

Environmental Assessment Certificate Policy

*Drafting conventions for Certificates, Certificate
Amendments and Exemption Orders*

September 2017



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ACRONYMS

AIR	Application Information Requirements
CEMP	Construction Environmental Management Plan
CPD	Certified Project Description
EA	Environmental Assessment
EAC	Environmental Assessment Certificate
EAO	Environmental Assessment Office
EM	Environmental Monitor
IEM	Independent Environmental Monitor
LNG	Liquefied Natural Gas
MOU	Memorandum of Understanding
OEMP	Operational Environmental Management Plan
OGC	Oil and Gas Commission
TOC	Table of Conditions

ENVIRONMENTAL ASSESSMENT CERTIFICATE POLICY

PURPOSE

The purpose of this policy is to support the development of Environmental Assessment Certificates (certificate(s)), Certificate Amendments (amendment(s)) and Exemption Orders issued under section 10(1)(b) (order(s)) of the Environmental Assessment Act (EAA) that are:

- › consistent in approach and structure yet tailored to the specifics of each project;
- › designed to provide appropriate flexibility while avoiding and mitigating adverse effects;
- › informed by the permitting regime; and,
- › clear and measurable so requirements are commonly understood by Holders of Certificates or Orders (Holders), regulators, compliance and enforcement officers, Aboriginal groups and interested parties.

This policy provides guidance on structure and drafting including:

- › the standard components of a certificate;
- › how to compose conditions so that they are measurable and enforceable;
- › how to describe permissible activities and project components to ensure clarity and avoid unnecessary amendments;
- › the standard conditions to include in all certificates; and,
- › drafting principles, examples, checklists and templates.

INTRODUCTION

The certificate/order is one of several mechanisms for regulating major project development in British Columbia (BC). It describes the permissible infrastructure and activities of a project as well as mitigation measures required to prevent or reduce potential adverse environmental, economic, social, health and heritage effects to an acceptable level.

The Holder must design, build, operate and, if applicable, decommission the project in accordance with the certificate or order, which includes the Certified Project Description (CPD or Schedule A) and the Table of Conditions (TOC or Schedule B). The mitigation measures incorporated into the certificate or order are required to avoid or mitigate potential adverse effects.

For each certificate, the Environmental Assessment Office (EAO) determines the appropriate content to recommend to Ministers for inclusion in the certificate, based on input from the working group, permitting authorities, Aboriginal groups, proponents, public comment periods and EAO's Compliance and Enforcement (C&E) team. The EAO determines the appropriate content for each order¹.

EAO will require the proponent to contribute to the drafting of the certificate; at a minimum the CPD maps to ensure accuracy. As part of its Environmental Assessment (EA) application, the proponent is typically required to provide a draft of the preliminary mitigation measures, which informs the development of the TOC and the CPD². EAO may require the proponent to further assist with the development of the certificate, for example by providing figures or draft text for the CPD or drafting mitigation measures for incorporation into draft conditions. If the proponent assists in developing the certificate, the CPD and TOC must be submitted in a word document. Maps must be submitted in a pdf file that is unsecured for the purposes of copy/paste, markup and print functions.

This policy explains how the EAO determines what mitigation measures will be included in a certificate and how such mitigation measures will be incorporated. This policy is intended for use by EAO staff and proponents or certificate holders, in the case of certificate amendment requests.

The provisions of this policy and the Environmental Assessment Certificate (EAC) template³ will apply to amendments. The nature and scope of the amendment will determine the applicable provisions of the policy and template. For example, if a Holder wishes to amend a certificate for a non-material change that is administrative in scope, it may be possible that none or only some of the EAC template conditions will apply. In contrast, if a Holder applies for an amendment that is material in scope and varies the boundaries or operational aspects of the project, it is possible that most of the EAC template conditions will apply to the project and form part of the amended Certificate, should the application for an amendment be granted.

¹ For more information on Exemption Orders see "Requesting a Certificate Exemption under Section 10(1)(b)" available on the EAO's Guidance documents webpage at: <http://www.eao.gov.bc.ca/guidance.html>

² For more information see the Application Information Requirements Template on the EAO's Guidance Documents webpage at: <http://www.eao.gov.bc.ca/guidance.html>

³ For a copy of the Environmental Assessment Certificate template see the EAO's Guidance Documents webpage at: <http://www.eao.gov.bc.ca/guidance.html>

Why a clear certificate or exemption order is important

The main functions of a certificate/order are to:

- › allow a reviewable project to proceed and apply for further authorizations;
- › specify the physical elements that are authorized to be built;
- › set legally-binding conditions on how and when a project must be constructed, operated and, if applicable, decommissioned; and,
- › ensure clarity and enforceability of requirements for the life of a project.

A clear and unambiguous certificate/order is essential for effective permitting, project development, and operations and compliance oversight because:

- › conditions that are challenging to interpret cause confusion about project requirements for certificate/order holders and regulatory authorities;
- › measurable and enforceable conditions ensure clarity of requirements for everyone;
- › the EAO must be able to enforce the mitigation measures developed during the EA and post-certificate/order requirements; and,
- › if an activity or project component within the scope of the project is not described in the certificate, the certificate holder must consult EAO to determine whether an amendment is required⁴.
- › If an activity or project component within the scope of the project is not described in the order, the holder of the order must consult the EAO to determine whether they require a certificate.

Developing a Certificate

Developing a certificate/order is fundamentally about determining two things:

- › the allowable project activities and components; and,
- › the required mitigation measures.

⁴ For more information on amendments please see “Seeking an Amendment to an Environmental Assessment Certificate – Guidance for Certificate Holders” available on the EAO’s Guidance Documents Webpage.: <http://www.eao.gov.bc.ca/guidance.html>.

This policy document will help guide EAO staff to determine whether a mitigation measure is required in the certificate/order. The main considerations include determining whether a mitigation measure:

- › is required to mitigate a potential adverse effect(s);
- › will be addressed in full or in part by permitting or other approval processes;
- › should be incorporated into the CPD or the TOC; and,
- › is best included as an individual condition or as part of a management plan condition.

The EAO C&E team reviews the draft CPD and TOC to ensure the language is clear, measurable and enforceable. As needed, EAO project teams will seek additional support from legal counsel.

Continual Improvement

This policy will be subject to ongoing refinements with the latest version available on EAO's website. For further information or to provide comments on this policy, please email:

EAO.info@gov.bc.ca.

OVERVIEW OF CERTIFICATE AND ORDER STRUCTURE

Every certificate/order includes at least three components:

- › Certificate/order body, which includes standard project information and, in the case of a certificate, duration of the certificate;
- › CPD, which describes “what” the project is and “where” it is to be undertaken (Schedule A);
- › TOC, which describes “how” the project is to be undertaken and includes all legally binding conditions (Schedule B); and,
- › Other documents are not usually included, although they can be attached as schedules if additional documents are necessary.

1 - Certificate body

1.1 - Standard Project Information

The main body of the EAC includes standard project information. The EAC template specifies the project information that must be provided.

