety of other key stakeholders, including industry, environmental NGOs, local governments and others will provide specific feedback about their views, experiences and proposed measures to revitalize the Environmental Assessment process.
 - A *Discussion Paper* will be drafted based on the input received from the Environmental Assessment Advisory Committee, and engagement sessions with First Nations and stakeholder groups.
- A public comment period will be held on the *Discussion Paper* (anticipated in June).
- Following the public comment period a *What We Heard* document and an *Intentions Paper* will be published.
- New legislation is targeted to be introduced in the legislature in late fall 2018.

Work with indigenous groups

Over the past 30 months, the EAO has improved its engagement and relationships with Indigenous groups. Shifts to enhance Indigenous groups’ participation in EAs have been implemented within the EAO’s legislative framework. The EAO’s efforts to-date have focused on proposed projects where claims to Aboriginal title or rights have been assessed as strong.

- Since November 2015, the EAO has worked with the First Nations Energy and Mining Council to develop a concept paper with shared principles and recommendations for

EAO – CONFIDENTIAL ISSUES NOTE

enhancing six key areas in the EA process. Work continued in 2016/2017 to present proposed enhancements and seek feedback from Indigenous communities and broader stakeholder involvement, including industry associations. On June 8, 2017, the Parties completed a Recommendations Report that has formed a key input to developing the process for EA revitalization.

- While EA revitalization proceeds, the Environmental Assessment Office continues to collaborate on work with a number of Indigenous groups.
- Successful examples of collaboration include:
 - The Kemess Underground project where the Environmental Assessment Office worked collaboratively with the Tse Keh Nay First Nations to draft an assessment report that reflects consensus views on the approaches needed to avoid or mitigate potential effects on their Aboriginal rights and interests.
 - The Ajax project, where The Environmental Assessment Office and the Stk'emplupsemc te Sécwépemc Nation (SSN) co-developed an Environmental Assessment Collaboration Plan for the Ajax Mine Project, to support informed decision-making and ensure that information and results from the SSN's community-based assessment process were included in the provincial environmental assessment.
 - The Kootenay West Project where CertainTeed, KNC, SIB and the EAO approached the Project Review in a collaborative manner. KNC and SIB worked with CertainTeed to prepare the First Nations Consultation Report of the Application, and the EAO identified mitigations and developed potential conditions for the Project by working closely with KNC and SIB to ensure conditions addressed both Nations' interests and could be implemented jointly with CertainTeed.

Electronic Project Information and Collaboration System

The Environmental Assessment Office has been working to improve the efficiency and transparency of the environmental assessment process through the use of new digital tools.

- One recent deliverable has been a new web-based system, called EPIC (or the Environmental Assessment Office Project Information and Collaboration system), that provides more intuitive access to project data and information, and facilitates better engagement in environmental assessments, for project proponents, technical working groups, Indigenous groups and the public.
- EPIC replaces and significantly enhances the Environmental Assessment Office's previous system, and is now publicly available and accessible online, including on mobile devices.
- EPIC will continue to evolve and improve and will provide a strong foundation to support the results of EA revitalization. For example, a recent release of significant updates includes improvements to look and feel, mobile navigation and use, educational materials, mapping interface and features, and a new "activities and updates" feature.

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Environmental Assessment Office, March 8, 2018

EAO COMPLIANCE AND ENFORCEMENT

- Compliance and Enforcement is a key part of the Environmental Assessment Office's statutory mandate and is important to maintaining the public's confidence in the environmental assessment process.
- In this role, the Environmental Assessment Office provides oversight to ensure companies are compliant with the legal requirements of environmental assessment certificates. Compliance promotion is also a key component of this work.
- The Environmental Assessment Office works closely with the Canadian Environmental Assessment Agency; the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development; the Oil and Gas Commission; the Ministry of Energy, Mines and Petroleum Resources; and other provincial agencies to coordinate compliance oversight.
- Environmental Assessment Office Compliance and Enforcement use standardized policy to determine what form of enforcement may be appropriate for companies in non-compliance, ranging from orders to suspending all work.
- Environmental Assessment Office Compliance and Enforcement Officers have the authority to issue Orders under the *Environmental Assessment Act* to stop work or to remedy non-compliances.
- The Environmental Assessment Office conducted 35 inspections in 2016/17, exceeding its target of 25. 34 inspections have been conducted so far in 2017/18.

Background:

- In July 2011, the Office of the Auditor General published a report on the Environmental Assessment Office's (EAO) oversight of certified projects and concluded that oversight was insufficient to ensure that potential adverse effects are avoided or mitigated.
- In the spring of 2011, the EAO established a Compliance and Enforcement (C&E) program that currently has five employees.
- In a May 2015 follow-up report, the Auditor General confirmed that the EAO had fully or substantially implemented the first four recommendations and had partially implemented the last two recommendations from the 2011 audit.
- The EAO developed the C&E program based on leading practices from other jurisdictions, building on the expertise of, and in partnership with, the Ministries of Forests, Lands, Natural Resource Operations and Rural Development (FLNR), Environment & Climate Change (ENV), Energy, Mines & Petroleum Resources (EMPR), and the Oil and Gas Commission.
- On July 29, 2014, FLNR designated EAO C&E Officers as Natural Resource Officers; this designation improves the effectiveness of the EAO C&E program, reduces duplication of effort within the Natural Resource Sector and gives EAO C&E a stronger presence in the field.
- On January 22, 2015, the Minister of Environment delegated the authority to issue Orders to Cease or Remedy under Section 34 of the *Environmental Assessment Act* to EAO C&E Officers. This delegation of authority improves C&E Officers' ability to react in a timely manner when faced with escalating incidents of non-compliance.
- In addition to joint inspections with provincial agencies, the EAO conducts joint inspections with the Canadian Environmental Assessment Agency.
- In April 2015, the Office of the Auditor General released an audit of compliance and enforcement in the mining sector. The EAO was not included within the scope of the audit. The EAO is working closely with EMPR and ENV to support their efforts to improve operational procedures related to compliance and enforcement.
- In cases of non-compliance, EAO C&E determines what form of enforcement may be appropriate. The EAO C&E Policy and Enforcement Matrix provide guidance for officers when determining enforcement. See Appendix A for a list of enforcements issued under the *Environmental Assessment Act*.

