

BC Environmental Assessment Fee Guidelines

May 2015

Version Control

Version #	Release Date	Description
1	April 14, 2014	Original Document
2	May 2015	Updates description of payment methods and clarifies status of fee orders and consequences of non-payment



CONTENT

PURPOSE OF THE GUIDE.....	3
Overview	3
Table 1 – Overview of fees.....	3
PRE CERTIFICATE FEES	4
Exemption Fee.....	4
Assessment Fees	4
Fee Installments.....	4
Transitional Fees	4
Transitional Fee Levels	5
Figure 1 - Timing for Assessment Fees	5
Table 2 – Criteria for determining application fee level	6
POST-CERTIFICATE FEES.....	6
Certificate Extension Fee.....	6
Fee Levels.....	7
Table 3 – Criteria for determining extension fee level	7
Certificate Amendment Fee	7
Fee Levels.....	7
Table 4 – Criteria for determining amendment fee level	8
Compliance Inspection Fees.....	9
Fee Levels.....	9
Table 5 – Compliance Fees Summary	9
PAYMENT DETAILS.....	9
How to Pay	9

PURPOSE OF THE GUIDE

This document provides guidance and background on the payment of fees set out in the Environmental Assessment Fee Regulation.

Overview

Fees are required at specific times within the assessment of a project, referred to as project milestones. These milestones were determined by activities described in the *Environmental Assessment Act* (Act).

The Environmental Assessment Office will provide a payment order and invoice to project proponents and certificate holders in advance of the payment deadline as described in Table 1 below. Payment of fees, inclusive of GST, is due on the date indicated on the invoice. Proponents and certificate holders will have up to 30 days to remit payment.

Table 1 – Overview of fees

Fee	Amount	Project Milestone	Payment Order & Invoice Issued
Pre-certificate Fees – Section 11 or Section 14 order issued after April 14, 2014			
Exemption Fee	\$10,000	Exemption from requirement for environmental assessment certificate	At the same time an exemption order under section 10(1)(b) of the Act is made
Assessment Fee Installment 1	Typical Moderately Complex Simple	\$75,000 \$45,000 \$25,000	Scoping and assessment procedures order
Assessment Fee Installment 2	Typical Moderately Complex Simple	\$75,000 \$45,000 \$25,000	Application for certificate is submitted
Transitional Assessment Fees – Section 11 order issued before April 14, 2014			
Application Fee	Typical Moderately Complex Simple	\$112,500 \$67,500 \$37,500	Application for certificate is submitted
Post-certificate Fees – Effective April 14, 2014			
Extension Fee	Typical Simple	\$10,000 \$2,000	Application to extend certificate is submitted
Amendment Fee	Complex Typical Simple	\$50,000 \$10,000 \$2,000	Application to amend certificate is submitted
			Typical and Simple - Within 30 days of receipt of application Complex - Within 30 days of receipt of application or within 30 days of a response from a certificate holder on EAO decision to increase fees
Compliance Inspection Fees	90 hours or more 60 to 89 hours	\$6,500 \$4,500	As and when needed
			Quarterly

Fee	Amount	Project Milestone	Payment Order & Invoice Issued
	30 to 59 hours	\$1,700	
Administrative inspection	Inspection that does not require travel	\$2,000	
Review compliance status reports		\$75	As and when needed Quarterly

PRE-CERTIFICATE FEES

Exemption Fee

A proponent can seek an exemption from the requirement for an environmental assessment certificate when the Environmental Assessment Office determines that a proposed project will not have significant adverse effects.

The fee for an exemption from an environmental assessment certificate is \$10,000. The proponent will be required to pay this fee upon the granting of the exemption.

Assessment Fees

Environmental Assessment Office staff will discuss fees with proponents in the early stages of pre-application, and will determine the level of fees at the time a scoping and procedures order (Section 11 or Section 14 order) is issued.