1.2 - Duration of EAC

The EAC must specify a deadline (three to five years), by which time the Holder must demonstrate that their project is substantially started. Typically, the deadline is set to five years after the issuance of a certificate, though a shorter duration may be warranted in rare circumstances.

Holders may apply for a one time extension of up to five years. If a project is not substantially started by the new deadline, the EAC expires⁵.

2 - Certified Project Description (Schedule A)

The CPD specifies the physical elements that the Ministers are authorizing or which are included in the order. The CPD:

- › defines the physical components of the project and their attributes which may include extent, size, number, location and other specific restrictions; and,
- › captures the mitigation by design achieved through the EA application and EA process.

3 - Table of Conditions (Schedule B)

The TOC specifies the legally binding conditions that are necessary to address potential adverse effects. Key considerations when drafting include that conditions:

- › must be carefully written to ensure enforceability of mitigation measures to address adverse effects; and,
- › are based on mitigation measures identified in the EA application and during the EA process to prevent or reduce potential adverse environmental, economic, social, heritage or health effects and adverse effects to Aboriginal interests.

The EAC template assists with drafting the TOC components outlined below. All components of the EAC template will be included, unless deviation is required for the specifics of a particular project.

Other Components

In addition to the conditions in the TOC, the following sections are typically included in the TOC:

⁵ For further information on certificate extensions and expiry, see “[Requesting a Certificate Extension](#)” and “[Guide to Substantially Started Determinations](#).” on the EAO’s Guidance documents webpage at: <http://www.eao.gov.bc.ca/guidance.html>

Interpretation

This section of the TOC clarifies statements made within the document that might otherwise be ambiguous and subject to misinterpretation. For example, the column for “Project Phase” in the EAC template is provided for reference only and does not form part of the legal condition.

Definitions

This section includes words or phrases that require definitions to ensure consistent interpretation, enforceability and conciseness. Examples of words or phrases that may require definition are: best management practices (or best practices), pre-construction, construction, contractor, Aboriginal groups, independent environmental monitor (IEM), interested parties, mitigation, monitoring, operation, qualified professional (QP), sensitive ecosystems and habitat, and/or project footprint. Standardized definitions are available in the EAC template, and can be modified based on the specifics of each project. Additional terms may be required in each TOC and should be included as needed.

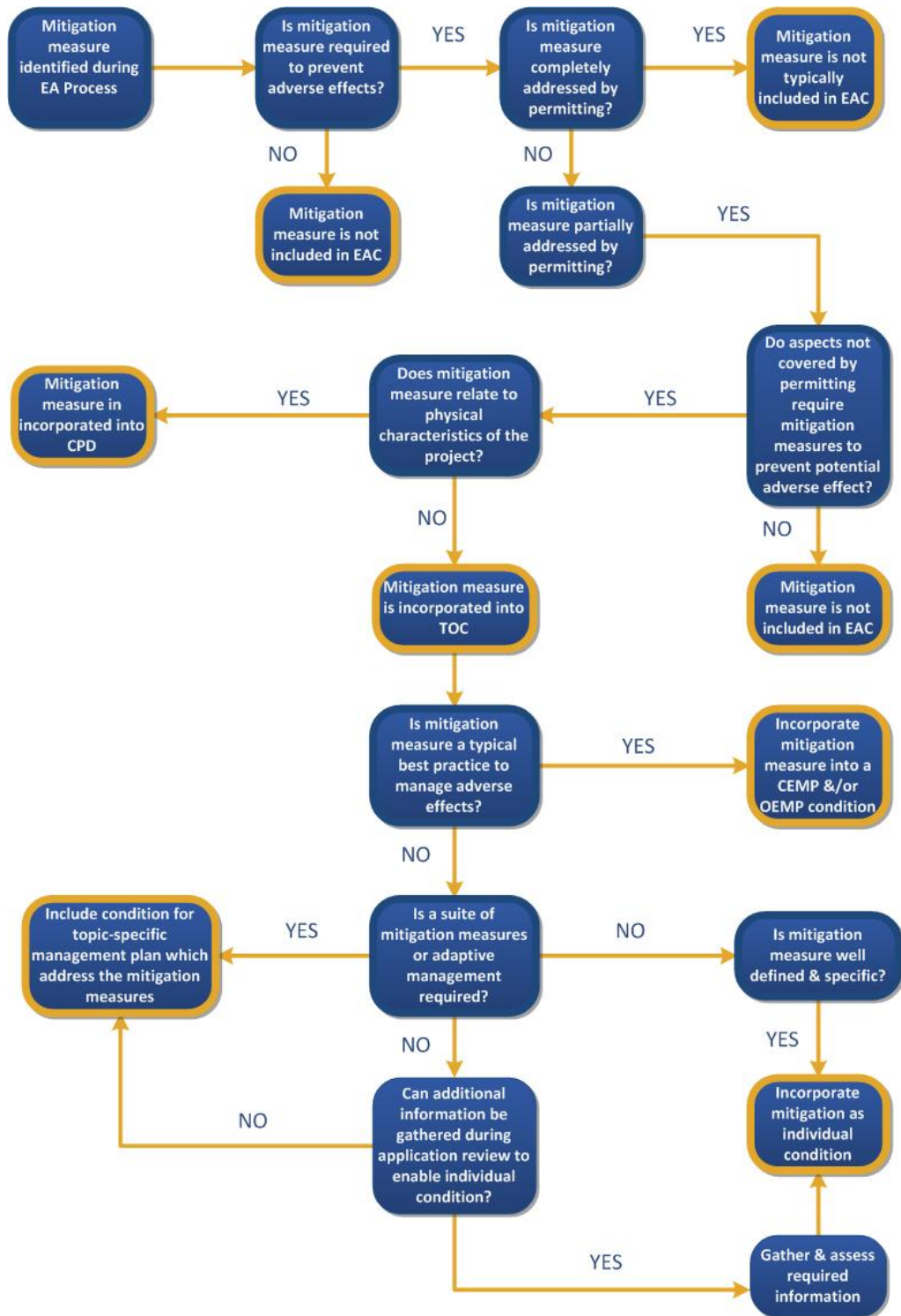
Acronyms

A list of all acronyms used must be included in the TOC. This allows for brevity and avoids confusion.

INCORPORATING MITIGATION MEASURES INTO THE CERTIFICATE

The process of determining those mitigation measures and other requirements that will be incorporated into the certificate /order involves a number of considerations as presented in Figure 1 and further explained below.

Figure 1. Decision process for incorporation of mitigation measures



4 - Evaluating if a Mitigation Measure is Required

The certificate/order development process begins by evaluating whether a mitigation measure identified during the application process is required to mitigate potential adverse effects.

Conditions should be directed at:

- › addressing the risk of adverse effects on valued components that are not sufficiently addressed in permitting and the regulatory framework (more on this below);
- › responding to matters of public interest; and,
- › minimizing impacts to and accommodating Aboriginal interests.

Matters of “public interest” span a wide spectrum of values. The challenge for EAO is to determine which require conditions to ensure they are addressed.

