

## Stakeholder Implementation Committee Meeting - SFU Harbour Centre June 12, 2019, 8:30 am

**Members:** Meera Bawa, Bob Bocking, Karen Elliott, Kevin Hanna, Matt Kennedy, Greg Knox, Carmen Holschuh, Scott Lunny, Geoff Morrison, Ward Prystay, Gavin Smith, Rob Stevens, Marla Orenstein, Nikki Skuce (for Karen Campbell)

**EAO Attendees:** Scott Bailey, Nathan Braun, Paul Craven, Sheldon Foote, Lindsay Luke, Fern Stockman

**Regrets:** Karen Campbell, Denise Mullen, Hannah Askew, Ron Poole, Kai Horsfield

### Opening Remarks/ Update on Engagement

- Stakeholder Implementation Committee meetings are scheduled to July 11, and additional meetings are to be scheduled in the fall.
- The EAO has also established a Practitioners Focus Group, consisting of a small group of representatives from consulting firms.
- The EAO is also engaging with representatives from provincial agencies and continues its direct engagement with industry associations and Indigenous nations.
- The same materials will be reviewed across all committees and in direct engagements.

### Effects Assessment

- A PowerPoint presentation (filename 3.0 Effects Assessment S.25 Presentation) was presented for discussion.

### Ecosystem Function

- Assessing biophysical factors that support ecosystem function will provide a different lens to the environmental assessment (EA). Applying this perspective from early engagement should lead to a more efficient and effective EA that is more holistic; the EAO is developing guidance for this assessment matter. Effects on ecosystem function will be assessed within a standard of reasonability.
- Baseline conditions are important for assessing impacts to ecosystem function (and also cumulative effects). Must be careful to not confuse ecosystem capability with present-day conditions (i.e. need to try and assess the project effects on the environment as it is).
- Early engagement will identify the ecosystems and potential project activities of concern, which will inform valued component (VC) selection.
- Suggestion to involve engagement practitioners in the early engagement stage in order to develop the right questions to get more specific information.
- EAs are a primary forum for the public to discuss issues that somehow need to be addressed, even if they are not project related. Going forward, the EAO will try to point the public towards the right avenue for those non-project related discussions (such as broader provincial strategies for grizzly bears, for example).

- There will need to be a balance of including VCs that are important to the public while keeping them relevant to project effects.
- There was general consensus from the committee that the proposed scoping of this assessment is appropriate.

### Current and Future Generations

- The EAO sees the assessment of current and future generations as a summary where everything in the project effects assessment is brought together under this lens. This is an opportunity to tell a comprehensive story and paint a long-term picture of the project.
- Agreement that this section will be helpful in framing the EA in terms that the public can understand and will care about. The public will also see their positions represented in a more nuanced discussion including both positive and negative effects.
- The *Three Principles of Intergenerational Equity* (Weiss, 1989) will be included in guidance to proponents in order to provide consistency in orientation of this assessment. Duration of effects and consistency with long-term government policy will be factors in this discussion. There will also be guidance on scoping and how much information is needed from proponents.
- Questions were raised including: How are decision makers going to consider this information? Are any other governments doing this? Is the EA the appropriate place to be considering this? Is it helpful or confusing?

### Greenhouse Gas (GHG) Emissions

- GHG emissions will be broken down by phase and activity, with definitions provided.
- Relying on historic trends might not be accurate for a future with climate change, which necessitates using climate adjusted baselines. This is done already for assessments under the current Act.
- Will need to be cautious of how information is presented so that the public does not see a cause and effect relationship between GHGs produced by the project and effects of climate change on the project. The EAO will ensure topics are organized and there is clear guidance to avoid this misperception.
- The EAO will do more work on this and bring it back to the committee. General consensus that linking this assessment to the legislative targets makes sense.

### Risks of Malfunctions of Accidents

- Risks of malfunctions and accidents, along with alternate means, are two topics with potential trust and transparency issues in EA. Suggestion that this could be a helpful place for the EAO to hire an expert to do the work, which would increase public confidence.
- Avoidance should be included in addition to mitigation.
- Public should be made aware that some questions will be answered in permitting.

- The risk matrix is a rough tool that will be informed over time with examples from project assessments. Dialogue in early engagement could include defining relevant terms in order to have an educated discussion.
- Using early engagement to address perceived risks articulated by the public needs to be built into the guidance.

### Alternate Means

- Whether this assessment matter will be considered past the initial project description stage will depend on the project.
- Collaborative and transparent discussion on this topic, particularly for economic feasibility, will be important so the public feels they are meaningfully engaged. This topic should include best available technologies and practices, project design and siting.

### Cumulative Effects

- A PowerPoint presentation (filename 3.1 Cumulative Effects Presentation) was presented for discussion. Additional documents were provided for review (filename 3.2 Cumulative Effects Flow Diagram).
- The EAO is working on getting access to more data and tools to do better cumulative effects (CE) assessments, which will help tackle some broader questions of synergistic effects across projects.
- Questions on how much of this responsibility is in the purview of the proponent versus the province. Difficulties can arise in an EA when a project becomes the avenue to discuss broader provincial initiatives. Modernized land use planning will help outline where government is going and put more emphasis on planning.
- It is important to consider likeliness of mitigation effectiveness. There should be an attempt to look at synergistic effects, and if this isn't possible, explicitly state that these effects are unknown.
- Outcomes of regional assessments should be applicable to other actors on the land base as well.
- There is a disconnect between the regional planning processes BC has in place (i.e. cumulative impact assessment done by FLNRORD) and project specific CE assessment done by the EAO. This is something to be explored with practitioners and those working on the provincial CE framework.