Fee Installments

Assessment fees are paid in two equal installments. The first installment will be levied within 30 days of being issued a scoping and procedures order (see first blue circled area in Figure 1 below). The second installment of fees is due when proponents make a formal application for certificate (see second blue circled area in Figure 1). To initiate the second payment, the Environmental Assessment Office will issue an order and invoice immediately following receipt of the application.

Given the complexity of most environmental assessments, two installments of \$75,000 will normally apply. In rare circumstances, the Environmental Assessment Office may determine that fees should be reduced to two equal installments of \$45,000 or \$25,000 (depending on the total fee required). The factors in Table 2 below will inform this decision.

Withdrawn Applications

For clarity, withdrawal from the application review process does not remove the obligation to pay fees after a fee order is issued. Companies that need more time to work on an application can:

- pay fees within the 30 day payment window, avoiding interest charges; or
- wait to pay fees and accrue interest charges until resubmission; or
- contact the Environmental Assessment Office to request an extension on the interest window for a specified period, along with an expected date of resubmission.

Transitional Fees

At the time the Environmental Assessment Fees Regulation was made, there were a number of projects already in the environmental assessment process. Transitional fees apply to a project proponent who already:

- > Had a section 11 order issued to them but did not apply for a certificate before April 14, 2014; or
- > Had a previous application that was not accepted following application evaluation but plans to resubmit on or after April 14, 2014

All other proponents (including those who already are in the environmental assessment process but have not yet been issued a section 11 order) will pay fees in two installments as described above.

Transitional Fee Levels

Most existing proponents will be required to pay a single fee installment of \$112,500 when an application for certificate is made (see red circled area in Figure 1). In exceptional cases, the Environmental Assessment Office may decide to reduce fees to \$67,500 or \$37,500. The Environmental Assessment Office will use the factors set out in Table 2 in confirming or reducing fees.