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EA0 – CONFIDENTIAL ISSUES NOTE

Appendix A – List of Enforcement Issued under the *Environmental Assessment Act*

Project	Enforcement under the Act	Date of Enforcement	Issues addressed by enforcement	Status/Comments
Progress Energy Dams	Order to Cease	October 31, 2017	Section 8 of the <i>Environmental Assessment Act</i> – construction and operation of a reviewable project without obtaining an EAC or an exemption	Active
Brule Coal Mine	Order to Cease	October 31, 2017	Condition 1 - unauthorized use of public highways for shipment of coal	Active
Wolverine Coal Mine	Order to Cease	June 20, 2017	Condition 1 -- unauthorized shipment of coal by truck	Active
Site C Clean Energy	Order to Remedy	March 22, 2017	Conditions 9 and 22 -- invasive weed management	Active
Site C Clean Energy	Order to Remedy	March 3, 2017	Conditions 2 and 69 – erosion and sediment control	Active
Site C Clean Energy	Order to Remedy	December 22, 2016	Amphibian surveys and mitigation	Active
Site C Clean Energy	Order to Remedy	December 22, 2016	Residential water well monitoring (for a period of 10 years)	Active

Project	Enforcement under the Act	Date of Enforcement	Issues addressed by enforcement	Status/Comments
Brucejack Gold Mine	Order to Remedy	December 9, 2016	Condition 1 - failure to implement mitigation measures to prevent or reduce the potential for bear-human conflict on the Project.	Active
Brucejack Gold Mine	Order to Remedy	August 17, 2016	Schedule A – Construction outside of approved area	Active
Meikle Wind Energy	Order to Remedy	July 12, 2016	Erosion and Sediment Control	Active
Meikle Wind Energy	Order to Remedy	July 12, 2016	Wildlife attractant	Active
Galore Creek Copper-Gold-Silver	Order to Remedy	July 14, 2016	Condition 1 – Waste Management	Active
Site C Clean Energy	Order to Remedy	June 24, 2016	Condition 69 - waste management	Active
Site C Clean Energy	Order to Remedy	June 24, 2016	Condition 69 – hydrocarbon	Active
Upper Lillooet Hydro	Order to Remedy	June 17, 2016	Condition 1 of Schedule B – wildlife attractants	Active
Kiisault Mine	Order to Remedy	June 2, 2016	Condition C8 – wildlife attractants	Active

Project	Enforcement under the Act	Date of Enforcement	Issues addressed by enforcement	Status/Comments
Site C Clean Energy	Order to Remedy	April 7, 2016	Conditions 2 and 69 – erosion and sediment control. Water management.	Active
Tulsequah Mine	Order to Remedy	November 11, 2015	Condition 1 – Hydrocarbon management	Active
Campbell River Water Supply	Order to Cease	October 19, 2015	Section 8 of the Act	Resolved: Campbell River appears to have abided by the Order to Cease until an Exemption was granted. Work has begun under the Exemption. No concerns at this time.
Interior-Lower Mainland Transmission	Order to Remedy	October 5, 2015	Condition 11 – Invasive Plans	Active
Jumbo Glacier Resort	Order to Cease	April 24, 2015	Condition 36 - Avalanche	<i>Note: While not directly related to the Order, the substantial start determination which confirmed the expiry of the EAC is subject to petition for judicial review</i>
Pacific Trail Pipelines	Compliance Agreement	October 10, 2014	http://a100.gov.bc.ca/appsdata/epic/doc/uments/p270/1414511778884_VhhZJP7G191TW1qFk5mm1TIGTcWyL0SBI-PvymK1yv5X8TnhPhms!-351597226!1414511460051.pdf	Resolved: The compliance agreement was terminated as PTP addressed the non-compliances to the satisfaction of EAO.
Interior-Lower Mainland Transmission	Compliance Agreement	September 25, 2014	http://a100.gov.bc.ca/appsdata/epic/doc/uments/p290/1412012459564_1TWwclpLW915xCK2cQJ535sWLypppQqCyCY6z2MzRLfpQq7X1YQ2i212548544811412008790164.pdf	Active

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Environmental Assessment Office, March 8, 2018

**IMPACT OF SOUTHERN MOUNTAIN CARIBOU
PROTECTION ASSESSMENT ON ENVIRONMENTAL
ASSESSMENTS**

- The Province has been working with the federal government on measures to support the recovery of Southern Mountain Caribou.
- In November, 2017, we announced with the federal government a draft conservation agreement, under the federal Species at Risk Act, to support southern mountain caribou recovery, starting with the population known as the Central Group.
- We're also discussing partnership opportunities with directly affected First Nations, in the recovery of caribou.
- Following consultations with Indigenous communities and stakeholders, Canada and the province are expecting to conclude our negotiations on the draft agreement over the next several months and release a final agreement in the spring of 2018.
- Once the final agreement is in place, the intent is to expand the agreement to other southern mountain caribou groups in British Columbia.
- The Environmental Assessment Office is participating in the federal-provincial discussions on caribou recovery to ensure there is a good understanding of potential effects on environmental assessments.

Background:

- On October, 4, 2016, Environment Canada and Climate Change (ECCC) initiated a protection assessment under the *Species At Risk Act* (SARA) for Southern Mountain Caribou.
- Southern Mountain Caribou are located in the southern two-thirds of BC and are listed as “Threatened” under SARA.
- On February 1, 2017 the province announced \$27 million in funding to enhance caribou recovery.
- To inform the protection assessment, ECCC and the province completed a “protection study” to assess existing protection measures and identify potential regulatory gaps. The protection study focused on the Central Group. The study has been finalized and is posted on ECCC’s website.
- The federal minister will use findings of the protection study to inform the protection assessment. A draft assessment was provided to the Province for comment on December 22, 2017, with a provincial response due on January 31, 2018.
- The federal and provincial governments completed a public consultation period on January 19, 2018 on a draft conservation agreement under section 11 of SARA, which outlines measures that will be taken to protect caribou. The current focus is on the Central Group, which may inform subsequent agreements for the Northern and Southern Groups.
- The impact of the study and the protection assessment on environmental assessments, if any, will vary depending on:
 - the specifics of each individual project;
 - potential overlap with critical habitat for the Southern Mountain caribou; and
 - where the project is in the environmental assessment process.
- Provincial plans or measures to address the protection of Southern Mountain caribou in the area of proposed projects will also inform the context for assessing potential impacts of a specific project on Southern Mountain caribou, as well as the cumulative effects assessment.
- The following projects are located in areas potentially impacted by the protection assessment:
 - Blackwater Gold Project – application review
 - Sukunka Coal Mine Project – application review
 - Harper Creek Mine Project - application review
 - Sundance Wind Project – pre-application review
 - Gething Coal Project – pre-application review
 - Red Willow Wind Project – pre-application review
 - Hackney Hills Wind Project – pre-application review
 - Aley Mine Project – pre-application review
 - Pacific Northern Gas Looping Project– pre-application review
 - Spanish Mountain Gold Project - pre-application review
 - Ruddock Creek Mine Project - pre-application review
 - Revelstoke Generating Station Unit 6 Project –application review
 - Carbon Creek Coal Mine – pre-application review
- The Environmental Assessment Office (EAO) is working with provincial agencies to coordinate information to project proponents and Indigenous Groups on the federal protection assessment as appropriate.
- The EAO is working closely with provincial and federal agencies to understand the implications for EAs on a case by case basis.