Mitigation measures vary in importance. No clear threshold for inclusion or exclusion in the certificate/order can be defined. In situations where there is uncertainty, the decision is based on factors such as:

- › type and scale of predicted adverse effects;
- › sensitivity of the valued component affected;
- › interaction with other project considerations;
- › public interest;
- › relevance to Aboriginal groups;
- › permitting requirements; and,
- › scope of the assessment.

5 - Assessing the Interaction with Agencies Issuing Subsequent Permits⁶

Once it is determined that a mitigation measure is required, the next step is to assess the extent to which the mitigation measure will be addressed by permitting or other regulatory requirements. Mitigation measures assessed during the EA process can be addressed:

- › by the certificate/order only;
- › partially by permitting and partially by the certificate or order; or,

⁶ The information on permitting in this policy applies to permits issued for a project after a certificate/order is obtained. For information on investigative use licenses, issued before a certificate/order is obtained, see the EAO's Guidance Documents webpage.

- › fully addressed by permitting and therefore not generally included in the certificate / order.

5.1 - Understanding What is Addressed in Permitting

To avoid gaps and reduce duplication with permitting, EAO (informed by the working group) considers the processes and regulatory framework that will ultimately affect a project, if approved. Key steps include:

- › working with permitting authorities to ensure EAO understands the intent and extent of permitting in relation to all components of the project as defined in the Section 11 Order⁷;
- › using the table of proposed mitigation measures required by the Application Information Requirements template⁸ as the basis for the analysis, plus any new mitigation measures developed during application review;
- › identifying the temporal and spatial scope and limitations of permitting requirements that can be relied upon to mitigate the potential adverse effects of a project;
- › identifying any potential gaps to include in the certificate/order to avoid or mitigate adverse effects;
- › if a condition requires an agency to perform an action, confirm that the agency is able to perform the action detailed in the condition; and,
- › understanding the totality of the mitigation measures required.

5.2 - Situations Addressed by both EAO and Permitting

EAO must evaluate whether other regulatory processes address relevant spatial and temporal aspects of the mitigation required, in light of the predicted effects involved. A mitigation measure should be included in the certificate/order when:

- › the potential adverse effect is so significant that multiple regulatory assurances are required given the scale of effect and the project;
- › permitting or other regulatory frameworks do not fully address the effects and required spatial and temporal scope of the mitigation measures (i.e. in some cases permitting may not address ancillary structures or access roads as part of the overall project); and,

⁷ For more information on the Section 11 order see the EAO User Guide available on the EAO's Guidance Documents webpage: <http://www.eao.gov.bc.ca/guidance.html>.

⁸ See the EAO's Guidance Documents webpage for a copy of the Application Information Requirements template: <http://www.eao.gov.bc.ca/guidance.html>.

- › application requirements for an authorization issued under the permitting regime do not require consultation (i.e. when the municipal wastewater effluent system is designed to achieve mitigation but no consultation is required under the applicable regulation if subsequent changes to the design are made).

When a mitigation measure may be considered in a permit process and the decision is made to include the mitigation measure in the certificate/order, the relevant permitting agency is solicited in the development of the condition and is given an opportunity to review and provide comments on the proposed condition. In situations where a mitigation measure is required through both the certificate/order and permitting, C&E officers in the various agencies work to ensure a coordinated and efficient approach to compliance oversight.

5.3 - *What if Permit and EAC Requirements are Different?*

Inter-agency communication during certificate/order development is critical. By ensuring a full understanding of the relationship between permitting and a draft certificate/order, strong inter-agency coordination will avoid potential issues from any differences between a certificate/order and a permitting requirement.

The certificate/order establishes the bounds within which the holder may seek permits. The Holder must adhere to all regulatory requirements applicable to the project. If more than one authorization addresses the same issue, but with different requirements, the Holder can ensure compliance with both authorizations by adhering to the more restrictive requirement.

While the potential is reduced through strong inter-agency coordination, it is possible that a situation may arise where the permits and the certificate/order are inconsistent, such that if the Holder complies with one authorization it would cause a breach in the other authorization. If this occurs, the Holder should seek advice from both EAO and the permitting agency.

5.4 - *Where to Incorporate Mitigation Measures: CPD or TOC?*

Once it is determined that a mitigation measure is required in the certificate/order, the next step is to determine whether it should be incorporated into the CPD or TOC. Recall that:

- › the CPD describes *what* and *where* the project is; and,
- › the TOC details how the project must be constructed, operated and, if applicable, decommissioned.

When deciding where to place the mitigation measure, consider the following:

- › if it describes the physical characteristics of the project or mitigation by design, it is included in the CPD (i.e. size, type and location of key infrastructure); or,
- › if it details a procedural or timing requirement, management plan, or value specific requirement it is appropriate for the TOC.

Some minor duplication between the CPD and TOC is acceptable. As long as both documents are well-drafted (i.e. clear, measurable, expressed in mandatory terms and including all required elements), and are consistent with respect to each other, then both documents will be legally enforceable.

5.5 - Habitat offsets and compensation plans

Habitat offsets and compensations plans are sometimes identified as mitigation measures to address adverse effects arising from the project. These mitigation measures may be required as a result of the review process or imposed on the project by subsequent permits or authorizations.

Habitat offsets and compensation plans will be included in the certificate/order if:

- › The need for the offset or compensation plan is required as a mitigation measure to prevent or address adverse effects identified during the review process;
- › The offsets or compensation plan must occur in a specific location. In this case the location must be identified on the project maps in the CPD; or,
- › The offsets or compensation plan must follow a specific procedure or method. In this case, the specific procedure or method for the offset or compensation plan is included in the TOC as a condition.

Habitat offsets and compensation plans will not be included in the certificate/order if they are imposed by subsequent permits or authorizations and there are no requirements for the location or method of the offsets or compensation plans.

CERTIFIED PROJECT DESCRIPTION

The CPD binds a project with a description or list of project features and spatial boundaries at a level of detail that ensures adequate mitigation. While CPDs vary to reflect project complexity and potential for adverse effects, key elements included in every CPD are:

- › a physical description of the project's components and activities;
- › mitigation by project design; and,
- › project maps and figures.

Details of various aspects of the CPD are described below.

6 Components of the CPD

The key components of drafting the CPD are:

- › including a comprehensive overview of all physical components as defined in the Section 11 Order or Section 14 order (and Section 13 or Section 15 Order if applicable) for a certificate ;
- › including a comprehensive overview of all the physical components in the project description submitted with the exemption request for an exemption order;
- › defining the overall spatial extent of a project. When a project passes through or near to a community, the legal name of the community, as per the *Local Government Act*, must be referenced;
- › capturing the mitigation by design achieved through the application and EA process; and,
- › providing flexibility for further project design during the permitting process to the extent assessed in the EA process for a certificate.

When describing the physical attributes of a project, it is important to consider the appropriate amount of detail to achieve the appropriate amount of design flexibility and adequate limits. Insufficient detail may lead to unintended effects while too much detail may lead to unnecessary amendments. Recommendations with regard to these considerations are provided below.

