

Stakeholder Implementation Committee Meeting

Summary Meeting Notes

September 18, 2019, 8:30 am

SFU – Harbour Centre, 515 West Hastings Street, Vancouver BC

Chair: Paul Craven

Members: Meera Bawa, Bob Bocking, Karen Campbell, Kai Horsfield, Matt Kennedy, Tara Lindsay (for Carmen Holschuh), Geoff Morrison, Denise Mullen, Ward Prystay, Gavin Smith

Attended by Phone: Hannah Askew, Greg Knox

EAO Attendees: Scott Bailey, Lindsay Luke, Fern Stockman, Amy Thede, Trish Sterloff

Regrets: Marla Orenstein, Carmen Holschuh, Karen Elliott, Kevin Hanna, Rob Stevens

Guests: None

1.0 Opening Remarks

- Introduction of Trish Sterloff, Executive Director of Strategic Services and Compliance at EAO

2.0 Update on Engagement and Indigenous Implementation Committee (IIC)

- Reviewed the proposed IIC meeting schedule – *filename 3.0 – IIC Meeting Schedule and Materials*
- IIC still has a lot of work to do to get to the point where IIC materials will be shared with SIC. Some members of the IIC will start joining these meetings in the future.
- Bob Bocking attended the IIC meeting yesterday
- Notes for the IIC will also be online to view – [website](#)
- Discussion on assessing effects on Indigenous Nations
 - Noted that this can be an area that damages relationships between Indigenous Nations and proponents.
 - In the new process, an understanding of Indigenous interests is encouraged starting at early engagement, and the EA process will be designed to address those interests in a more effective way.

3.0 Intent for Training EA Participants

- EAO is seeking advice on designing effective training on the new Act for EA participants.
- Suggested formats and tools:
 - Consider a combination of e-learning, seminars, online and face to face workshops. Introductory information could be e-learning.
 - Videos are good for high level details about the process, Act, and opportunities to participate. Videos are easy to get out to the public and share on social media.
 - Develop a strategy for public education. One of the main goals is transparency. The public needs to understand the process, they can't actively participate if they don't understand the process. This training should be timed for prior to the first project having a public comment period.

- Suggestion for a FAQ document that is attached to guidance to address common questions that keep coming up.
- Suggestion for incorporation of some examples to tell a story rather than reading of the Act.
- Three streams of audience, that need different things, at different levels based on participation/experience.
 - Public
 - EA Participants – Indigenous Nations, consultants, proponents, other government agencies, federal, provincial, local governments
 - External to the province – investors, people that want to do business in BC

4.0 Update on EAR Progress

- Review of document *filename 4.0 – EA Revitalization Key Deliverables*

5.0 Early Engagement – 2nd Review

- A PowerPoint presentation (*filename Early Engagement PowerPoint - Sept 2019*) was presented for discussion. Additional documents were distributed for review:
 - *5.1 – EAO – Guidance – Early Engagement*
- Suggestion to make a distinction between Indigenous interests and issue in the guidance
 - Ideally more focused on developing an understanding of interests during early engagement, then issues later.
- In early engagement, proponents will be expected to check with the EAO and Indigenous Nations to find any relevant existing agreements between the EAO and Indigenous Nations. Agreements will be posted to the EAO's website.
- Project Description (PD) - Scope of the project, scope of the assessment
 - Five project descriptions produced in EA process; as information becomes available, the Project Description changes: Initial PD, Detailed PD, Application, Certified PD, and PD submitted for permitting.
 - Process needs to consider that every project is going to change throughout the process. Between IPD and DPD there are lots of conversations going and most changes in design and scope happens in that period. Scope of EA is robust enough to allow for changes.
 - PDs should be silent on immaterial matters– things that don't change impact, and should identify rationale for why something is in the CPD – e.g. Tunnel 100 m and not 125 m to avoid archeological site.
- Suggestion that the guidance identify at a higher level what early engagement should include, rather than provide a detailed list - Outline key minimum information and additional proactive information that would come before a project comes to EAO.
- Public participation tools should focus on new ways (e.g. Community presentations/forums) rather than status quo open houses as primary tool.
- Note public participation guidance is also being drafted.
- How much direction should the EAO provide to proponents on what to do during pre-early engagement? The emphasis is to develop relationships and have conversations prior to early engagement. In early engagement it should be communicated what has happened prior.
- Suggestion that there needs to be clear expectations on information sharing/management; who and when there will be feedback on drafts, timelines, understanding on how information is shared between participants.

