

**Environmental Assessment Revitalization Engagement
Coal Association of Canada (CAC)**

Monday, April 23, 2018 / 12:00 – 3:00 PM
EAO First Floor Boardroom, 836 Yates Street

Meeting Participants

- Scott Bailey, EAO
- Nathan Braun, EAO
- Fern Stockman, EAO
- Breanna Merrigan, EAO
- Reise O’Hara, CAC
- Robin Campbell, CAC
- Mark Bartkoski, Conuma Coal
- Max Wang, Atrum Coal
- Judy Matkaluk, Atrum Coal

Summary Notes

Scott Bailey, 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 CAC 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)

- The CAC asked what impact implementation of UNDRIP and the TRC Calls to Action would have on EAs for coal projects. The CAC was concerned about impacts to process certainty.
- The CAC expressed concern regarding potential inconsistency between federal and provincial interpretation of UNDRIP.

Engagement with Indigenous Groups

- The CAC asked how the EAO intended to include Indigenous groups as full participants in the EA process. The 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.
- The CAC expressed concern that industry may lose flexibility with respect to consultation with Indigenous groups. In some instances, the CAC noted that industry is further ahead than government with respect to engagement and collaboration.
- The CAC asked if there had been any discussions about how to ensure that capacity funding results in improved outcomes for Indigenous communities. The EAO noted that monitoring and evaluation of capacity funding is outside the scope of the EAO.
- CAC representatives stressed the importance of science-based approaches in EAs, in addition to traditional knowledge. The CAC stated that there can be duplication of effort in traditional land use studies during EAs.

- CAC representatives asked that allowances be made for decision-making when Indigenous groups are not acting in a cooperative manner.

Requirement for Federal EA

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

Importance of Industry Perspectives

- The CAC stressed the importance of involving industry perspectives as EA revitalization proceeds. The EAO responded that many industry associations are engaged in the process and that additional engagement (including additional face-to-face meetings) with the CAC is welcomed. The CAC supported a joint discussion with the Mining Association of BC and the EAO.
- The EAO is developing a high-level Discussion Paper regarding EA Revitalization, which will be subject to a 30-day public comment period. The CAC may also provide feedback during the public comment period.

Conceptual Model

- The CAC was generally supportive of the conceptual model, particularly the steps of early engagement and readiness test.
 - The CAC noted the importance of early indications regarding project success for investor confidence and company decision-making.
 - The CAC supported the inclusion of economic benefits from proposed projects in the revitalized EA process, as coal projects can bring significant investment and jobs to the areas in which they are constructed.
- The CAC expressed a number of concerns regarding the conceptual model.
 - The CAC cautioned that the revitalized EA process could result in the perception of 'more red tape', potentially impacting investor confidence in coal projects.
 - The CAC expressed concerns about the perception that the public, special interest groups, and Indigenous groups could prevent or halt potential projects.
 - The CAC noted that it is unclear how cumulative effects are taken into account in the new EA process.
- Following legislative change as a framework for the revitalized EA process, the Reviewable Projects Regulation and other associated policy will also be reviewed.

Timelines

- The CAC expressed concern about the length of the EA process, considering coal projects are highly subject to market forces. The CAC expressed support for legislated timelines for the revitalized EA process to provide clarity for proponents.