



# Understanding the BC Environmental Assessment Process

**Presentation to:**  
**2009 Minerals North Conference**  
***“Exploration to Reclamation”***  
**Fort St. James, BC**

**Graeme McLaren, Project Assessment Director**  
**BC Environmental Assessment Office**  
**April 22, 2009**

# ***BC Environmental Assessment Act***

- History:
  - EA of mining projects in 1970's;  
Mine Development Assessment Process
  - Major Projects Review Process
  - EA Process
- *EA Act* 1995; revised 2002.
- Regulations on Reviewable Projects; Public Consultation; Time Limits; Concurrent Approvals; Transitions.



## Reviewable Projects

- Projects that exceed thresholds by Regulation\*
- By order of the Minister of Environment
- Proponent may request an EA review\*

\*EAO determines a review is required  
under Section 10 of the *EA Act*



# Reviewable Projects Regulation

(Threshold Examples\* - Mine Projects)

- A new mine facility that, during operations, will have a production capacity of:

**Coal Mines:** > 250,000 tonnes/year of clean and/or raw coal.

**Mineral Mines:** > 75,000 tonnes/year of mineral ore.

**Sand & Gravel:** > 500,000 tonnes/year in at least one year or over 1,000,000 tonnes during a 4 year period.

- Thresholds for modifications to existing projects also.

\* Paraphrased only: please see the EAO website for the complete Reviewable Projects Regulation and thresholds

## Purpose of an Environmental Assessment

- Major projects in BC are subject to the *BC Environmental Assessment Act*.
- Address a project's potential environmental, health, social, heritage & economic effects.
- Identify measures to avoid or minimize adverse effects.
- Forms the basis for a decision by Ministers.

## Role of the EAO

- The Environmental Assessment Office (EAO) directs and coordinates the assessment process.
- Ensures potential effects are adequately reviewed in an open, transparent and objective manner.



## Role of the EAO

- Engage in direct consultation with potentially affected First Nations and guide Proponent consultation activities.
- Write an assessment report and provide recommendations to two Ministers, who make a decision on issuance of an EA Certificate.



## Role of the Proponent

- Undertake studies and gather information.
- Consult with the public and First Nations about the proposed Project as directed by EAO.

Proponent-led Site Tour



Public  
Open  
House





## Role of the Proponent

- Follow direction and guidance from the EAO during the process.
- Compile a detailed Application.
- Identify all Commitments and Assurances on how the project will be built, operated and closed.