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PROPOSED FEDERAL IMPACT ASSESSMENT ACT

- On February 8, 2018, the Federal Government released its legislative reform package, Bill C-69, including a proposed *Impact Assessment Act*. (proposed Act)
- The EAO is reviewing the proposed Act and is analysing the implications for Environmental Assessments in BC.
- The Province and the EAO have a keen interest in the proposed Act because a significant number of the projects that require a provincial environmental assessment also require a federal environmental assessment.
- We will continue to work collaboratively with the federal government to ensure environmental assessments are transparent, effective and efficient.
- BC's approach to revitalizing the provincial environmental assessment process was announced on March 7, 2018
- Our goals are to enhance public confidence, transparency and meaningful engagement in the process, pursue reconciliation with Indigenous peoples, and protect the environment while supporting sustainable economic growth.
- We also want to provide clarity and certainty for industry about how the environmental assessment process works and what our expectations are, so that good projects can proceed efficiently and companies can have the certainty they need.

Background:

- In June 2016, the federal Minister of Environment and Climate Change appointed a panel to review environmental assessment (EA) processes conducted by the Canadian Environmental Assessment Agency (CEAA), the National Energy Board (NEB) and the Canadian Nuclear Safety Commission. An independent panel was also appointed by the Minister of Natural Resources Canada to review the NEB more broadly, and standing Parliamentary committees were tasked with reviewing the *Fisheries Act and Navigation Protection Act*.
- The Environmental Assessment Office's (EAO) submission (http://www.cao.gov.bc.ca/pdf/BCEAO_FinalSubmissiontoExpertPanel_20161219.pdf) to the panel focused on the flexible and adaptive nature of BC's EA process, the province's long standing commitment to one project, one assessment (substantiated by its successful implementation of substitution), the EAO's dynamic and collaborative approach to enhancing its Indigenous Engagement processes and the EAO's best EA practices.
- On June 29, 2017, in response to the various reviews, the Government of Canada released a discussion paper outlining the changes it is considering for Canada's EA and regulatory processes.
- On February 8, 2018 the federal government released the legislative reform package outlining the upcoming changes to environmental assessments in Canada.
- The changes proposed for the federal environmental assessment (EA) processes in Bill C-69 do not deviate significantly from the federal government's June 2017 discussion paper.
- The new federal assessment regime proposes several key features that will enable continued integration with BC's EA process, reducing duplication and affording opportunities for more effective engagement of Indigenous and non-Indigenous communities alike:
 - the principle of one project; one assessment has been endorsed and the concept of substitution has been retained;
 - steps were taken to recognize and enhance engagement with indigenous groups; and
 - the proposed Act explicitly focuses on areas of federal jurisdiction.
- Proposed changes generally fall within two categories:
 - Changes that align with approaches already undertaken in environmental assessment in BC; and
 - Changes that will likely be considered as part of the Province's commitment to revitalize the EA process.
- EAO will continue to influence the development of the federal regulations and policy that will be required to implement the Act, if passed.
- The parliamentary process is anticipated to take the better part of 2018, including House of Commons and Senate committee hearings.

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Environmental Assessment Office, March 8, 2018

HARPER CREEK PROJECT - SUSPENSION

- Harper Creek Mining Corp. is proposing an open-pit copper-gold-silver mine approximately 150 km northeast of Kamloops, near the town of Vavenby.
- Approximately 25 million tonnes of ore would be mined annually over an estimated 28-year mine lifespan with an estimated capital investment of \$839 million.
- The Project was suspended in June, 2015 to allow time for the company to submit additional tailings management information following the *Report on Mount Polley Tailings Storage Facility (TSF) Breach*.
- In May, 2017, the company contacted the Environmental Assessment office to restart activity on the environmental assessment. The Environmental Assessment Office has re-engaged the Working Group and First Nations on the project.
- The company will continue to work with the Environmental Assessment Office to meet outstanding information requirements. Once this information is provided, the suspension will be lifted and an extension will be requested to accommodate review of the altered Project Description.

Background:

- Harper Creek Mining Corp. (HCMC) is proposing to develop an open-pit copper-gold-silver mine approximately 150 km northeast of Kamloops, near the town of Vavenby.
- The Harper Creek Project (Project) is expected to produce approximately 25 million tonnes of ore per year over an estimated 23-year mine life span with an anticipated capital investment of approximately \$839 million.
- In addition to mine facilities, the proposed project would require an upgrade to existing forestry roads, and a 12 km transmission line connecting to the Vavenby substation.
- The key technical issue is the large excess water balance and the proposal to store a large volume of water in the tailings storage facility, which is not consistent with the recommendations of the January 30, 2015, Independent Expert Panel Report on Mount Polley Tailings Storage Facility (TSF) Breach.
- The proposed project was suspended on day 153 of the 180 day review period on June 30, 2015 to allow time for HCMC to submit additional tailings management information resulting from the Report on Mount Polley TSF Breach. The deadline to submit this information is March 19, 2018.
- A coordinated Environmental Assessment (EA) process is being undertaken with the Canadian Environmental Assessment Agency (CEAA) in accordance with the Canada-BC Agreement for EA Cooperation. There are several outstanding information requests from federal agencies, and the federal EA clock is currently suspended.

First Nations

- Simpcw First Nation was actively engaged in the Working Group at the time of suspension and has a moderate-strong claim to Aboriginal Title. Adams Lake Indian Band, Little Shuswap Lake Indian Band, and Whispering Pines/Clinton Indian Band were also actively engaged in the Working Group. Splatsh Indian Band was being notified of Project milestones and T'kemlups Indian Band was being consulted on downstream effects.
- Neskonlith Indian Band was invited to the Working Group but refused to work with the EAO after the Mount Polley Breach.

Next Steps

- HCMC contacted the EAO in May 2017 to restart activity on the EA, with particular focus on providing the tailings management information before the March 19, 2018 deadline. Once this information is provided, EAO intends to lift the suspension and extend the timeline to accommodate review of the updated Project Description.
- In December of 2017 HCMC notified the EAO that it intends to request an 18 month extension to the suspension deadline of March 19, 2018 to allow additional time to provide the requested information, and address remaining issues associated with the project.
- The EAO anticipates receiving a formal request for an extension to HCMC's suspension early in 2018 and will review the formal request at that time.
- The EAO has re-engaged with the Working Group and First Nations on the project and has met separately with Simpcw First Nation, Little Shuswap and T'kemlups Indian Bands in the fall of 2017. The EAO discussed collaboration opportunities with Simpcw First Nation.
- The HCMC presented preliminary results of the Tailings Alternative Assessment at a Working Group meeting held October 24, 2017. HCMC anticipates providing the final TAA report in January 2018 for review and comment.
- CEAA provided a letter to HCMC on October 4, 2016 regarding the need to incorporate ECC's Critical Habitat Protection Process into the EA review and consider the effects to Southern Mountain Caribou in the EA. HCMC will be meeting with CEAA and federal wildlife experts in fall of 2017 to discuss next steps.