6.1 Project Components and Activities

Detail all project components as defined in the Section 11 or Section 14 Order (and Section 13 or Section 15 Order if applicable) for a certificate, unless some components were removed through the course of the EA. For an exemption order, detail all the components of the project included in the project description in the exemption application. This is an important step as only those components included in the CPD may be constructed and operated. Minor components, which

require no, or minimal, physical limitations, can be grouped together as, for example ‘service buildings and associated infrastructure’ or ‘laydown and staging areas’.

Determine which project components may cause or result in adverse effects as assessed during the EA. Describe the physical attributes of these components that require limits to avoid or minimize those adverse effects. The CPD should be explicit on what design components or elements cannot be altered after the certificate /order is issued.

- › Example 1: Borrow pits are located within the Certified Access Road Corridors, as illustrated on Maps 1-10.
- › Example 2: The foot print of the construction camp is located within a 4 km radius of the powerhouse. The clearing for the camp must not exceed 20 ha.

If the Holder *must* include a particular infrastructure, it should be clearly noted in the condition or CPD.

- › Example: The water treatment plant must include at a minimum the following components: list components

6.2 Acceptable Dimension or Range of Measurements of Project Components

The CPD defines the acceptable dimension or range for project components as assessed during the EA. The degree of precision and specificity provided in the CPD is based on the potential for adverse effects, with additional detail provided when the assessment determines that mitigation by design is required.

As a starting point, consider the dimension or range presented in the EA Application for each project component. During the EA, the dimension or range presented in the EA Application is expanded or reduced in scope to address adverse effects. The dimension or range specified in the CPD should consider the dimension threshold(s) beyond which the conclusions of the EA may change and therefore should be evaluated through an amendment.

- › Example 1: During operations, the Project must include a minimum of one to a maximum of four gas processing trains.
- › Example 2: The wind turbine hub height must not exceed 117 m.
- › Example 3: New roads will not exceed a combined length of 25 km.

If using the word ‘temporary’ in a CPD, the CPD must specify the types of activities allowed and their duration. For example:

- › Temporary storage of potentially acid generating (PAG) material is allowed in Zone A. In this context, temporary means that PAG material may be placed in the Temporary PAG storage area for up to six months in any one continuous period.

- › Temporary workspace is identified on Map 2. In this context, temporary means that this workspace may be used for a period of not more than six months during construction of the Project, and must be restored immediately following that six month period.

6.3 Mitigation by Project Design

Mitigation by design is a critical component of the EA process and will be incorporated into the CPD as the assessment of effects relies on the Certificate Holder adhering to certain design measures. Project design mitigation measures typically relate to:

- › size;
- › location;
- › layout and configuration of project components; and,
- › may also consider infrastructure type and capacity.

The description of the project design mitigation measures in a CPD must be carefully considered for each project. Design requirements and other boundaries may be organized in relation to important features of the natural or human environment (see Example 1). In some cases, the project area must be subdivided on CPD maps to enable area-specific requirements (see Example 2). Ensure that there is no ambiguity or potential for misinterpretation.

- › Example 1: Construction laydown areas are not located within 30 m of high suitability habitat for marmot as defined by a Qualified Professional.
- › Example 2: The total disturbance or footprint of all project components in the “Clear Water Creek” portion of the project area (as shown on map X) does not exceed 120 ha during the construction phase and 85 ha during operations.

6.4 Project Maps

Project maps are an essential tool used by C&E officers to ensure that the physical elements of a project are consistent with the Project as assessed under the EAA and approved by Ministers or included in the order. Project maps are a required component of the CPD that identify the spatial elements of an approved project. In contrast to some maps in the EA application where the intent is to represent a feasible vision of a comprehensive final project, the maps in the CPD identify the boundaries and allowable spatial flexibility for the physical components of a project consistent with the EA conducted for the Project. Project maps may also be used by subsequent permitting authorities to inform permitting decisions.

CPD maps will clearly identify the physical location and boundaries of project infrastructure in a manner that is consistent with the effects assessment conducted for the Project. Maps should identify those spatial elements of the project where locational specificity is required, and identify

those spatial elements of the project where some degree of flexibility is consistent with the EA or application for the order. For example:

- › Some physical features of a project may be identified on CPD maps by a corridor or polygon (i.e. a 300m wide transmission line corridor), within which all elements of the effects assessment have been conducted. Locational specificity of the right-of-way within that corridor is not required to mitigate potential adverse effects.

In contrast, mitigating an effect or effects may require constraining a physical feature to a very specific location or size. This may be applicable if flexibility was not assessed during the EA or if allowing flexibility from a defined spatial orientation will potentially incur adverse effects. For example, air quality monitoring stations may be required at specific locations identified by coordinates and on the CPD maps.

In general, there are two types of project maps to define the spatial boundaries of a project: overview and detailed. CPD maps are regulatory documents and therefore should not have proponent or consultant logos or phrases such as ‘not for legal purposes’, ‘draft’ or other similar disclaimers.

6.4.1 Overview Map

The primary purpose of the overview or index map is to delineate the entire project on one map. The project overview map provides geographic context and outlines the general regional and/or local area in which the project will be undertaken.

When developing the project overview map, proponents are to meet the following specifications:

- › Select a scale that shows all of a project: typically 1:100,000 to 1:150,000 for centralized projects (i.e. mine site, LNG plant or airport), and up to 1:1,500,000 or 1:1,250,000 scale for linear projects (i.e. pipeline or transmission line);
- › Delineate the maximum spatial extent of project components, polygons and corridors; and,
- › Show UTM grid systems.

6.4.2 Detailed Maps

One or more detailed maps are included to show finer scale details of authorized project components. For a project that is geographically extensive, a series of detailed maps may be required, and referenced to the overview map.

When developing detailed maps, proponents are to meet the following specifications:

- › Delineate the areas, including polygons or corridors within which project components can or cannot be constructed. The maps must explicitly outline the authorized areas for all project components;
- › Scale should typically be 1:20,000 or finer;
- › Base maps must:
 - be in color;
 - use a topographic base map (in some cases orthographic or hydrographic maps may be also appropriate); and,
 - display geographic features (i.e. lakes, rivers, streams, wetlands, etc.) and existing infrastructure (i.e. roads, railways, transmission lines, pipelines, etc.).
- › Delineate the spatial extent of project components and polygons/corridors for project components;
- › Clearly define and label all project components such as certified corridors (i.e. pipeline, transmission line, roads) and/or certified areas (i.e. camp, powerhouse, mill, temporary work space);
- › Clearly display specific areas where some or all project development is not permitted (i.e. area of environmental sensitivity such as a stream, wetland, or a buffered area to protect a cultural feature such as a petroglyph or sacred/ceremonial place);
- › Display new permanent or temporary roads and other linear features that may be constructed (either as specific locations or as certified corridors where the linear features may be built); and,
- › Show UTM grid lines.

TABLE 1 – REQUIRED MAPPING INFORMATION CHECKLIST

Required Mapping Information:

- › Background data consistent with topography and physical features shown on 1:20,000 Terrain Resource Inventory Mapping [(TRIM) maps]
- › If relevant for the CPD, Crown and private land from Tantalus Cadastre (1:20,000)
- › Socio-political boundaries: International, Provincial and Territory boundaries, Indian Reserve and parks (if not present in TRIM)
- › Legally protected wildlife habitat (i.e. Ungulate Winter Range)
- › Waterbodies
- › BC Geological Survey map sheet numbers (detailed maps only)
- › Define data sources

TABLE 2 - MAP LEGEND CHECKLIST

Legend:

All items listed in the legend are clear and do not require reference to supplementary text to be understood (i.e. the map can “stand alone”).