### Role of Early Engagement in Effects Assessment

- Value of early engagement is a recurring theme. While we don't want to rush this stage, need to ensure it won't be endless or overwhelming too. Going to need to frame these conversations and discussions in a way that is doable. What techniques can be used for this? How do you use engagement specialists to get at some of these questions?
- Common theme coming up in discussions is independent experts and how to use them in an effective way. This needs to be worked out in greater detail, as they can't be used on everything. In early engagement, candidates for where experts can be best used in the process can be

identified to better serve the public interest. There is a lot of flexibility in how to do this. The process order will identify and describe how experts will be used in the EA.

## Application Development & Review, Effects Assessment, Recommendation and Decision

- A PowerPoint presentation (filename 4.0 Application Development & Review, Effects Assessment, Recommendation and Decision) was presented for discussion. Additional documents were distributed for review:
  - filename 4.1 Application Development and Review Conceptual Workflow and Objectives (placemat)
  - filename 4.2 Effects Assessment, Recommendation and Decision Conceptual Workflow and Objectives (placemat)

### Application Development and Review

- There is a need for more explicit and clear information on when and how local governments participate. Points of engagement with local government might be the same as consensus points with participating Indigenous nations.
- Consensus with Indigenous nations at this stage is on whether the proponent adequately responded to issues and ensuring there is enough information to inform the effects assessment phase. Parties don't necessarily need to support the project to reach consensus that the information is present and adequate.
- If an indigenous led assessment is also taking place, it will be outlined in the process order and aligned with EAO's process.

### Effects Assessment, Referral, and Decision

- How the EAO chooses to reflect the public comment period in the referral package will depend on the project and the scope and quantity of the comments received. Comments could result in revisions to the draft assessment report.
- To avoid losing goodwill of the public gained throughout the process, the EAO will need to show how comments on the report and Indigenous consent feed into the drafting of recommendations to Ministers.
- With a longer timeline, the public comment period on the referral materials may be a good place for local governments to submit an official position on the project.
- For transparency, there will be indicators for the recommended duration (up to 10 years) of an EA certificate in the referral materials.
- A referral package may still go to Ministers if consent is not provided by all Indigenous nations. While we are seeking consent, there may be times where rationally it's time to move forward with the process, articulating the different points of view. By the referral stage in the process, there have already been other consensus checkpoints along the way.

## Readiness Decision

- A PowerPoint presentation (filename 5.0 Readiness Gate) was presented for discussion. Additional documents were distributed for review (filename 5.1 Readiness Gate Decision Guidance Conceptual).
- The exemption process under the new Act will be more transparent including a public comment period during early engagement. Exemption orders can have conditions. Exemptions do not affect subsequent permitting processes.
- Joint assessments with the federal government and broader public interest considerations are generally factors that lead to review panels. The new Act provides opportunities to use panel like tools in an EA; tools such as expert panels, taking evidence, and public or community hearings, could be adopted and put in the process plan.
- Suggestion for a guidance document provided to the Community Advisory Committee that outlines different tools and best practices that they can use to facilitate public engagement (such as a world cafés, community meetings etc.).
- Through guidance and discussions with the EAO, a proponent should have a good idea if they are a candidate for exemption before they submit their initial project description (IPD), and the IPD should be written to reflect that.

## Amendments and Extensions

### Amendments

- A PowerPoint presentation (filename 6.0 Amendments) was presented for discussion. Additional documents were distributed for review (filename 6.1 Current EAO Guidance on Amendments).
- When a project is in permitting and requires an EA certificate amendment, the EAO can accept a recommendation for the amendment from the subsequent regulator to reduce duplication of process.
- If a project certificate is at the five-year anniversary review point, recommendations from a regional environmental assessment could lead to an amendment. Reviews at the five-year anniversary need to be triggered by an expressed concern, whether it is from local communities, the proponent, or results from mitigation effectiveness reports.

### Extensions

- A PowerPoint presentation (filename 6.2 Extensions) was presented for discussion. Additional documents were distributed for review (filename 6.3 Current EAO Guidance on Extensions).
- It would be helpful to local governments and others if there was a deadline by which proponents had to apply for an extension, to allow enough time for review.
- If a project was certified ten years ago, it will be necessary to conduct deeper consultation on extension requests.

## Closing

### **Action Items:**

- EAO to provide list of practitioners focus group membership, and agendas for their meetings and the Indigenous Implementation Committee meetings
- Think of key themes, policies or guidance that are important for this group to revisit for successful implementation
- EAO to work through example of assessment of impacts to current and future generations as would be done in an assessment report
- EAO to work with local government to frame their role, involvement and timelines in the process.