- Suggest that each guidance doc needs a clear statement as to who the primary audience is.
- Engagement plan - Is the EAO asking proponents to update this plan during early engagement?
 - EAO needs to consider whether the Engagement plan is a point in time document for the purposes of the Early Engagement phase, or is it an evergreen document with other purposes and uses throughout EA
- Suggestion to develop call out boxes in guidance to show what is internal EAO process. To provide transparency for all but clarity what is an EAO process piece.
 - SIC members found diagram on page 17 helpful, suggested moving diagram to the front of the document, under purpose and objectives. This is foundational.
 - Incorporate public interests into this diagram for complete picture
- Suggestion to link to relevant sections of the Act at the front of each of the guidance documents.
- Summary of Engagement:
 - A preliminary summary of the EAO's understanding of Indigenous Nations' interests in the project area, including any specific concerns that must be addressed in the Detailed Project Description
 - At this stage, will have a strong understanding of Indigenous Nation's interests, but they will be further refined.
- Update guidance to reflect public capacity funding, when developed
- "Identify any populations that may be underrepresented by the proposed engagement methods and how this will be mitigated or otherwise addressed;"
 - E.g. engagement methods when English is not first language
 - Link to Human Environment guidance – refer to this for further guidance
 - Intent is to identify if there are groups that may be impacted by a project but not reached by common methods, trying to address vulnerable groups
- Suggestion to create a table or document showing to what extent the EAO is going to rely on federal IAIA guidance or not, or where there is overlap.
- Indigenous Nations engagement:
 - How will the proponent work with nations in developing or reviewing documents? Outline how Participating Indigenous Nations will be involved during the development and review for the DPD;
 - Indigenous engagement during the development of the DPD – It was noted that there are different approaches. At a minimum there needs to be some engagement with nations on the DPD, and there could be co-development of the DPD with a nation.
- IPD Guidance
 - Need to clarify that at the Initial Project Description (IPD) stage, it is based on information that is currently available at that time. Need to clearly identify in the IPD what is currently available information.
- Maps and Shapefiles – EAO asked whether shapefiles should be made publicly available?
 - Concerns were expressed about the level of detail, scale, precision and potential safety issues with sharing shapefiles at this point in the process
 - Suggested that unless there is a compelling reason not to – the shapefiles will be made public.

- **Suggested Additions to the Early Engagement Guidance document:**
 - Graphic that shows line of sight from IPD through to permitting would be helpful
 - A table that is optional in the IPD and required in the DPD That shows:
 - List of studies underway
 - List of studies anticipated
 - Known guidance/standards to be used in these studies
- **Next Steps on the Early Engagement Guidance document:**
 - The EAO will incorporate this feedback, circulate a final draft to SIC, and post Draft
 - Once Act is in force, guidance may remain draft online

6.0 Readiness Gate– 2nd Review

- A Powerpoint was presented for discussion (*filename – 6.0 Readiness Decision presentation*). Additional document was provided for review - *filename 6.1 Readiness Decision Guidance*
- *Extraordinarily Adverse Effects* in Termination Decision in Section 16 (2)(c) the Act.
 - Not defined in Act; Finding the right bounds of a definition/description is key
 - Agreed that seeking to define beyond general terms in guidance is not advisable at this stage and will evolve as the Act is implemented and interpreted
 - Suggested that EAO seek preliminary Attorney General advice/legal opinion on how to define “extraordinarily adverse” and how best to address in the guidance
- Ministers termination or exemption decision must consider the sustainability and reconciliation purposes of the EAO
 - What information at the readiness decision should be considered?
 - During Early Engagement we have asked Indigenous Nations to indicate early interest and issues
 - Signal to the Minister to turn their mind to reconciliation at this point. E.g., are we advancing reconciliation or not if the EA proceeds.
 - These are key value and policy statements of the government
- Next steps on Readiness Gate Guidance:
 - Will be revised based on today’s comments and circulated, but no further discussion at SIC is planned.

7.0 Community Advisory Committees– 2nd Review

- PowerPoint presentation was presented for discussion – filename: *7.0 CAC overview*. Additional document provided for review – filename *7.1 Community Advisory Committee Guidance*
- Comment “the community” vs. “a community” – implications of specific vs. generic
- Suggestion: use the phrase from early engagement, “Proximity to important or sensitive community and natural places”
- Suggestion under membership – including “small business”, to show it is also an invitation to them, too, they may not consider themselves ‘industry’.
- How are groups that are formed with the sole purpose to oppose a project handled?
 - Suggestions: add in “generally organizations for the purposes of opposing or promoting a project, members would not normally sit on a CAC”. But state what venues/forums they would have. At the discretion of the CAC or by invitation of the CAC?
- National interest/broader groups vs. local groups rooted in community
 - CAC is to address impacts on the community.

- Generally, national interest groups would be considered stakeholders rather than considered for members on the CAC
- Caution around the CAC speaking to media or dealing with the press, and potential for disruption to the cohesion of the process
- Consider identifying other ways to engage the public
 - E.g. CAC could hold their own hearings as a way to gather information from the community
- Suggestion for providing honoraria to CAC members. Volunteers can contribute incredibly.
- Next steps on Community Advisory Committee Guidance:
 - Will be revised based on today's comments and circulated, but no further discussion at SIC is planned.

8.0 Closing Remarks

- Review of schedule, discussion of what is reasonable to cover in next meeting