- › Scale bar
- › Universal Transverse Mercator (UTM) coordinates
- › BCGS map sheet numbers (detailed maps only)
- › North arrow
- › Inset (BC locator map) or Index map to clarify location
- › Date of map production
- › List of data sources
- › Legend which clearly describes the data layers
- › UTM grid
- › Name of Entity producing the map but not the company logo (i.e. Produced by:)

6.4.3 Project Figures

In some cases, figures may be used to illustrate spatial features or elements of a project component. Figures should only be included if physical attributes of project components were determined in the EA process to be important to mitigate potential adverse effects, and are most effectively illustrated in graphic form (i.e. spatial extent of infrastructure, height above ground, geometry of final earthworks).

- › Example 1: If the length and shape of wind turbine blades were important factors in determining potential adverse effects in relation to bat or bird mortality risk, then blades of a particular shape may be best illustrated in a figure in the CPD. In contrast, the material from which turbine blades are constructed may be irrelevant to the potential effects of the blades or the mitigation of those effects and would not be specified to retain design flexibility.

- › Example 2: If the above-ground profile of a project component (i.e. the exhaust stack) is an important factor in prevention of noise disturbance, then a figure that illustrates the required profile may be appropriate to include in the CPD.

7 Flexibility

Most projects described in the EA application are at the feasibility design stage and will undergo further detailed design during permitting. This is important to note as modifications to the project design that deviate from the CPD will require the holder to request an amendment⁹ in the case of a certificate and, in the case of an order, may result in the project requiring a certificate. To reduce the number of amendments for certificates, the CPD will detail the required limits to mitigate adverse effects, while allowing for design flexibility to the extent assessed during the EA.

Consideration should be given to:

- › the availability of specific design details of project components;
- › the importance of these specifics to determining the potential for adverse effects; and,
- › evaluating the need for and, scope of, mitigation.

For example, the CPD may provide more design flexibility if a component is not expected to result in an adverse effect, whereas less design flexibility may be provided for a component and associated activity that has the potential to result in a significant adverse effect.

Language in the CPD will be clear, measurable and enforceable. Flexibility will be provided through the use of buffers, maximum values and ranges. General statements that negate the legally binding intent of the CPD, such as “preliminary” or “approximate” will not be included in the CPD.

⁹ Note that some EACs allow non-material changes to the CPD without requiring a full amendment process. If applicable, this condition is included in the TOC. For more information on amendments please see “Seeking an Amendment to an Environmental Assessment Certificate – Guidance for Certificate Holders” available on the EAO’s Guidance Documents Webpage.: <http://www.eao.gov.bc.ca/guidance.html> .

TABLE OF CONDITIONS

The TOC contains the legally binding conditions necessary to address the potential adverse environmental, economic, social, heritage and health effects of a project, including potential adverse effects to Aboriginal interests. A clear and unambiguous suite of conditions provides clarity for the holder, permitting authorities, compliance agencies, Aboriginal groups and other parties.

Once the suite of mitigation measures is developed, key considerations when drafting the TOC include:

- › determining whether each condition is best incorporated as a template condition, project specific individual condition or project specific management plan condition;
- › ensuring conditions are SMART (specific, measurable, achievable, relevant and time bound);
- › determining the appropriate level of constraint in the conditions; and,
- › if applicable, incorporating “best” or “common” practices relied upon for the EA as only those included in the TOC will be enforceable.

8 Condition Types and Core Components

Once a mitigation measure has been identified, the next step is to determine if it is already addressed by a template condition or if it is best incorporated as an individual or management plan condition.

There are three main types of conditions:

- › Template conditions
 - applicable to all certificates as per the EAC template;
 - administrative requirements relating to transfers, compliance reports; and,
 - standard mitigation measures such as independent environmental monitors (IEM) and construction environmental management plans (CEMP).
- › Project specific individual conditions
 - project specific mitigation measures; and,
 - used when the mitigation is known and well defined.

Section 10.1 describes the elements that should be considered when drafting individual conditions.

- › Project specific management plan conditions

- used to group mitigation measures to address a common objective or valued component;
- two main types:
 - CEMP conditions, included in all certificates to provide the environmental mitigation measures to address effects common to most projects. Frequently Operational Environmental Management Plans (OEMP) are also required; or,
 - Topic-specific management plan conditions which provide a suite of mitigation measures to manage the impacts to a particular valued component or adverse effect.

Section 10.2 describes EAO's considerations when drafting management plan conditions.

Certificates typically include a mix of individual and management plan conditions. While management plans are appropriate in certain circumstances, when it is possible to clearly define the mitigation measures during the EA process individual conditions should be considered. When deciding which type of condition to use, consider the following:

- › If a mitigation measure is well-defined and specific, it may be most appropriate as an individual condition;
- › If a mitigation measure is a typical best practice to manage adverse effects, it may be most appropriate to incorporate it as a component of the construction or operational environmental management plan; or,
- › If the mitigation is not well-defined or if there is a suite of mitigation measures that must be coordinated with one another (i.e. Grizzly Bear Habitat Management Plan), incorporate it as a topic-specific management plan condition.

9 Composing SMART Conditions

Clarity and enforceability of conditions requires careful content and wording. To achieve this, conditions will adhere to the five essential attributes as outlined below.

TABLE 3 - SMART CONDITIONS CHECKLIST

Conditions must be SMART:

Specific

- › Worded in explicit, precise, unambiguous, and mandatory terms;
- › Does not use ambiguous terms such as “if practical”, “where feasible”, “approximate”, or “reasonable efforts”; and,
- › If flexibility is necessary, express using an “if-then” or “unless” approach.

Measurable

- › Expressed in quantitative not qualitative terms;
- › Reportable; and,
- › Allows unequivocal compliance evaluation.

Achievable

- › Realistic and achievable; and,
- › May include contingencies for special cases.

Relevant

- › Directly addresses management of adverse effects to an acceptable level.

Time-bound

- › Clearly specifies required timeframe;
- › Timeframe may be activity or location specific; and,
- › Includes information on duration, such as project phase or if in effect for the lifetime of the project.

These SMART attributes are expanded upon and illustrated with examples below. Note that the examples are intended to *highlight only those phrases necessary to illustrate the required attribute and do not include all required elements of a complete condition.*

9.1 Specific

Conditions will be drafted to be explicit, precise, unambiguous and mandatory in terms of the action required. In the first example below, the reporting and timing requirements and the interpretation of “regularly” is ambiguous.

- › Example of unspecific condition wording: The certificate holder must maintain and regularly update a public water monitoring website.
- › Example of specific condition wording: The certificate holder must maintain and update a public website throughout construction and operations to report on all water monitoring required by the EAC in accordance with the public communications plan required in condition X. The website must be updated on a weekly basis at a minimum.