Figure 1 - Timing for Assessment Fees

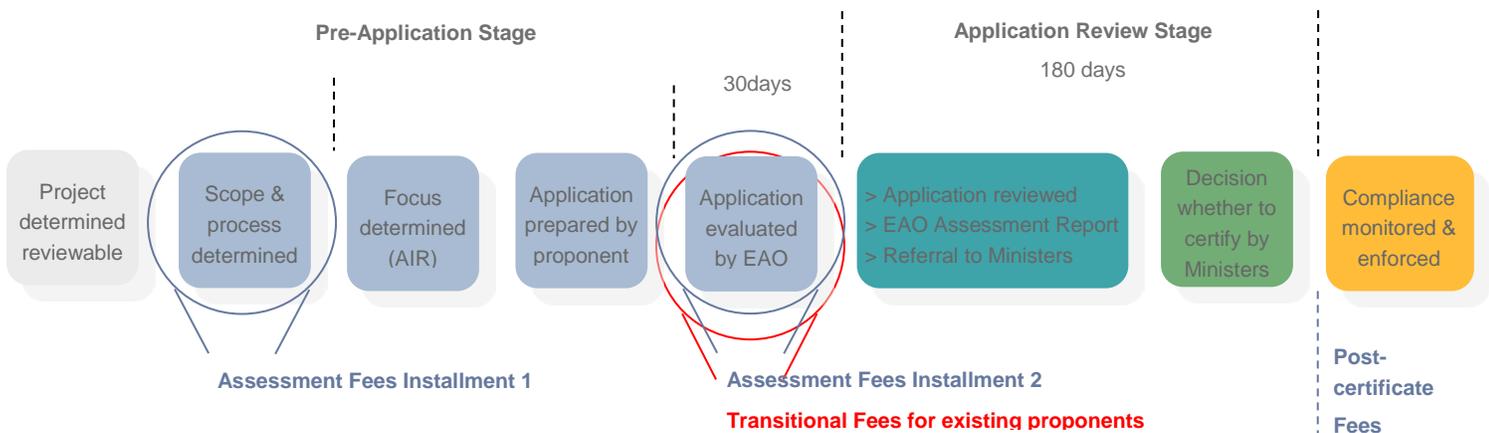


Table 2 – Criteria for determining application fee level

Factor	Considerations
Typical Assessment	
Given the complexity of most reviews, the majority of proposed projects will fall into this category	
Moderately Complex Assessment	
First Nation Consultation requirements	<ul style="list-style-type: none"> › Strength of claim research is established for all affected First Nations › Project is expected to be consistent with First Nation community preferences › Project is not expected to adversely affect asserted or proven aboriginal rights or treaty rights
Size and scope, including consideration of onsite on-site and off-site facilities and activities	<ul style="list-style-type: none"> › Overall footprint of project is limited › Few valued components to be assessed › Project only involves proven technologies and methods
Location, including identification of municipalities and regional districts	<ul style="list-style-type: none"> › Does not affect multiple municipalities or regional districts › Low level of public interest or concern
Condition of land base	<ul style="list-style-type: none"> › Pre-existing and future activities are compatible ›
Potential for significant adverse effects Including environmental, social, health, heritage or economic, considered both specifically and cumulatively	<ul style="list-style-type: none"> › Potential for significant adverse effects is limited
Simple Assessment – Both criteria must be satisfied before a further reduction in fees can be considered	
Size and scope	› Project is significantly less complex than the majority of projects
Costs	› Costs to government are 1/3 or less of the costs of a complex environmental assessment in making a determination under section 11 or 14 of the Act

POST-CERTIFICATE FEES

Companies who hold an environmental assessment certificate may require further service from the Environmental Assessment Office in the form of a certificate extension request or certificate amendment.

Certificate Extension Fee

Certificates are generally valid for five years. Certificate holders may need to apply for a deadline extension if the project is not substantially started within that time.

To allow for sufficient review time by the Environmental Assessment Office, certificate holders must apply for a deadline extension no later than nine months (270 calendar days) before the date of expiry set out in the

certificate. However, the Environmental Assessment Office may accept an application made with less than nine months remaining if they are satisfied that sufficient time remains to appropriately review the application.

Fee Levels

Fees will be assessed at \$10,000 (typical extension) unless the Environmental Assessment Office is satisfied that fees can be reduced to \$2,000 (simple extension). The decision to reduce fees to \$2,000 will be based on satisfying the factors in Table 3 below.

Table 3 – Criteria for determining extension fee level

Factor	Considerations
Typical Extension	
The majority of proposed projects will fall into this category	
Simple Extension	
Reasons for request / factors contributing to delay	› Need for extension is clearly articulated in request from certificate holder (minimal follow-up required)
Extent to which project has been started, if at all	› Project has secured most, if not all, permits from other agencies
Changes in circumstances since certificate granted	› No significant or relevant changes in circumstances (including government policy) since certificate was granted that will require extensive analysis and consideration of certificate conditions
First Nation and community consultation requirements	› Certificate holder is proactive in communications with First Nations and general public › Project is consistent with First Nation community preferences › Low level of public interest or concern › Some other consultation efficiency is made possible (e.g. extension request is incidental to a certificate amendment request)

Certificate Amendment Fee

There are various reasons why certificate holders will seek an amendment to an environmental assessment certificate. The Environmental Assessment Office will issue a payment order and invoice within 30 days of receiving an application for an amendment to an environmental assessment certificate.

Fee Levels

In most cases, fees for a certificate amendment will be \$10,000 (typical amendment) unless the reasons for seeking the amendment are administrative in nature, in which case fees payable will be reduced to \$2,000 (simple amendment).

Some examples of simple amendments are:

- › Request to update table of conditions to align with requirements set out in more recent certificates; and
- › Change of certificate holder following sale of a project.

The decision to assess fees at \$2,000 will be based on the factors set out in Table 4 below.

The Environmental Assessment Office may decide to increase fees for complex amendments to \$50,000 as a result of anticipated costs to government. If EAO decides that the amendment is complex and that increased fees are required, they must provide the holder of a certificate an opportunity to respond in writing.