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Environmental Assessment Office, March 8, 2018

LNG PROJECTS

- A number of proposals for major liquefied natural gas facilities and natural gas pipelines have triggered provincial environmental assessments.
- Three LNG facilities have received environmental assessment certificates and are continuing to progress toward construction:
 - Kitimat LNG;
 - LNG Canada Export Terminal; and
 - Woodfibre LNG.
- Five pipeline projects that would deliver natural gas to LNG facilities have also received environmental assessment certificates:
 - Coastal GasLink;
 - Pacific Trails Pipeline;
 - Prince Rupert Gas Transmission;
 - Eagle Mountain - Woodfibre Gas Pipeline; and
 - Westcoast Connector Gas Transmission.
- Grassy Point LNG and WCC LNG are presently in the EA process under the Federal-Provincial Substitution MOU. However, Woodside has recently announced to the media that they have cancelled the Grassy Point LNG Project; withdrawal from the EA process is pending.
- The Aurora LNG Digby Island was withdrawn by the Proponent midway through the environmental assessment in September 2017.

Background:

Pacific Northwest LNG

- Provincial ministers issued an environmental assessment (EA) certificate for Pacific Northwest LNG on November 25, 2014.
- The project also required a federal EA and received federal approval from the federal Minister of Environment and Climate Change on September 27, 2016.
- The provincial EA took into account the scope of the federal assessment and focused primarily on provincial interests and the consideration of potential effects outside of federal lands, including the sea bed administered by the Prince Rupert Port Authority. The provincial certificate includes eight legally-enforceable conditions, which are complementary to the federal conditions.
- In July 2017, Petronas announced that it will no longer be pursuing the development of Pacific Northwest LNG.

Woodfibre LNG

- Woodfibre LNG was a substituted EA. The Province issued a certificate on October 26, 2015, and the federal government approved the project on March 18, 2016.
- On November 4, 2016, the company announced that it has made a final investment decision. Before it can begin construction, the company will need to fulfill a number of the conditions of the certificate and seek permit approvals.
- On July 11, 2017, the EAO's Executive Director approved an amendment to Woodfibre's certificate, which included changing its cooling technology from seawater to air cooling. On March 7, 2018, the federal Minister of Environment and Climate Change reissued its Decision Statement to reflect the amendment.

Other Projects

- Kitimat LNG was issued a provincial certificate on June 1, 2006. The project has commenced construction; on September 8, 2015, the EAO determined the project to be substantially started.
- LNG Canada Export Terminal underwent a substituted EA and was issued a provincial certificate on June 17, 2015. A federal EA decision was issued the same date. The project has had one amendment to its certificate (August 2016). They have not made a final investment decision, but continue to advance post-certificate requirements and construction contract bids. The EAO continues to work with LNG Canada and relevant Indigenous groups and regulatory authorities through the completion of required management plans and meeting EAC condition requirements.
- Grassy Point LNG and WCC LNG have approved Application Information Requirements in place. WCC LNG has not specified whether/when they will advance their EA. Woodside recently announced to the media that they have cancelled the Grassy Point LNG Project. Withdrawal from the EA process is pending.
- Prince Rupert LNG and Aurora LNG Digby Island were both in the EA process until recently. The proponents, the BG Group and Nexen respectively, withdrew the projects from the provincial and federal EA processes in spring 2017 and September 2017.
- Steelhead LNG is contemplating an LNG facility, on Vancouver Island near Bamfield (Kwispa LNG), but has not commenced the EA process. The project would also require construction of a

EAO – CONFIDENTIAL ISSUES NOTE

cross-province pipeline to be constructed. Steelhead LNG announced the cancellation of another project, Malahat LNG, in December 2017.

- Wespac Midstream-Vancouver Ltd. is currently in the EA process (pre-application phase) for the Wespac Tilbury Marine Jetty, anticipated to submit its Application in late summer or early fall 2018. It would allow for the export of LNG from FortisBC's existing Tilbury LNG plant.
- On December 21, 2017, the EAO's Executive Director approved amendments to the Prince Rupert Gas Transmission Project (PRGT), which included construction of two additional construction camps and additional standby compressor units. PRGT has had several amendments to its EA Certificate to date.
- Coastal GasLink Pipeline is currently in an amendment review process for the proposed 42km South of Houston Alternate Route, anticipated to be complete by April 2018.

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Environmental Assessment Office, March 8, 2018

MORRISON MINE CERTIFICATE DECISION

- In July 2015, the proposed Morrison Copper-Gold Mine Project was ordered to undergo further assessment because the Ministers at the time were not confident that the mine design could sufficiently protect the environment.
- The Ministers' order and letter to the company explaining the reasons underlying their decision are publicly available on the Environmental Assessment Office's website.
- The next steps are for the company to develop a draft Supplemental Application Information Requirements document for submission to the Environmental Assessment Office.
- Once the Supplemental Application Information Requirements document is approved by the Environmental Assessment Office, the company will have three years to submit their Supplemental Assessment Report.
- At this time, the Environmental Assessment Office has not received the Supplemental Application Information Requirements from Pacific Booker Minerals Ltd.

Background:

- On September 24, 2012, the Ministers of Environment and Energy & Mines decided not to issue an environmental assessment (EA) certificate for the project. The Ministers determined that the potential risks of the project outweighed the potential benefits.
- In December 2013, a B.C. Supreme Court justice set aside the September 2012 decision and directed that the application for an EA certificate be resubmitted to the Ministers for reconsideration.
- In August 2014, the Minister of Environment suspended the EA to allow the Environmental Assessment Office (EAO) to seek the views of the proponent, Pacific Booker Minerals Inc. (Pacific Booker), Lake Babine Nation, Gitanyow Nation and Gitxsan Nation on the report of the Independent Expert Engineering Investigation and Review Panel into the failure of the tailings pond at the Mt. Polley Mine to further inform the Ministers' decision.
- On July 7, 2015, after considering the application re-submitted by Pacific Booker, the Ministers ordered the project to undergo further assessment. The Order, under Section 17 of the *Environmental Assessment Act* (Act), set out the scope of the further assessment, including additional baseline information and analysis on:
 - the capacity of Morrison Lake to assimilate treated waste water from the mine. A minimum of one year of new baseline data must be collected;
 - sockeye salmon use of Morrison Lake, Upper and Lower Tahlo Creek and the Morrison River;
 - hydrogeological and groundwater data for areas between the mine and Morrison Lake;
 - instream flow requirements for the Morrison River; and
 - additional analysis of whether the mine is likely to have significant adverse effects on the environment.
- The specific requirements will be set out in a Supplemental Application Information Requirements (SAIR) that Pacific Booker develops for the EAO to finalize and issue.
- The Order does not place any limits on when Pacific Booker must submit the draft SAIR, but rather places a three-year limit on the EAO receiving the supplemental information once the EAO has approved the SAIR.
- In March 2017 Pacific Booker submitted to the EAO a presentation which set out its view on misinformation in the Ministers' 2012 decision. The presentation is also publicly available on the company's website. The EAO's response was that the July 2015 Order from Ministers is clear and that the EAO awaits the SAIR to be provided by Pacific Booker.
- Pacific Booker's 2017 Annual Report indicates that the company's plan is to complete its water monitoring in the 2018 fiscal year in support of its application to the EAO.
- On February 26 2018, Pacific Booker submitted to the EAO several documents that Pacific Booker asked be placed on the EAO's website. The EAO is reviewing these materials and will post documents that are consistent with the EAO's posting policy.
- The EAO is still awaiting the SAIR to be provided by Pacific Booker.