Avoid ambiguous expressions that make it difficult to determine whether the condition has been met. Examples of ambiguous expressions are: “if possible,” “as practicable,” “if appropriate,” and other phrases listed in Table 5. Define when the condition must be met, when the conditions would or would not apply, and include specific measurable provisions for both instances.

As shown in the second example below, in some cases it may be appropriate to provide flexibility by indicating that changes may be authorized by a specific individual (i.e. a regulatory authority or a QP). Further, condition wording should be expressed in mandatory terms using the term “must”.

- › Example of ambiguous condition wording with non-mandatory terms: Project-related motorized vehicle traffic should not use the John Doe Forest Service Road between August 15 and October 1, unless necessary, in order to avoid disturbance to foraging Grizzly Bears.
- › Example of unambiguous condition wording with mandatory terms: Project-related motorized vehicle traffic must not use the John Doe Forest Service Road between August 15 and October 1 of any year in order to avoid disturbance to foraging Grizzly Bears, unless otherwise authorized by the EAO.

TABLE 4 – QUALIFIED PROFESSIONALS AND QUALIFIED PERSONS

Qualified Professionals and Qualified Persons are used throughout conditions to provide assurances to regulators. Qualified Professionals and Qualified Persons are used in conditions that:

- › Provide flexibility by indicating that changes to a condition may be authorized by a specific individual, rather than an agency; and,
- › Require monitoring or reporting on the implementation of mitigation measures.

In these instances the condition must:

- › Require a Qualified Professional, if such a category of Qualified Professional exists in BC for the activity required by the condition. For example, a Registered Professional Biologist specializing in ungulates will make on-site decisions to prevent disturbance to ungulate winter range habitat; or,
- › Where there is no category of Qualified Professional and a Qualified Person is used, specify the education, professional qualifications and experience necessary for the Qualified Person.

Various terms have historically been used to acknowledge that the actions identified in the condition may not be fully within the Holder's control, including conditions relating to consultation with other parties or mitigation that may require flexibility based on environmental considerations. Examples of these terms include: 'reasonable efforts' or 'best efforts' (i.e. the Certificate Holder will make reasonable efforts to consult with affected parties). It is important not to use these terms. Conditions will be clear about the procedural steps required. See the EAC template for the template condition on consultation.

If it is necessary to accommodate the need for flexibility to mitigate unlikely or unforeseen circumstances, an "if-then" or "unless" approach can be used through which a contingency plan is identified in the case that the preferred outcome cannot be achieved.

- › Example of incorporation of flexibility: The transmission line towers must not be located within the perimeter of the Snowy Creek wetland unless the Certificate Holder:
 - determines that a transmission line tower must be located within the perimeter of the Snowy Creek wetland for the purposes of transmission line integrity; and,

- constructs the access road and tower footing between August 1-September 1, unless otherwise authorized by EAO.

TABLE 5 - WORDS AND PHRASES TO AVOID

Words/phrases to avoid in EACs:			
where practicable	approximately	generally	if required
subject to change	estimated	preliminary	reasonable efforts
best efforts	if appropriate	typically	within the vicinity

9.2 Measurable

The condition must be measurable so that Certificate Holders, holders of orders, EMs, and C&E officers can determine with certainty whether the condition has been met. If a condition refers to “minimizing” or “reducing” a specific impact (such as in the first example below), a measureable threshold should be stipulated (i.e. maximum of 25 ha). Otherwise, it may not be possible to determine if the condition has been met, and thus it may not be enforceable to the extent intended. In some cases it may be appropriate to specify that the minimizing must be to the satisfaction of a QP.

- › Example of non-measurable condition wording: Clearing in zone A must be minimized when possible.
- › Example of measurable condition wording: Clearing in zone A on Map 6 must not exceed 6 ha.

In certain circumstances, a quantitative approach is clearly not feasible and a qualitative condition may be required. In such cases the means of evaluation must be provided (i.e., who will determine whether the condition has been met and how this will be done).

- › Examples of qualitative, measureable condition wording: Clearing footprints in zone A, as illustrated on Map 6, must not exceed 6 ha unless otherwise authorized by EAO.

9.3 Achievable

EAO must have confidence that requirements in the condition are achievable and realistic. Proponents are encouraged to provide feedback to EAO during the drafting of the conditions if any requirements are not achievable due to safety, technical or environmental considerations. See the example below for a condition that must take temperature and safety into account to be achievable.

- › Example of unachievable condition wording: During all project phases, the Certificate Holder must turn vehicles and equipment off when not in use to minimize vehicle and machinery emissions within 500m of residential areas to mitigate the potential adverse health effects of construction equipment emissions on local residents.
- › Example of achievable condition wording: During all project phases, the Certificate Holder must turn vehicles and equipment off when not in use to minimize vehicle and machinery emissions within 500m of residential areas to the mitigate potential adverse health effects of construction equipment emissions on local residents. Idling is permitted when required for safe operation of a vehicle or when ambient temperatures are below 0 degrees Celsius.

9.4 Relevant

The condition must be relevant to the adverse effect(s) it is intended to mitigate to an acceptable level. Each condition should be connected to:

- › a required mitigation for an adverse effect on a valued component; or,
- › an adverse effect to an Aboriginal interest.

9.5 Time-bound

Conditions will have a timeframe that is explicit and precise. Information on timing may need to be highly detailed in some circumstances and may be activity or location-specific. Timing information includes specific timeframes (see first example below) and project phase(s) applicable to the condition. If a condition requires a certain action before ‘construction’, consider if it is required before any construction or before construction of a particular component of the project. Timing information should also indicate whether the condition will be in effect for the lifetime of the project.

The condition in the first example does not provide a timeframe within which this must be accomplished.

- › Example of condition wording that is not time-bound: The Certificate Holder must provide information about the timing, duration and location of all road closures on a publicly available website and in local newspapers.
- › Example of time-bound condition wording: The Certificate Holder must provide information on a publicly available website and in local newspapers in [ADD LOCATIONS] about the timing, duration and location of all planned road closures a minimum of seven days prior to each planned road closure.

10 Key Elements when Drafting Conditions

There are key elements that should be considered when drafting each condition.

10.1 Individual Condition Composition

When composing individual conditions, consider the following:

- › Level of prescription in the conditions
 - Consider the likelihood and potential significance of predicted adverse effects, the effectiveness of proposed mitigation measures and the confidence in these factors.
 - For example, if the mitigation is untested it may be appropriate to be more prescriptive in terms of monitoring requirements than if the mitigation is commonly applied in similar circumstances.
- › Scope of the conditions
 - Take a holistic view of the entire EA process and mitigation measures proposed in the application and developed in application review;
 - Determine which measures were relied on when assessing effects to help determine which measures should be captured in the conditions;
 - Ensure consideration of “best” or “common” practices relied upon for the EA. If “best” or “common” practices are relied on for the EA or application for the order, they will be included in the TOC so that they are legally enforceable through the certificate/order; and,
 - If there are specific best practices included in the application which were relied on when assessing effects, consider including a requirement that those best practices be incorporated as a component of the CEMP/OEMP:
 - For example, fuel spill prevention is commonly relied on during EAs to avoid adverse effects to fish habitat and therefore a fuel spill prevention and management plan is frequently required as a component of the CEMP.
- › Wording of the conditions
 - If there is not standardized language for the specific topic, check past conditions to see how other projects have incorporated similar mitigation:
 - Use prior examples of conditions as a starting point, not an end point, as each project is unique and best practices in condition development continue to evolve.