The certificate holder will have up to 30 days to send a response, indicating their reasons for disagreement. The Environmental Assessment Office will consider this response and will either confirm the original decision or decide that a typical amendment fee is more appropriate, given the information provided.

Table 4 – Criteria for determining amendment fee level

Factor	Considerations
Typical Amendment	
The majority of proposed projects will fall into this category	
Simple Amendment	
Scope of amendment	<ul style="list-style-type: none"> > Is administrative in nature (e.g. change of certificate holder following sale of a project) > Is technical in nature (e.g. update table of conditions to align with requirements set out in more recent certificates)
Complex Amendment - Cost factor, with at least one other factor satisfied	
Costs to government	> Costs to government in reviewing the request will be significantly more than \$10,000 (fees for typical amendment)
Scope of amendment	> Material change to the location of project component(s) or a material change to the processes and outputs of a facility that will require analysis and have potential for significant adverse effects
First Nation and community consultation requirements	<ul style="list-style-type: none"> > Complex consultation requirements are expected, based on the experience from the original assessment, and any changes that have occurred in the intervening time period > Project amendment has potential to adversely affect asserted or proven aboriginal rights or treaty rights

Compliance Inspection Fees

Inspections are used by the Environmental Assessment Office to verify compliance with the *Environmental Assessment Act*. Inspections can occur on a project that does not yet have a certificate, is the subject of an exemption order under s. 10(1)(b), or is certified. Inspections may include a field and/or an administrative component.

Table 5 below describes the compliance inspection fees.

Fee Levels

The level of fee will be determined by travel and time requirements to plan, conduct and follow up with the proponent or certificate holder as described in Table 5 below.

Any time the inspection does not involve travel, a fee of \$2,000 will apply. The time requirements for a desk-based administrative inspection are 35 hours or more and are therefore higher than the minimum costs incurred from planning, completing and debriefing on a Level 1 field inspection.

A Level 1 field inspection fee (\$1,700) includes a single-day physical inspection, with no other direct travel costs.

Level 2 (\$4,500) and Level 3 (\$6,500) field inspections include \$1,000 for airfare and \$120 a night for accommodation costs.

Table 5 – Compliance Fees Summary

Service	Amount	Ordered issued
Compliance Review – Review reports indicating the status of compliance with the certificate	\$75	> Quarterly
Administrative Inspection – No travel required for compliance staff	\$2,000	> After the work has been completed by Environmental Assessment Office inspectors > Quarterly
Field Inspection – Travel required	90 hours or more 60 to 89 hours 30 to 59 hours	\$6,500 \$4,500 \$1,700 > After the work has been completed by Environmental Assessment Office inspectors > Quarterly

PAYMENT DETAILS

How to Pay

The Environmental Assessment Office now offers the convenience of electronic invoicing and your choice of payment methods.

If you would like to pay by Electronic Fund Transfer, please contact: EAO.AccountsPayable@gov.bc.ca to make direct arrangements.

If you choose to pay by cheque, it must be:

1. Made payable to the **Minister of Finance**; and

2. Remitted within the 30-day interest-free payment period to:

Business Services Coordinator
Environmental Assessment Office
PO Box 9426 STN PROV GOVT
Victoria BC V8W 9V1

LATE PAYMENTS

Fee orders are posted to the Environmental Assessment Office's website along with other legal orders issued under the *Environmental Assessment Act*.

Section 9 of [the Environmental Assessment Fees Regulation](#) describes the consequences of not complying with a fee order. If payment of the principle and any interest remain outstanding, the Environmental Assessment Office may refuse to continue work on an assessment. The Environmental Assessment Office may also choose to refuse to consider a future application (e.g a subsequent application for a certificate extension).

Your electronic invoice will specify a due date for payment. Payments received on or before the due date will not incur interest charges. Late payments will be subject to the interest charges and other rules set out in the [Interest on Overdue Accounts Receivable Regulation](#).