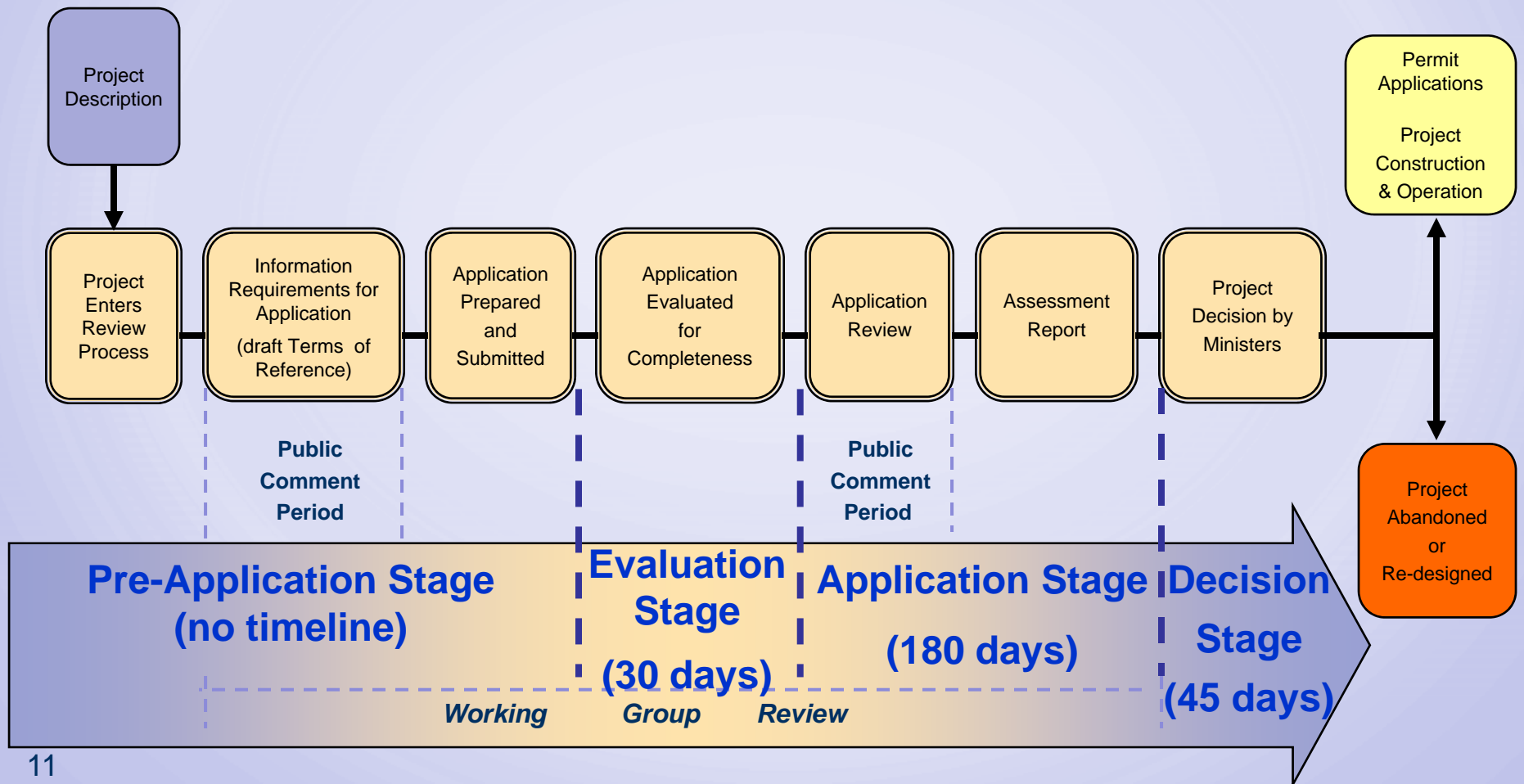
## Role of a Working Group

- The EAO chairs a Working Group comprising representatives of First Nations and provincial, federal and local governments.
- The WG provides technical review and advice to EAO on information requirements, impact assessment, measures to avoid or mitigate impacts and issue resolution.



Influences content of the Table of Commitments & Assurances

# Environmental Assessment Process



# Key Documents

## EAO Responsibility

- Section 10 Order
- Section 11 Order  
(procedural order)
- Approved Terms of Reference
- Assessment Report
- EA Certificate  
(includes final Table of Commitments and Assurances)

## Proponent Responsibility

- Project Description
- Draft Terms of Reference
- Project Application  
(includes proposed Table of Commitments and Assurances)

# The EAO Assessment Report

- Describes the Project and the EA process used.
- Specifies First Nation, public and stakeholder interests in the Project area.
- Reviews potential impacts and benefits, and all measures to reduce adverse impacts.
- Concludes whether significant residual adverse impacts are likely to occur if the Project is built.
- Lists the Proponent Commitments and Assurances.

# The EAO Assessment Report

- Includes a Chapter addressing First Nation Consultation.
  - Describes consultation process, the potential for impacts to First Nation interests and how the risk of those impacts have been addressed
- Draft Assessment Report is provided to First Nations, the Working Group and the Proponent for review and comment.

# Addressing First Nations Interests

- EAO is responsible for examining implications for established and asserted Aboriginal rights and title issues, or Treaty rights, of First Nations.
- EAO offers to consult with all potentially affected First Nations directly and invites First Nations to participate in the Working Group.

# Addressing First Nations Interests

- Proponents are required to carry out certain aspects of consultation.
- EAO carries out the Crown's obligations to consult and accommodate as appropriate.
- First Nations have an opportunity to review draft documents, including the Assessment Report, and have their submission appended to Report.
- First Nations are notified of outcomes and decisions at each stage in the process.



# Working with the Federal Government

- The Canadian Environmental Assessment Agency (CEAA) administers federal involvement.
- EAO and CEAA work cooperatively to harmonize a single assessment process, where possible, using the BC process and timelines.
  - This includes consultation activities
- Separate decision points during and at the end of the process.

## Harmonized Federal – Provincial EA Reviews

- *Canada – British Columbia Agreement on EA Cooperation (2004)*
- Objectives:
  - Foster cooperation
  - Set out Principles, Roles, Responsibilities
    - ||➡ greater efficiency and effectiveness
  - Increased certainty and predictability for participants

Agreement

-

See EAO  
website

## Opportunities for Public Review

- Public comment periods on:
  - draft Terms of Reference
  - Application
- Includes Open Houses in nearby communities.
- Project information is provided in local libraries.
- Written comments sought by EAO within specified timelines.
- All comments are tracked and considered.

