

# Prescribed Protected Areas

## Environmental Assessment Act 2019

### Discussion Guide

# Purpose

One of the three objectives of Environmental Assessment Revitalization is to “protect the environment while offering clear pathways to sustainable project approvals.” The Province of B.C. establishes a number of designated areas intended to protect the environment. An important aspect of the environmental assessment process is to consider potential impacts of major projects on those protected areas.

The new *Environmental Assessment Act* allows for government to prescribe certain protected areas for consideration during the initiation of the environmental assessment process:

## 1. DETERMINATION OF REVIEWABILITY – REVIEWABLE PROJECTS REGULATION

The Reviewable Projects Regulation specifies the categories and thresholds for major projects that are required to undergo an environmental assessment. The Environmental Assessment Office (EAO) is proposing in the new Reviewable Projects Regulation that a project in a reviewable category that is proposed within a prescribed protected area must undergo an environmental assessment.

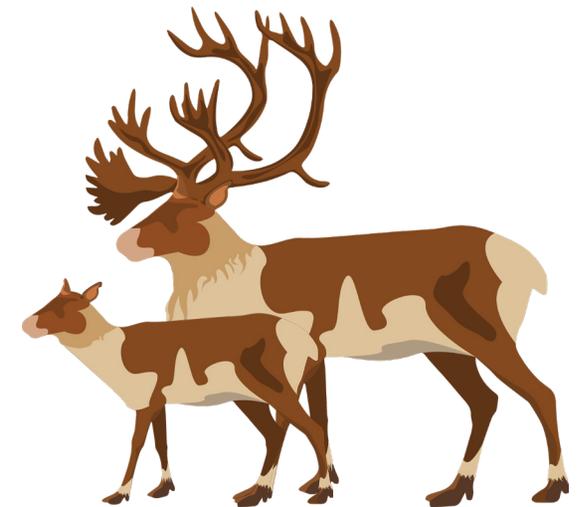
This approach will require that proponents consider how their proposed projects could interact with protected areas from the earliest stages of project design, even prior to entering the environmental assessment process. It provides an opportunity for proponents to adjust project design to avoid overlaps with prescribed areas, therefore avoiding adverse effects.

## 2. READINESS GATE – TERMINATIONS

Following the early engagement phase of the new environmental assessment process, the Chief Executive Assessment Officer may recommend a project for termination in specific limited circumstances. One of those circumstances is when they consider that a project will have extraordinarily adverse effects on a prescribed protected area. Such a recommendation is then referred to the Minister of Environment and Climate Change Strategy (Minister) for decision. If the Minister decides to terminate the assessment, this means that the project (as proposed) cannot proceed to an environmental assessment.

Again, this approach will require that proponents consider how their proposed projects could interact with protected areas from the earliest stages of project design. It provides an opportunity for proponents to adjust the project design to ensure that there are not likely to be extraordinarily adverse effects on these areas, and that the projects may proceed to be considered under the environmental assessment process.

This appendix describes the proposed criteria for inclusion in the regulation and sets out a proposed list of protected areas meeting those criteria. The EAO has also identified several types of protected areas that are likely not appropriate to include as prescribed protected areas and provides explanation for why. We would like your feedback on the proposal.



# Proposed Prescribed Protected Areas

The Environmental Assessment Office (EAO) has reviewed the suite of provincially designated areas in legislation and regulation to identify areas that have been given high levels of protection from natural resource development.

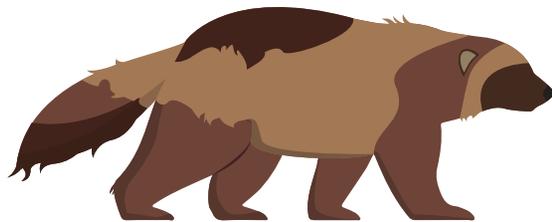
The following criteria must apply to all the proposed prescribed protected areas:

- Little to no commercial or industrial activity is allowed. If activity is allowed, it is highly regulated and typically aligns with the goals of the protected area. For instance, ecological research may take place, but mining is prohibited;
- The area established is typically permanent;
- The area has been established because a previously conducted assessment by the BC government has determined the presence of existing values that must be protected;
- The area is established by either Cabinet or the legislature; and,
- The spatial location and boundaries of the area are publicly available.

The EAO is proposing that these areas, listed in the table below, be included in a regulation as prescribed protected areas.

Provincial Act	Protected area designation	Total area of B.C. (Hectares)	Percentage of B.C. land base
Creston Valley Wildlife Act	Creston Valley	7,000	.007%
Ecological Reserve Act	Ecological Reserve	160,293	.169%
Environment and Land Use Act	Protected Area	384,733	.0004%
Heritage Conservation Act	Provincially protected heritage properties established under sections 9 and 23 of the Heritage Conservation Act	Total area unknown	—
Park Act	Class A park	10,516,686	11.13%
	Class B park	3,778	.003%
	Class C park	484	.0005%
	Recreation Areas	5,929	.005%
Protected Areas Act	Conservancy	2,999,899	3.17%

Table 1 – Proposed prescribed protected areas



# Protected or Managed Areas Not Proposed for Inclusion

During the jurisdictional scan, the Environmental Assessment Office (EAO) identified many other provincial areas that establish some type of protection or management objective for an area. For clarity, this section includes the areas the EAO is not proposing to include in the regulation. These areas are not recommended for the regulation because they meet one or more of the following criteria:

- Some industrial activities are typically allowed to occur in these areas;
- The areas are not permanent in nature;
- The areas are established to manage for a specific value or set of values. For example, management objectives may be established for ungulate winter range habitat or the capacity of a receiving environment to experience increased loading of contaminants through existing and future discharges to the environment; or,
- The designation is sector specific. It does not generally apply to multiple types of activities.

These areas are still very important. If a project proceeds to an environmental assessment, its potential effects on these areas will still be fully considered in an environmental assessment. Mitigation measures are often developed during environmental assessments for these types of areas.

Provincial Act	Protected area designation
Agricultural Land Commission Act	Agricultural land reserve
Environmental Management Act	Area based management plan
Forest Range and Practices Act (Government Actions Regulation)	Land designations or stewardship measures for forest and range values
Great Bear Rainforest (Forest Management) Act	Great Bear Rainforest
Land Act	Section 15: Reserve Section 66: Prohibition in use
Mineral Tenure Act	No registration reserve (previously referred to as no staking reserve)
Muskwa-Kechika Management Area Act	Muskwa-Kechika management area
Protected Areas Forest Compensation Act	Protected area
Riparian Areas Protection Act	Riparian areas
Water Sustainability Act	Protected river
Wildlife Act	Wildlife management areas

Table 2 – Protected or managed areas not proposed for inclusion



# Provincial Parks & Protected Areas

\* Note, provincially protected heritage properties established under sections 9 and 23 of the Heritage Conservation Act are too small to be visible at the map scale. For a full list of provincially protected heritage properties, see the "Historic Environment Spatial Layer" available at: <https://governmentofbc.maps.arcgis.com/home/item.html?id=43eb7f624fb343b598ba42e231220660>