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Environmental Assessment Office, March 8, 2018

MT MILLIGAN COPPER-GOLD MINE PROJECT

- On January 22, 2018, EAO amended the Mt. Milligan Environmental Assessment Certificate to allow for the construction of a pipeline and short-term withdrawals of water during 2018.
- The amendment was in response to a December 5, 2017 application from Thompson Creek Metals Company to address insufficient water available in its tailings storage facility and mill processing operations at the Mt Milligan Copper-Gold Mine.
- On December 27, 2017, Thompson Creek Metals Company announced that operations at the Mt Milligan Copper-Gold Mine had been suspended.
- The Environmental Assessment Office worked expeditiously with other provincial agencies and Indigenous Groups to conduct a review of the amendment application in a timeframe that the company indicated would avoid lay-offs of workers.

Background:

- In 2009, the Environmental Assessment (EA) Certificate was issued for the Mount Milligan Copper-Gold Mine (Mount Milligan). Thompson Creek Metals Company (TCMC) holds the certificate for the open-pit copper and gold mine, located between Fort St. James and McKenzie.
- The certificate authorized construction of a reservoir to ensure sufficient water during dry conditions. TCMC did not build the reservoir due to operational, environmental and cost considerations (estimated at \$22 million). As a result, the mine production relies upon water from the Tailings Storage Facility (TSF) and capture of the spring freshet.
- In late 2016, TCMC identified that TSF water levels were critically low due to consecutive dry years, inaccurate water balance assumptions and inadequate water storage.
- In July 2017, TCMC notified the Environmental Assessment Office (EAO) that it would be seeking an amendment to access a new short-term water source. It took several months with the EAO and Major Mines Permitting Office (MMPO) working intensely with TCMC to get clarity on the new water sources proposed, the volumes and timeframes required, and the authorizations needed.
- On November 8, 2017, TCMC requested a variance under section 31 of the Environmental Assessment Act (Act) to access new water sources without an assessment process. Section 31 is an extraordinary remedy allows the Act to be varied in an emergency or other circumstance, if it is in the public interest. Some Indigenous Groups and Regional Districts wrote letters of support.
- On November 24, 2017, the EAO responded that a variance would not be considered at that time as the situation was not an 'emergency'.
- At the time of s.31 request, TCMC, the Province, and Indigenous Groups were already working on an expedited process to review an amendment application, once it was submitted. TCMC indicated that it could manage operations to avoid layoffs if it received authorizations by February 1, 2018. The Province and Indigenous Groups developed a schedule that would meet that timeline, and the EAO also committed to allocate sufficient resources to support the review.
- TCMC submitted the certificate amendment application on December 5, 2017. The EAO held a 14 day public comment period from December 27, 2017 to January 10, 2018.
- On December 27, 2017, TCMC announced that with the critically low levels of water in the TSF and the extreme cold weather, it was not able to draw water for operations, and was suspending its milling. It anticipated resuming some operations by the end of January 2018. The EAO's understanding was that staff were being reassigned to maintenance activities.
- On December 28, 2017, TCMC sent a letter to the Honourable George Heyman, Minister of Environment and Climate Change Strategy renewing its earlier request for a Section 31 variance.
- The EAO worked with Provincial Agencies and Indigenous Groups to finalize the EA review in a shorter timeline as soon as issues were resolved at an EA level, recognizing that further discussion on permitting level details may still be required. EAO issued an Amendment

EAO – CONFIDENTIAL ISSUES NOTE

January 22, 2018, to allow short-term water withdrawals from Philips Lake 1 and Meadows Creek in 2018.

- TCMC is expected to apply for additional EA amendments in 2018 to address their long term water needs including extraction of groundwater.

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Environmental Assessment Office, April 5, 2018

PATTULLO BRIDGE REPLACEMENT PROJECT

- The B.C. environmental assessment of the proposed Pattullo Bridge Replacement Project started on November 9, 2016.
- The proposed project also requires a federal authorization by the Vancouver Fraser Port Authority under section 67 of the *Canadian Environmental Assessment Act*.
- The Environmental Assessment Office and the Vancouver Fraser Port Authority signed a Letter of Agreement outlining a harmonized review process with the EAO as the lead.
- The project is currently in the pre-Application stage of the environmental assessment process, with an Application for an Environmental Assessment Certificate anticipated in early 2018.
- A 30-day public comment period was held from June to July of last year, on the draft Valued Components Selection and Rationale document with 2 open houses held in late June in New Westminster and Surrey, to allow the public to submit comments on information to be considered during the environmental assessment.
- On February 16, 2018, it was announced that the Ministry of Transportation and Infrastructure would be the proponent for the project. The scope of the Environmental Assessment is unchanged.
- More information about the environmental assessment of the proposed Pattullo Bridge Replacement Project is available on the Environmental Assessment Office's website.

Background:

- On February 16, 2018, the Ministry of Transportation and Infrastructure (MoTI) became the Proponent for the Project, taking over from South Coast British Columbia Transportation Authority (TransLink).
- MoTI is proposing to replace the existing Pattullo Bridge with a new four-lane bridge spanning the Fraser River just north and upstream of the existing bridge.
- Similar to the existing bridge, the approaches will connect to McBride Boulevard in the City of New Westminster and King George Boulevard in the City of Surrey, B.C.
- Once the new bridge is constructed and operational, the existing bridge will be demolished.
- The environmental assessment (EA) for the proposed Pattullo Bridge Replacement Project (Project) was initiated on November 9, 2016 and is currently in the pre-Application stage of the review.
- The proposed Project is also subject to a federal authorization under section 67 of the *Canadian Environmental Assessment Act*, 2012. The Environmental Assessment Office (EAO) and the Vancouver Fraser Port Authority have a Letter of Agreement that the proposed Project will undergo a harmonized review process with the Province as the lead.
- Key issues include potential impacts to:
 - fish and fish habitat;
 - amphibians;
 - vegetation and terrestrial wildlife;
 - marine and land use;
 - visual quality and human health issues related to air quality and noise; and
 - Aboriginal rights to fish in the Fraser River.
- The EAO is consulting with 14 Indigenous groups on the EA for the proposed Project.
- The EAO held a 30-day public comment period on the draft Valued Components document from June 26, 2017 to July 26, 2017 with Open Houses in Surrey and New Westminster,
- Since the public comment period, the EAO has been receiving input from the Working Group made up of provincial, federal and local governments and Indigenous Groups on the Valued Components and the draft Application Information Requirements for determining the information that MoTI will be required to include in its application for an EA certificate.
- On March 23, 2018, the EAO approved the Application Information Requirements.
- The EAO anticipates that MOTI may submit an application for an Environmental Assessment Certificate for evaluation in April 2018.