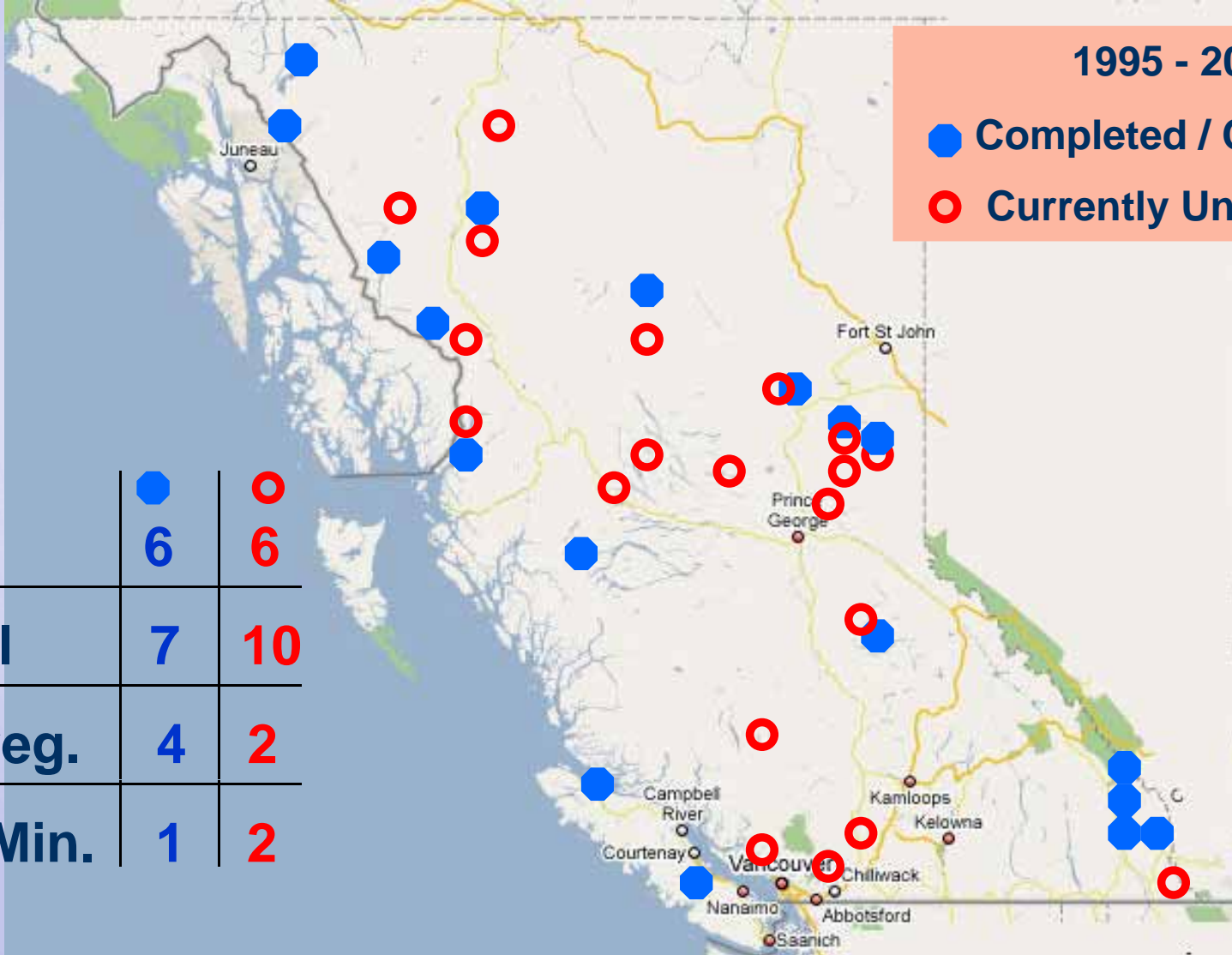


## Access to Information

- All project information is available on the EAO website: [www.eao.gov.bc](http://www.eao.gov.bc)
- Includes EAO legal orders, Terms of Reference, Project Description and Application, Public Comments received, and more.
- Public comment periods with locally available information.
- Contact EAO at: [eaoinfo@gov.bc.ca](mailto:eaoinfo@gov.bc.ca)

# Mining Projects in the EA Process 1995 - 2008

- 20 Mine Projects currently in the EA Process.  
(varying stages of activity)
- 18 Projects completed and certified through the typical EA review process.
  - Some EA Certificates subsequently amended
- 2002 – present:
  - 8 Projects Certified (3 metal, 2 coal, 3 aggregate)
  - Potential for ~\$3Billion in capital investment in BC and over 2000 operational jobs



1995 - 2008

● Completed / Certified

○ Currently Under review

	●	○
Coal	6	6
Metal	7	10
Aggreg.	4	2
Ind. Min.	1	2

## ***“Exploration to Reclamation”***

- Reclamation planning plays a large role in responding to EA issues.
- Conceptual-level reclamation and closure plans are required in the EA Application.
- Key points incorporated into the EA Certificate through Proponent Commitments and Assurances.
- During the EA: a range of technical experts, First Nations and members of public offer comments on reclamation plans, including social aspects of long term land use objectives.

# EA Process & Reclamation Plans

- **Conceptual level decommissioning and reclamation plan**
  - Overview of proposed reclamation by phase, time, duration
  - Progressive reclamation as mining advances
  - Permanent decommissioning
  - Long-term management of dams, structures, etc.
  - Long-term land use objectives (consultation with others)
  - Any other post-closure plans and obligations.
- **Probable effectiveness of conceptual plan? Risks of failure? Magnitude of consequences?**
- **Detailed plans completed during permitting.**





**For More  
Information:**

**[www.eao.gov.bc.ca](http://www.eao.gov.bc.ca)**

**Graeme McLaren**

**Project Assessment Director**

**BC Environmental Assessment  
Office**

**Victoria**

**Tel: (250) 387-1447**

**Email: [graeme.mclaren@gov.bc.ca](mailto:graeme.mclaren@gov.bc.ca)**