Although all certificates include an overarching compliance self-reporting condition in the TOC, additional reporting and/or monitoring requirements may need to be included for individual conditions. For example, conditions should be explicit about the extent, nature and timing of data collection, baseline studies, other field work, monitoring or reporting required. Given that the details of these studies and reports may be too lengthy to include in the TOC directly, it may be appropriate to refer to sections of the EA application or other documents to ensure clarity and provide conciseness (i.e. the monitoring program must include the protocols and procedures detailed in section 4.9 of the EA application).

The EAC template provides template language for compliance self-reporting¹⁰ and IEMs. For guidance and considerations regarding compliance self-reporting and IEMs, see Appendix 1.

10.2 Management Plan Condition Composition

Well-written management plans are an effective tool to address two types of mitigation measures: standard mitigation measures (contained within construction/operational environmental management plans) and topic specific mitigation measures.

Management plans are frequently identified by proponents in their EA applications as key measures to avoid and mitigate adverse effects. A well-designed set of management plans, outlined in the application and required through the TOC, can:

- › enable EAO to focus the EA on issues that require more in-depth assessments while still facilitating a comprehensive mitigation and management framework; and,
- › ensure standard mitigation measures are legally enforceable.

During the course of the EA, EAO determines if the plans identified by the proponent appropriately address the potential for adverse effects as outlined in the application. After determining that a management plan is required, EAO determines what parameters to set regarding the mitigation measures required within the management plan. When drafting the condition for the plan, consider the minimum requirements of the plan. The condition outlines the key actions and/or types of mitigation measures that must be detailed in the plan to ensure the plan will be written as expected during the EA.

The enforceability of management plans depends on the use of careful wording and content, not just in the condition that prescribes the requirement for the management plan, but also in the drafting of the management plan itself. To assist with this, all TOCs include a template condition relating to the minimum requirements for all plans.

10.3 Construction Environmental Management Plans and Operational Environmental Management Plans

EA applications include a suite of standard or best practices to ensure effective environmental management of typical issues relating to the construction and operation of a major project. In many applications, these standard mitigation measures are incorporated into the CEMP and OEMP. While certificates always include a condition for a CEMP and frequently an OEMP, the topics addressed by the CEMP/OEMP are tailored for the potential effects of each project.

¹⁰ For more information on Certificate Holder compliance self-reports see the guidance available on the EAO's [Guidance Documents webpage](#).

CEMPs and OEMPs include a suite of standard mitigation measures that are typically organized by topics such as an Invasive Plant Species Management Plan and an Erosion and Sediment Control Plan. In addition to the standard mitigation applicable to any major project, there are also sector-specific topics that may apply (i.e. a Drilling Mud Release Contingency Plan included in the CEMP for pipeline projects).

The EAC template includes the template condition for a CEMP/OEMP, a list of CEMP/OEMP topics typically required in all certificates, and a list of optional topics that EAO may select based on the specifics of the project or sector.

TABLE 6 – CONDITIONS REFERENCING THE APPLICATION AND OTHER DOCUMENTS

Referencing mitigation from the application and other documents

If a condition is referencing mitigation measures that are included in the EA application or other documents, the reference should be specific (i.e. “the mitigation measures in Table 6.2-3, rather than “all mitigation identified in the Application regarding vegetation”) and the mitigation referenced should be written in a clear and enforceable manner.

If the mitigation is not written in a clear and enforceable manner that would be satisfactory to EAO, the condition could require the proponent to develop a plan that “sets out the means by which the mitigation measures contained in section X.X of the Application will be implemented”. This allows for reference to mitigation measures the proponent has identified but requires that they be further detailed so that when the plan is submitted, EAO can ensure they are written in an enforceable manner.

10.4 Project-Specific Management Plans

Management plans are also an effective tool to address higher level objectives for mitigating effects to a particular topic or value, for example, a Grizzly Bear Management Plan, Water Quality Management Plan or Aboriginal Consultation Plan. These types of topic-specific management plans may be required where:

- › further details about mitigation measures need to be developed post-certification, for example, where specific mitigation measures are not yet identified but the objective for those mitigation measures are known;
- › there are numerous mitigation measures that must be coordinated together to avoid or mitigate effects;
- › monitoring is required to confirm predicted effects; or,
- › adaptive management strategies may be required.

To assist with drafting, the EAC template includes a template condition for a project-specific management plan. The template will be used as the foundation for drafting conditions requiring items such as programs and studies. Every EAC will include the standard condition for plan development found in the EAC template that specifies the minimum information requirements of every management plan (i.e. purpose, roles and responsibilities, schedule, monitoring, etc.).

TABLE 7 - PROJECT SPECIFIC MANAGEMENT PLAN CHECKLIST

Considerations taken by EAO when composing a topic-specific management-plan condition

- › Specify the topic of the plan, rather than requiring a plan with a specific title;
- › Specify the requirements for the plan. Consider any specific mitigation measures to be included;
- › Specify the required qualifications for the individual developing the plan;
- › Specify which agencies, Aboriginal groups, local governments or stakeholders need to be consulted on the development of the plan and provided with the draft plan;
- › Consider the timeline that should be provided to agencies/groups to review; and,
- › Consider whether the plan will require EAO's approval.

TABLE 8 - REVIEW AND APPROVAL OF MANAGEMENT PLANS

How to determine if the condition will require EAO review or approval

In certain cases, the plan, program, study etc. may require EAO's explicit review and approval prior to a particular activity or milestone, such as start of construction or operations. Approval should be reserved for those situations that require a higher level of oversight by EAO. For example, approval by EAO may be required when the topic of the management plan is a particularly sensitive value or the full nature of the potential effects and associated mitigation is unknown during the EA. Approval may also be considered appropriate where there is no, or little further regulation of activities affecting a value past the EA stage (i.e. impacts to vegetation from oil and gas facilities on private land). This will require a specific decision point by EAO to approve or not approve the plan and means that the Holder must not proceed with the specified stage of the project, unless otherwise authorized by EAO. In some cases, EAO post-certificate review of one or more management plans may not be required (for example if the management plans were submitted during the EA process and EAO determined they address the required mitigation in a clear and measurable manner). The EAC template provides template language relating to review and approval of management plans.

Agency determining approval

When conditions require post-certificate approval of a plan or other document, typically EAO should be the only responsible body. Frequently the subject matter expertise for approval/satisfaction may be found in other agencies; however EAO should be responsible for making the determination. The conditions can be written to require that the plan or other document is developed 'in consultation with' other agencies, local governments, Aboriginal groups, etc. and EAO can seek input from any party when considering approval/satisfaction of a plan or other document. The EAC template includes a standard condition for procedural steps required when consultation is included in a certificate.