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Environmental Assessment Office, March 8, 2018

PROGRESS ENERGY TOWN AND LILY DAMS

- The Environmental Assessment Office was notified by the BC Oil and Gas Commission in 2016 that two dams built by Progress Energy Canada Limited (Progress) may require an environmental assessment.
- Environmental Assessment Office Compliance and Enforcement conducted inspections of the dams in January and June 2017. In October of last year, the EAO issued an enforcement order confirming the dams to be non-compliant with the Environmental Assessment Act and ordering Progress to keep water levels in the dams at a low level and to conduct regular monitoring of these levels.
- Progress is seeking an exemption under the Act for the two dams. The review of two exemption requests was initiated on July 21, 2017.
- The review includes the formation of a technical Working Group that includes First Nations, provincial and local government representatives. EAO has also met directly with a number of First Nations on a government to government basis.
- A public comment period was held last August. Responses to all public comments are posted online.
- The EAO anticipates providing decision materials to the EAO Executive Director in April, 2018.

EAO– CONFIDENTIAL ISSUES NOTE

Background:

History of Dam Construction in Northeast BC

- Between 2012 and 2014, Progress Energy Canada Ltd. (Progress Energy) constructed two earthen dams (projects) for the purpose of diverting surface water into a fresh water pond/storage site for use in oil and gas hydraulic fracturing operations.
- Both dams are impounding surface drainage and groundwater; although they are not currently being used in oil and gas hydraulic fracturing operations.
- The projects are located on Crown Land in unpopulated areas in the Peace River Regional District in northeast B.C., approximately 135 kilometres northwest of Fort St. John and 185 kilometres north of Fort St. John.
- With dam heights of 23 and 16 meters respectively, the projects are reviewable under the Reviewable Project Regulation (RPR) since they exceed the 15-meter dam height trigger. The projects are also regulated under the Water Sustainability Act (and the previous Water Act) for the long-term diversion and storage of water and for the construction and operation of the dams.
- Both dams are within Treaty 8 lands and fall within the Blueberry River First Nation and Halfway River First Nation traditional territories. Progress Energy Lily Dam is also within the Prophet River First Nation's traditional territory. Due to 2017 Consultative Area Boundary changes, both dams now also fall in the traditional territories of Doig River and West Moberly First Nations. EAO is consulting deeply with these First Nations. The dams are within Area B of Dene Tha and Horse Lake; the EAO has notified these Nations of the exemption requests.
- The two dams are located within Critical Area #2 identified in the Blueberry River First Nations' 2016 injunction application to prevent the Province from issuing permits and authorizations for industrial activities in critical areas.

EAO Compliance and Enforcement

- EAO Compliance and Enforcement (C&E) staff and the OGC conducted a site inspection of the projects in January 2017 with a further site inspection by the EAO in June 2017. Both inspections concluded the dams are reviewable projects and do not present an immediate risk to the environment. On October 31, 2017, the EAO released Inspection Records and issued enforcement orders under Section 34 of the EA Act requiring Progress to maintain water levels at no more than 10% capacity as well as to monitor these water levels once a week during frozen conditions and daily when surface water flows are present. By keeping the water levels in the dams low, concerns related to overtopping and inadequate spillway construction are addressed and potential beneficial use of the water for operations by Progress is prevented.
- The section 34 order is one enforcement measure available to the EAO with respect to these projects and does not preclude further enforcement measures such as further administrative action or judicial enforcement and remedies through the courts, including prosecution and fines.

Other Provincial Permits and Authorizations

- Progress obtained Crown Land licences of occupation for the use of Crown land for freshwater storage and short-term water use approvals; however water licences have not been issued nor have the dams been approved by a provincial dam safety officer
- Progress submitted dam safety information in December 2016 that will be reviewed by the OGC. In September 2017 Progress applied for two water licences to the OGC for direct groundwater and

EAO- CONFIDENTIAL ISSUES NOTE

surface water diverted to the projects. Additional authorizations to store water from other diversion points such as the Sikanni Chief River will be required. Such authorization may be obtained through amendments to existing water licences. The OGC will review these requests once the EAO makes a decision on the exemption requests.

- The OGC is aware of 51 dams on Crown Land built for oil and gas purposes, to which the Dam Safety Regulation applies and require water licenses. Of these 51 dams only Progress Energy Town and Lily dams meet the RPR trigger. The OGC has inspected all of these dams and issued seven compliance orders to ensure they pose no threat to the environment. OGC is working with the companies who built these structures to complete engineering assessments and apply for water licenses.

Exemption Request Review

- The EAO formed a Working Group with provincial, local and First Nation government representatives including hydrology and dam safety experts. EAO requested comments on the exemption requests and has met to date four times with its Working Group. Progress has provided two rounds of responses to Working Group comments, the most recent of which was received late February 2018.
- The EAO held a public comment period on the exemption requests. Comments were received from the public and submissions from non-governmental organizations (NGOs), including the Canadian Centre for Policy Initiatives, Ecojustice on behalf of the Sierra Club of British Columbia (BC) Foundation, the WaterWealth Project and West Coast Environmental Law. Comments focused on non-compliance by Progress, the EAOs regulatory authority to consider an exemption request and public trust and confidence concerns related to water management in general for oil and gas fracturing operations. The EAO responded to all comments in a Response Report posted to its website and will consider these comments in its decision materials prepared for the Executive Director.
- The EAO conducted a Working Group site tour of the projects on October 2, 2017. Attendance on the site tour included staff of the Peace River Regional District and from Treaty 8 First Nations (Prophet River, West Moberly and Halfway River First Nations) and compliance staff from the EAO and OGC.
- The EAO has met with the Blueberry River (three meetings) and Halfway River (one meeting) First Nations outside the Working Group process.
- The EAO has been working to develop a draft Certified Exempted Project Description with Progress. The Working Group will have an opportunity to review the draft.
- Decision materials for EAO's Executive Director will include proposed conditions that would be legally enforceable should an exemption Order be issued. Draft decision materials will need to be reviewed by the Working Group and Progress. The EAO anticipates these materials will be available for the Executive Director in late April/early May 2018.
- A FOI request for information was made last August. EAO waived the fees associated with the request and information was provided to the applicant in February, 2018.

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Environmental Assessment Office, March 8, 2018

PROSPERITY GOLD-COPPER PROJECT

AMENDMENT REQUEST

- The Prosperity Gold-Copper Project received a provincial environmental assessment certificate in January 2010; however, the federal government rejected the project in November 2010 and, subsequently the New Prosperity Project in 2014.
- The Company challenged the federal panel report and launched judicial reviews in federal court. In December last year, the Federal Court ruled against the company's claims, dismissing the judicial reviews. In January the company launched an appeal for both cases.
- The company has applied to the Environmental Assessment Office for an amendment to its environmental assessment certificate to allow for the changes contemplated by the New Prosperity design.
- Before finalizing the scope and process for reviewing the amendment, the Environmental Assessment Office consulted with the Tsilhqot'in National Government and the company.
- The Provincial Environmental Assessment Certificate requires that Taseko substantially start the Project by January 14, 2020.
- The company does not have federal approval of the Project, nor the ability to conduct exploration works, which puts its ability to demonstrate a substantial start of the project by January 2020 in question.
- Given it would not be in the public's interest to review a proposal if it has no utility, the EAO has identified a process to receive submissions from the company and Indigenous groups on the company's ability to substantially start the project by January 2020.
- In the meantime, the EAO's review of the proposed amendment continues.

