

**Environmental Assessment Revitalization Engagement
Clean Energy British Columbia (CEBC)**

**Thursday, April 26, 2018; 9:00 AM – 12:00 PM
354-409 Granville St, Vancouver BC**

Participants:

CEBC: Isabelle Deguise (BluEarth Renewables Inc.), Julia Mancinelli (Innergex Renewable Energy Inc.), Mac Lowry (Innergex Renewable Energy Inc.), Matt Kennedy (Innergex Renewable Energy Inc.), Brian Yates (SNC Lavalin), Kimberly Milligan (Hemmera), Carlie Smith (Boralex Inc.), Mamoud Bashi (CSR Environmental)

Environmental Assessment Office (EAO): Nathan Braun, Fern Stockman, Jane Mayall

Draft Summary Notes

Nathan Braun and Fern Stockman presented an overview of environmental assessment (EA) revitalization, including a draft conceptual model designed to present a possible future state for discussion purposes. The following represents a summary of the discussion between the EAO and CEBC representatives during the meeting.

Implementation of the Truth and Reconciliation (TRC) Calls to Action and United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

- Question about what impact implementation of UNDRIP and the TRC Calls to Action would have on EAs. Concerned about impacts to process certainty. Do First Nations now have to be onside before a project can go forward?
- What is the test for consent by First Nations? Does consent mean consensus? EAO responded that a revitalized process would seek consensus on decisions with First Nations. Where consensus is not possible, dispute resolution may be necessary.
- Concern regarding potential inconsistency between federal and provincial interpretation of UNDRIP.
- Will there be a change in the government position on the Metis? EAO responded that no decision has been made provincially at this time.

Engagement with Indigenous Groups

- How does the EAO intend to include Indigenous groups as full participants in the EA process? The Association already works closely with First Nations and there is concern on how First Nations will be involved in the provincial process. EAO is seeking a reasonable funding model to ensure that Indigenous groups can engage, considering the variation in Indigenous groups' size and capacity across the province.
- Concern was expressed that industry may lose flexibility with respect to consultation with Indigenous groups. In some instances, industry is further ahead than government with respect to engagement and collaboration.
- What allowances will be made for decision-making when Indigenous groups are not acting in a cooperative manner?

- Is the process going to allow different options to First Nations depending on the project involved? EAO responded that the revitalized process would allow First Nations to choose how they wish to engage in an EA.
- Will community learning and decision process be similar to IBA negotiations?
- How do you balance transparency with First Nation's desire to respect privacy, especially with sensitive traditional knowledge – is this part of reconciliation?

Requirement for Federal EA

- Concerns were expressed about duplication of effort when a project requires a provincial and federal EA. The EAO assured that coordinated or substituted reviews (where a single EA is performed for one project) would be maintained.

Conceptual Model

- There was general support of the conceptual model, particularly the steps of early engagement and readiness test.
 - The importance of early indications regarding project success for investor confidence and company decision-making was noted.
- There were several concerns expressed regarding the conceptual model.
 - That the revitalized EA process could result in the perception of 'more red tape', potentially impacting investor confidence.
 - Concerns about the perception that the public, special interest groups, and Indigenous groups could prevent or halt potential projects.
 - That it is unclear how cumulative effects are taken into account in the new EA process.
 - It was felt that there needed to be flexibility in project design.
- Following legislative change as a framework for the revitalized EA process, the Reviewable Projects Regulation and other associated policy will also be reviewed.
- With regard to alternatives to the project it was noted that this is a very odd thing for a proponent to write.
- Hope that the new Act will still retain some of the latitude to keep enabling decision makers (delegated) retain flexibility and balance.
- Things that are currently not felt to be working well – Amendments and Certified Project Descriptions. Things that are considered to be working well – AIR, flexibility, consistency with public servants.
- There was felt a need for a good handbook for the public and more training for permitting agencies about the EA process.
- It was suggested that scope for valued components should shrink, there should be more opportunities for universities to be involved in the process to raise public trust, and acknowledgement that a lot of projects do not complete the process.
- What needs to be an amendment? Does there need to be First Nation consent for amendments?

Timelines and Thresholds

- Concern was expressed about the length of the EA process, considering energy projects are highly subject to market forces. There was support for legislated timelines for the revitalized EA process to provide clarity for proponents, but the timelines need to be realistic as projects are not static.

- Concern was expressed as to how any changes to the thresholds will be made. EAO responded that there will be talks with industry at a later date. Skirting of thresholds with work camps is a concern.
- A query was raised as to how the permitting agencies will be involved in the EA revitalization process. EAO responded that conversations regarding this are in progress.