APPENDICES

1. Compliance Self Reporting

Overarching compliance self-reporting requirements for all conditions in Schedule B must be included in the TOC. These requirements will vary on a project-specific basis and will include reporting timeframe and frequency. The frequency of compliance reporting should be based on the level of risks involved. For example, uncertain mitigation measures or untested methodology may require more frequent reporting. Typically, five reporting timelines are considered for inclusion:

- › X number of days prior to the Holder's planned date to start construction
 - *30 days is typically appropriate. If selecting a different number, key considerations include ensuring EAO has sufficient time to review the self-report prior to start of construction and providing the certificate holder sufficient time to complete the majority of preconstruction requirements.*
- › Regular intervals during construction
 - *Quarterly reporting is typically appropriate. If there are significant risks associated with certain components of construction, consider increasing frequency during that particular activity.*
- › X number of days before the Holder's planned date to start operations
 - *30 days is typically appropriate.*
- › Regular intervals during operations
 - *This is the most variable element in compliance self-reporting as the risks associated with operations vary considerably from project to project. Annually during the first three to five years and every five years thereafter is often appropriate. For projects with higher risks or uncertainty during Operations, more frequent reporting may be warranted.*
- › X number of days before and after decommissioning (if applicable)
 - *Typically 30 days prior to start of decommissioning and 90 days after completing decommissioning is appropriate.*

2. Environmental Monitors and Independent Environmental Monitors

The EAC template includes a standard condition for an Independent Environmental Monitor (IEM) to be included in all certificates. An IEM does not replace the need for an Environmental Monitor (EM); each role has distinct responsibilities. While both provide assurance that the project is being developed as certified, there are important differences between them.

Certificate holders voluntarily retain an environmental monitor to oversee the construction and in some cases the operations phases of a certified project to ensure the project is developed in accordance with regulatory requirements. The EM reports directly to the certificate holder, and has no requirement to provide information directly to regulators. Typically, the EM has a role in the day-to-day conduct of project activities and is integrated into the construction team. They are generally on-site full time or very frequently during the construction phase of the project and, based on the risk level of a particular activity, may be onsite less during other phases of the project.

Like an EM, an IEM is retained by the certificate holder. The fundamental difference between an EM and IEM is the reporting relationship and scope of responsibilities. The EM supports the certificate holder in ensuring compliance with the certificate while the IEM supports government in compliance oversight. Whereas an EM reports information directly to the Certificate Holder and is voluntarily retained by the certificate holder, an IEM provides information directly to the regulator, functions as a neutral observer and is retained by the certificate holder as a condition of the project certificate. An IEM is generally onsite less frequently and is not typically involved in the day-to-day conduct of activities. The main advantage of having an IEM is the higher level of transparency provided. IEM reports go directly to government, without information first being vetted or reviewed by the certificate holder. EAO may also direct the IEM to provide information or evidence to inform compliance oversight. An IEM gives the regulatory community additional assurances that projects are being constructed and operated in accordance with their approvals.

The scope and/or nature of a project may sometimes require that the role of IEM be fulfilled by a designated lead IEM along with support staff. In these instances EAO may review the roles, responsibilities and qualifications of the IEM and support staff to ensure they are suited to the project.

GLOSSARY

Aboriginal interests – A term used in this document to refer to asserted or proven Aboriginal Rights, including Aboriginal Title, and Treaty rights that require consultation and, if appropriate, Accommodation.

Amendment – A change in the Environmental Assessment Certificate when a Certificate Holder proposes to change ownership or an aspect of the certificate, (e.g. design, location, construction, operation or decommissioning of the project). Note that some older certificates allow for non-material changes to be made to certificates, outside of the formal amendment process.

Certificate holder - A person or an organization that has been issued an environmental assessment certificate, including a corporate entity, the government of Canada, the government of British Columbia, a municipality or regional district, another province, another jurisdiction, or an Aboriginal group.

Certified project description – A legally-binding description of the project, including all of the project components and their locations with any required constraints. The document describes “what” is being certified by an environmental assessment certificate or exempted from requiring certification by an exemption order (i.e., the components of the project). By comparison, conditions describe “how” the project will be implemented. The holder must design, build, operate and decommission (if applicable) the project in accordance with both the certified project description and conditions. Most certificates issued after June 2012 have certified project descriptions.

Conditions - Certificate conditions describe “how” the project will be implemented. Conditions are legally-binding requirements that are set out in an environmental assessment certificate, and to which the certificate holder must adhere throughout the life of the project. Some of the conditions are procedural requirements common to all certified projects; others are project-specific and intended to prevent or reduce adverse impacts to the five pillars (environment, economy, social, heritage and health) and/or Aboriginal interests. Conditions were formerly called commitments; some older environmental assessment certificates use this term.

Environmental Assessment Certificate - A certificate issued to a proponent when the Minister of Environment and one other Minister approve a reviewable project. The environmental assessment certificate allows the project to proceed to permitting and other authorizations. The certificate sets out legally-binding requirements to which the certificate holder must adhere throughout the life of the project.

Environmental monitor – An environmental monitor on environmental assessment projects is typically a qualified professional that assists the holder in identifying and mitigating the adverse effects of the project and maintaining compliance with the certificate. The environmental monitor is retained by the holder to observe, record and report on the implementation of the requirements in the environmental assessment certificate. The environmental monitor reports directly to the certificate holder.

Exemption order – a legal order under section 10(1)(b) of the Environmental Assessment Act that allows a Reviewable Project to proceed without an environmental assessment provided the project is constructed, operated and decommissioned in accordance with the exemption order.

Independent environmental monitor - Similar to an environmental monitor, an independent environmental monitor is an environmental specialist, typically a Qualified Professional, who is retained by a certificate holder as required by the environmental assessment certificates. An independent environmental monitor verifies compliance with the environmental assessment certificate and reports findings directly to government.

Management plan – A document that groups mitigation measures that address a common objective or valued component. The two main types of management plans are: construction/operational environmental management plans which address adverse effects common to all projects; and project-specific management plans which address adverse effects to a particular valued component or topic.

Proponent - A person or an organization that proposes a reviewable project, including a corporate entity, the government of Canada, the government of British Columbia, a municipality or regional district, another province, another jurisdiction, or an Aboriginal group.

Qualified Professional - An applied scientist or technologist specializing in a relevant applied science or technology including, but not necessarily limited to, agrology, forestry, biology, engineering, geomorphology, geology, hydrology, hydrogeology, or landscape architecture. A qualified professional must be registered in British Columbia with the appropriate professional organization, and acting under that association's Code of Ethics and subject to disciplinary action by that association. He or she must also be someone who, through demonstrated suitable education, experience, accreditation and knowledge relevant to the particular matter, may be reasonably relied on to provide advice within his or her area of expertise.

Table of Conditions - A list of legally-binding requirements called 'conditions' that are set out in an environmental assessment certificate or exemption order, and to which the certificate holder must adhere throughout the life of a project. The three main types of conditions are: template conditions applicable to all certificates, individual conditions used when the mitigation is known and well-defined, and management plan conditions used to group mitigation measures to address a common objective or topic.