Background:

- Taseko Mines Ltd. (Taseko) is proposing to develop a conventional open-pit mine with a 20-year operating life and a production capacity of 70,000 tonnes of mineral ore per day, 125 kilometres southwest of Williams Lake.
- The Prosperity Gold-Copper Project (Project) received a provincial environmental assessment (EA) certificate on January 14, 2010; however, the federal government rejected it in November 2010 and, subsequently the New Prosperity Project in February 2014, following review by federal panel.
- In 2011, Taseko also applied to the Environmental Assessment Office (EAO) to amend its certificate to allow for the changes contemplated by the New Prosperity design. Following a process that engaged the Tsilhqot'in National Government (TNG) and Taseko, the EAO planned to rely principally on the federal panel review for the information needed for the amendment review.
- Taseko challenged the federal panel report and process leading to the rejection by way of judicial reviews in federal court. On December 5, 2017 the Federal Court dismissed the judicial reviews. Taseko filed notice of appeal on both judicial reviews on January 3, 2018.
- On January 13, 2015, the Minister of Environment granted a five-year extension to the certificate. The extension allows Taseko until January 2020 to substantially start the project. Taseko had not actively pursued its amendment with the EAO immediately prior to and following the extension.
- On June 30, 2017, following a process that engaged the TNG and Taseko, the EAO revised its review process in light of: Taseko's court challenge to the federal panel information; the requirement for a tailings alternatives assessment; findings from the review of Taseko's certificate extension request; and relevant commitments under the Nenqay Deni Accord. The TNG stated significant concerns with the EAO's approach.
- On July 14, 2017, the Ministry of Energy, Mines and Petroleum Resources (EMPR) issued a Notice of Work (NOW) permit to Taseko for exploration activities for the New Prosperity Project. Taseko has stated the NOW activities would support a future Mines Act permit, and the work was needed so that the project could be substantially started by January 2020.
- Both the TNG and the Canadian Environmental Assessment Agency (CEAA) sought injunctions against the work authorized by the NOW. As a result of the outstanding disagreement with CEAA on this issue, on August 9, 2017, Taseko advised it would not be commencing work authorized by the NOW; and the B.C. Supreme Court judge adjourned TNG's injunction application.
- TNG has expressed significant concerns with the EAO reviewing the proposed amendment when Taseko does not have federal approval of the New Prosperity Project nor the ability to conduct the NOW activities, which puts Taseko's ability to demonstrate a substantial start of the project by January 2020 in question.
- On February 7, 2018 the EAO wrote to Taseko and Indigenous Groups setting out a process to accept submissions and responses on whether it is possible for Taseko to substantially start the Project by January 14, 2020 and the appropriateness of the Associate Deputy Minister refusing to amend the Certificate. EAO noted that it would not be in the public's interest to review a proposal that has no utility.
- The EAO has received submissions from TNG, Taseko and Stswechem's Xgat'tem First Nation. Responses to these submissions are due March 28, 2018.
- In the meantime, the EAO will continue to work on the assessment of the proposed amendment.

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Environmental Assessment Office, March 8, 2018

SITE C

- Environmental Assessment Office Compliance and Enforcement is actively conducting compliance oversight on the construction of Site C and coordinating with other provincial and federal agencies.
- The Environmental Assessment Office Compliance and Enforcement Team has conducted thirteen multiple day inspections on the Site C Project for a total of over 50 days at the site, including one 5 day inspection to date this year.
- An Independent Environmental Monitor is also in place as part of Site C's Environmental Assessment Certificate. The Independent Environmental Monitor conducts frequent inspections of the project (typically multiple days each week), providing regulators weekly reports.
- BC Hydro anticipates submitting amendments to its Environmental Assessment Certificate in 2018, which would include making design changes to the generation and spillway station, the Halfway River Bridge, and the alignment of Highway 29 at Cache Creek.
- The Environmental Assessment Office will consult with potentially affected Indigenous groups and government agencies about the proposed amendments, once the applications are submitted.

EAO– CONFIDENTIAL ISSUES NOTE

Background:

- On October 14, 2014, the federal and provincial governments issued environmental assessment (EA) approvals to the certificate holder, BC Hydro Power and Authority (BC Hydro) for the Site C Project (Project). The certificate issued for the Project has 77 legally binding certificate conditions.

Compliance Oversight

- Environmental Assessment Office (EAO) Compliance and Enforcement (C&E) conducted field inspections on the project in September 2015, December 2015, February 2016, March/April 2016, April 2016, June 2016, August/September 2016, November/December 2016, January 2017, March 2017, April 2017, June 2017, August 2017 and January 2018. Once finalized, inspections records are posted on the EAO's website.
- EAO C&E has identified non-compliance of varying degrees with certificate conditions during the course of each of the inspections conducted, and has proceeded with enforcement activities consistent with the EAO's C&E Policy. BC Hydro has been cooperating to address non-compliances, when identified.

Anticipated Amendment Requests

- BC Hydro has indicated they are considering three potential amendments:
 - The generating station and spillway, anticipated receipt of the formal application for an amendment on March 12, 2018;
 - The Halfway River crossing, anticipated receipt of the amendment request in spring 2018; and
 - The Cache Creek/Bear Flats alignment – BC Hydro is currently in discussions with Indigenous groups and landowners regarding potential route options. The selected route option will be presented to EAO for a requested amendment, anticipated in fall 2018.

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SUBSTITUTION OF ENVIRONMENTAL ASSESSMENTS

- Roughly two thirds of proposed projects that require an environmental assessment under the B.C. *Environmental Assessment Act* also require a federal review. This can lead to duplication and inefficiency.
- Substitution is a tool to achieve the principle of one project, one assessment, which greatly reduces that duplication and inefficiency. For example, it simplifies the process for Indigenous communities and the public and results in one assessment report instead of two.
- Under substitution, federal experts still participate in B.C.'s Environmental Assessment process and independent decisions are made by Provincial and Federal governments.
- B.C. is the only jurisdiction in Canada to request substitution. Three substituted assessments (LNG Canada; Woodfibre LNG and Kemess Underground) have been completed and received provincial and federal approval.
- Substitution was recently endorsed in the report of the expert panel reviewing federal environmental assessment processes, as well as in the federal discussion paper on regulatory reviews.

Background:

- The federal Minister of the Environment and Climate Change approved substitution for the environmental assessments (EA) of the following 14 projects:

Complete

- LNG Canada Export Terminal project, near Kitimat;
- Woodfibre LNG project, near Squamish; and
- Kemess Underground project, near Smithers.

Active

- Sukunka Coal Mine, near Chetwynd and Tumbler Ridge (application review; suspended);
- Woodside (Grassy Point) LNG facility & terminal near Prince Rupert (pre-application);
- WCC LNG facility, near Prince Rupert (pre-application); and
- WesPac Tilbury Marine Jetty Project, on Tilbury Island in Delta (pre-application).

