

**Environmental Assessment (EA) Revitalization Engagement
Association of Mineral Exploration (AME) British Columbia**

**Monday, April 30, 2018; 1:30 PM – 4:00 PM
800 – 899 West Pender St, Vancouver BC**

Participants

AME (in person):

- Jonathan Buchanan, AME
- Lyn Anglin, Imperial Metals Corporation
- Don Bragg, Prospector
- Michael Buchanan, Teck
- Shaun Constantinoff, New Gold Inc.
- Sean Cullen, Ecofish Research
- Katherine Gizikoff, Hemmera
- Sean Magee, One-Eighty Consulting Group Inc.
- Diane Nicolson, Amarc Resources Ltd.
- Sharon Singh, Bennett Jones
- Leilah Tate, Sage Resource Consultants Ltd.
- Edie Thome, AME (EA Advisory Committee)
- Angela Waterman, Allegiance Coal Limited

AME (telephone):

- Rahul Ray, Environmental Dynamics Inc. (phone)
- Jennifer Campbell, TJC Consulting (phone)
- Kim Bittman, Kim Bittman Consulting (phone)

EAO: Paul Craven, Nathan Braun, Erin McGuigan

Action Items and Topics Identified for Further Discussion

- The Environmental Assessment Office (EAO) will engage with AME following the release of the Discussion Paper (June)

Summary Notes

EAO (Nathan Braun and Paul Craven) presented an overview of the EA revitalization process, considerations for EA revitalization and an overview of a draft conceptual model designed to present a possible future state for discussion purposes. Edie Thome (EA Advisory Committee member) provided an overview of the activities of the EA Advisory Committee. The following is a topic-based summary of the discussion between the EAO and AME members during the meeting.

EA Revitalization Process and the Discussion Paper

AME sought clarity regarding the EA revitalization process. In response the EAO said:

- The EAO is in the final stages of the engagement phase and described the next steps.
- Clarified that the Draft legislation will not be available with the Intentions Paper.

AME noted that they would like to be involved in future discussions preceding the release of the Intentions Paper. The EAO offered to meet with AME in June or July.

AME members sought clarification regarding the EAR engagement process with First Nations and with the First Nations Energy and Mining Council (FNEMC). AME asked if FNEMC's role in EA revitalization has been accepted by First Nations across the province. The EAO clarified that although the response has been mixed, the FNEMC involvement is not intended to represent First Nations in BC and described the direct engagement process where the EAO met for ½ to 1-day with groups, discussing EA revitalization in-depth, and providing meeting summaries back to First Nations for review.

Federal Process

AME members enquired about alignment between the federal review process and EA Revitalization. The EAO noted that the federal legislation process has been taken into consideration in EA Revitalization and that the EAO would like to ensure there is certainty regarding the interaction between the two (e.g. substitution, harmonization, joint panels).

AME members asked if the EAO would participate in joint panels under the Canadian Energy Regulator more frequently under the new federal model. The EAO responded that this has not yet been resolved.

Public Confidence

AME members noted that it has not been confirmed that there is a lack of public confidence in EA and cautioned not to fix what isn't broken. AME noted that many of the perceived inadequacies (e.g., lack of independent science) could be due to inaccurate public perception that these should be addressed through public education.

Professional Reliance

In response to a request from AME members for clarification regarding the provincial review of professional reliance, the EAO noted that although the provincial professional reliance review will have some impacts on EAs, but noted that unlike other processes that rely on professionals, the EAO conducts a rigorous review of materials provided by professionals. The EAO has also moved toward seeking additional information regarding the qualifications of application chapter authors, although there are some topics that this is a challenge for (e.g., health, social).

Timelines

AME members sought clarity on the duration of the EA process set out in the conceptual model and noted that a longer process, while not ideal, would not inherently be a problem, but that timeline certainty at every stage is crucial and a lack of certainty undermines investor confidence.

Early Engagement

AME noted that it is important that proponents not be engaged in funding rights reconciliation between nations (i.e. conflicting strength of claim). The EAO responded that we have an opportunity within the EA process to facilitate this but that has to be done without prejudice and that an EA project would proceed regardless of whether those discussions have reached resolution.

AME sought clarification regarding how and when early engagement should be initiated. The EAO clarified that proponents should be engaging Indigenous groups, regulators and the public as a matter of good practice. Upon recognition of the need for an EA, proponents would be engaging the EAO, who would be involved in the early project description development and supporting engagement.

Readiness Test

AME members noted that a readiness test is important to proponents and creates an opportunity for additional clarity for proponents regarding issues to be considered in an EA and to inform costs and effort allocation.

AME members emphasized the need for further clarification on the following aspects of a readiness test:

- Test criteria and level of subjectivity;
- Political involvement in the readiness determination. The EAO clarified that if a project was to off-ramped, it would likely be a Ministerial decision;
- Outputs of this stage of the conceptual model: The EAO explained that it would likely require a product that would summarize engagement, crystalize key issues and identify what the information requirements are and why;
- Timelines: The EAO clarified that the time to develop the detailed project description would be in the proponents' court and there would need to be some certainty regarding the amount of time required for process planning.
- The types of project changes that would require a project to revisit the readiness test;
- The role of Indigenous groups in decision-making at various stages.

AME asked how a change in leadership of an Indigenous groups and a change of opinion regarding whether a project should go ahead would affect the progress of an EA. Edie Thome stated that in the event a project goes through the readiness gate with the support of the necessary Indigenous groups, there would be no "back valve". The EAO responded that this should be viewed within the context of a contract and cited the change in leadership of at Squamish First Nation as an example.

AME members asked what project changes would require a proponent to return to the readiness test? The EAO clarified that there needs to be some kind of mechanism for those types of factors to be understood.

Process Planning

AME asked if the Application Information Requirements (AIR) could be a shorter document that identifies key issues that should be included in an application. The EAO noted that there might be an opportunity to develop standardized AIRs with professional associations that would be further refined for each project.

Impacts Assessment

AME members noted that overall significance determinations should be made by the EAO, not proponents.

Final Decision Stage

AME sought clarification on the “potential decision making opportunities for First Nations and local communities” described in the conceptual model. The EAO noted that the provincial decision rests with the province but that the process provides an opportunity for Indigenous groups to consider all of the information and for the Ministers to consider Indigenous groups’ decisions when making their determination.

AME sought clarification regarding the criteria for the Ministers’ decision. The EAO said that the criteria for the decision could be more clearly articulated in proposed legislation, but does not foresee a move away from the practice in terms of information/materials to be considered.

Alternatives and Benefits

AME asked if there would be consideration of what the impacts would be in the absence of a project. Examples that were provided included socio-economic impacts or when proponents remediate specific brownfields. The EAO clarified that this might be necessary under substitution (with the federal act) and that if this were implemented it would require additional consideration.