Inactive or Withdrawn

- Carbon Creek Coal Mine, near Hudson's Hope (inactive);
 - Echo Hill Coal Mine, near Tumbler Ridge (withdrawn);
 - Arctos Anthracite Coal project, near Iskut (inactive);
 - Ruddock Creek Zinc-Lead Mine, near Clearwater (inactive);
 - Aurora LNG Facility, on Digby Island, near Prince Rupert (withdrawn);
 - Aurora LNG Facility, near Grassy Point, near Prince Rupert (withdrawn); and
 - Aley Niobium mine, north of Mackenzie (inactive);
- For LNG Canada and Kemess Underground Projects, the provincial and federal decisions were announced at the same time. The federal decision on Woodfibre LNG came after the provincial decision due to the timing of the federal election.
 - Generally, proponents have been supportive. Various environmental non-governmental organizations and First Nations opposed the introduction of the *Canadian Environmental Assessment Act 2012* (CEAA 2012) and some groups have expressed concerns about substitution specifically.
 - The Memorandum of Understanding (MOU) outlines how B.C. will meet a number of federal legislative and ministerial requirements (e.g., consideration of specific environmental factors in CEAA 2012; opportunity for public participation; public access to records; and inviting federal technical experts to participate).
 - The MOU sets out the procedural delegation of Indigenous consultation to B.C. for purposes of substitution. CEAA continues to provide funding for Indigenous groups participating in substituted EAs. This funding is transferred from CEAA to the BC Environmental Assessment Office (EAO), which then distributes it to Indigenous groups.
 - Substitution and the principle of one project, one assessment, substantiated by the successful implementation of substitution in B.C., were key aspects of the EAO's submission to the expert panel reviewing federal environmental assessment processes. Tools to enable substitution and one project, one assessment were retained in the proposed Impact Assessment Act that was tabled as part of bill C-69 on February 8, 2018.

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SUKUNKA COAL MINE PROJECT

- In January 2016, at the company's request, the Environmental Assessment Office suspended the review of the Sukunka Coal Mine project so Glencore could address outstanding information requests related to water quality and caribou.
- The suspension will be lifted 60 days after the company has submitted the required information to the Environmental Assessment Office.
- During the suspension Glencore supplied the required information relating to the proposed Project's effects on caribou. However, a proposed conservation agreement between the federal and provincial governments, under the *Species at Risk Act*, may mean Glencore needs to provide additional information.
- Glencore continues to work towards meeting the outstanding information requests related to water quality. EAO is currently reviewing water quality information provided by Glencore in consultation with the technical working group.

Background:

- The proponent, Glencore PLC (Glencore) proposes to develop and operate an open pit mining operation and coal handling and processing plant and produce approximately three million tonnes per year of saleable coal. The mine life is expected to exceed 20 years. The proposed Sukunka Coal Mine (Project) is located approximately 55 kilometers south of Chetwynd and approximately 40 kilometers west of Tumbler Ridge.
- The proposed Project is subject to review under the *Canadian Environmental Assessment Act 2012* (CEAA 2012). The substitution of the provincial environmental assessment (EA) for the federal EA was granted April 15, 2013. The provincial EA is required to ensure that the federal government has adequate information in order to meet federal legislative requirements.
- On January 21, 2016, the EA for the proposed Project was suspended at day 164 of the 180-day application review due to inadequate information being provided by Glencore related to water quality and caribou, which are critical to understanding the significance of potential adverse effects of the proposed Project, and necessary to complete the EA.
- On October 28, 2016, the EAO determined that Glencore had provided the information required by the EAO with respect to the impacts of the project on caribou. However, the EAO also noted that the proposed Project is located within the area that is subject to the federal government's Critical Habitat Protection Assessment for Southern Mountain Caribou and a proposed Section 11 conservation agreement under the *Species at Risk Act*, and that the outcome of these processes may have implications for the assessment of the proposed Project's effects on caribou and may require additional information from Glencore. Glencore has indicated that it would like the EA to proceed on the basis of the caribou information that it has provided to date and not wait for a finalized section 11 agreement that is anticipated in spring 2018.
- Glencore continues to actively work toward meeting the information requirements related to water quality and demonstrating effectiveness of its proposed water treatment and management. On February 28, 2018, Glencore provided responses to water quality information requests and requested EAO initiate the process to lift the EA suspension. EAO is currently considering the adequacy of the water quality information as it relates to the EA suspension.
- The suspension will be lifted 60 days after the EAO has determined (in consultation with the Working Group and Indigenous Groups) the required information has been provided and is sufficient to address remaining issue with respect to water quality. The 60 day period is to allow for the EAO to incorporate information into draft referral materials that will be shared for comment with the Working Group, Indigenous Groups and Glencore.
- Once the suspension is lifted, and within the time remaining in the application review, the EAO will complete the referral package and provide it to Ministers for decision.

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Environmental Assessment Office, March 8, 2018

TRANS MOUNTAIN EXPANSION PROJECT

- An Environmental Assessment Certificate for the Trans Mountain Expansion Project was issued on January 11, 2017.
- The Environmental Assessment Certificate includes 37 legally-binding conditions that Trans Mountain must meet. The company must also build the project as specified in the certificate's Certified Project Description.
- The Environmental Assessment certificate's conditions are in addition to the 157 conditions required by the National Energy Board.
- The EAO will be coordinating provincial compliance and enforcement activities, working with federal regulators, including the National Energy Board, where possible.

Background:

- The Trans Mountain Expansion Project (Project) consists of approximately 987 kilometres of new oil pipeline and the reactivation of 193 kilometres of existing oil pipeline. Trans Mountain ULC (Trans Mountain, a wholly owned subsidiary of Kinder Morgan Canada) will transport crude, semi-refined and refined petroleum products, and the expansion will increase the capacity of the existing pipeline from 47,700 cubic meters per day to 141,500 cubic meters per day.
- On November 29, 2016, the federal government announced its approval of the Project with 157 conditions. A number of Aboriginal and citizen groups have initiated litigation regarding the federal approval.
- Trans Mountain received an environmental assessment (EA) certificate for the Project. The certificate and the table of conditions can be found at: <https://projects.eao.gov.bc.ca/p/trans-mountain-expansion/docs?folder=23>.
- Judicial reviews challenging the issuance of the provincial certificate are outstanding from the City of Vancouver and the Squamish First Nation.
- In June 2017, Trans Mountain announced it reached a final investment decision.
- On December 22, 2017, the EAO released a record of its November 2-3 inspection of three watercourse crossings where spawning deterrents had been installed. The inspection concluded that these activities were in compliance with the province's EA certificate.
- The EAO is currently reviewing management plans submitted by Trans Mountain required by the Environmental Assessment Certificate conditions.
- The EAO will coordinate provincial compliance and enforcement activities across all provincial regulators and, to the extent practicable, with the National Energy Board and other federal regulators. The coordination will include the tracking and communication of direct action and other critical incidents that may affect worker/public safety.

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