

Appendix Two: What We Heard So Far

This Appendix identifies what issues have been raised over time with respect to the RPR and how we have recommended addressing these issues. The comments have been organized by sector.

WHAT WE HEARD	EAO RESPONSE
Industrial Projects	
General	
SIC codes are outdated. It is recommended they be replaced by North American Industry Classification System (NAICS) codes. NAICS is more current and provides more flexibility in handling emerging industries.	Replace SIC codes with NAICS.
Forest Products Industries	
RPR thresholds should be able to accommodate for the seasonality of forest industry businesses, and still reflect their effects when they are operating.	The Environmental Assessment Office (EAO) acknowledges this comment; however, the issue of seasonality of the forest products industry is probably too complex and context specific to be addressed through an RPR threshold.
Current criteria for forest product industries can provide disincentive for upgrading technology and undertaking projects that are beneficial to the environment (i.e. upgrading technology to increase production capacity while lowering energy consumption and emissions). Consider thresholds that provide incentive for projects that are considered beneficial.	<p>This comment has been noted; however, it is likely context is specific and difficult to implement through RPR thresholds. A proponent proposing a beneficial technology upgrade could apply for an exemption, or if many similar beneficial projects were being proposed, a class EA could be established.</p> <p>Class assessment is a standardized environmental assessment process by which a clearly defined class or group of projects is evaluated against a prescribed set of criteria. Class assessments have the potential to reduce the burden on EAO's existing resources while meeting EAO's mandate to conduct quality EAs in a timely fashion.</p>
Consider establishing an air quality threshold for forest product industries. Threshold based on PM2.5 is suggested, as most forest industries are located in or near population centres, and this particle size has a high impact on human health.	Quality of air emissions are hard to determine at the project design phase of project. Potential air emissions and air quality issues are assessed during the EMA authorization processes and are closely monitored by ENV.

WHAT WE HEARD	EAO RESPONSE
<p>New industries within the forest products sector have become more common since the RPR was first drafted. Many co-generation projects do not meet the 50 MW threshold for electrical power plants.</p> <p>Consider creating new project categories for: co-generation facilities; pellet plants; and cross-laminated timber plants.</p>	<p>Any pulp mill that is converted into a co-generation facility, and does not meet the threshold of 50 MW, may be brought into the EA process by one or more of the proposed effects thresholds, or require notification if it meets one or more of the notification thresholds.</p> <p>The RPR will be evaluated regularly moving forward, providing opportunity for the EAO to more carefully consider the need for the suggested new project categories and, if considered necessary, carry out the research and analysis required to develop appropriate thresholds.</p>
Other Industries	
<p>Consider establishing separate project categories, definitions and thresholds for medical and recreational cannabis production facilities, to accommodate the legalization of these products since the last review of the RPR.</p>	<p>All aspects of medical and recreational cannabis production are now highly regulated. Licensed cannabis producers go through a rigorous accreditation process as mandated by the federal <i>Cannabis Act</i> and regulations, to be able to operate. This process is administered by Health Canada which continues to regulate the industry throughout its operation. Licensing requirements dictate that local and provincial approvals must be achieved to obtain and maintain a valid Health Canada production license. Effluent and emissions are regulated under the Agricultural Environmental Code of Practice under <i>Environmental Management Act</i> (EMA), by the Environmental Protection Division (EPD) of the Ministry of Environment and Climate Change (ENV).</p> <p>There is determined to be no value to be added by making cannabis production subject to an environmental assessment (EA), and the status quo is recommended.</p>
Mines	
Definitions	
<p>There is currently no definition for production capacity for mine projects, which can result in confusion in interpretation. Consider whether production capacity should be determined by including the quantity of waste rock generated, or by the quantity of product produced alone.</p>	<p>Define production capacity to be the quantity of product, or output of value, expected from a given mining operation, and not to include the waste material generated while mining. (B.C. Court of Appeal Decision - <i>Fort Nelson First Nation (FNFN) v. BC (EAO)</i> - December 2016).</p>
<p>Consider whether production capacity should be based on the project’s potential for production, determined by the infrastructure that is already in place, or by what the proponent is currently permitted to produce.</p>	<p>There are many mine projects that do not operate throughout the entire year. If production capacity were based on a project’s potential production capacity rather its current permitted limit, there is the potential to bring operations with much lower annual production rates into the EA process.</p> <p>The proposed effects thresholds, and provisions to limit the incentive for project splitting and the skirting of thresholds, will discourage and, in some cases, prevent smaller operations from sequentially expanding to become major projects without undergoing an EA.</p>
<p>Current definition for clean coal is ambiguous and open to interpretation.</p>	<p>Define “clean coal” as coal that has undergone a washing process to remove waste before being transported from the mine site for marketing or testing.</p>

WHAT WE HEARD	EAO RESPONSE
Coal Mines and Mineral Mines	
<p>The modification thresholds for reviewing mines is not capturing major projects with significant increases in production capacity, because in most cases they do not also meet the increase in permitted area of disturbance threshold. A number of these mines have never had an Environmental Assessment Certificate (EA Certificate) (i.e. initiated pre-<i>Environmental Assessment Act</i> or built below threshold). Consider revising modification threshold to address this issue.</p>	<p>Revise thresholds for modification of mine projects to retain the requirement to meet or exceed the thresholds for a new project, and the “50% increase of area not previously permitted for disturbance” portion of the threshold.</p> <p>The proposed effects threshold for “area of land disturbance” would effectively replace the reviewability threshold of 750 ha.</p>
<p>Consider applying both a production capacity threshold and an area of disturbance threshold to coal mine and mineral mine projects, to ensure the impacts of both underground mining and open pit mining are reflected in the thresholds.</p>	<p>The proposed effects thresholds would apply to all projects, including both surface or underground mine projects. This includes the area of disturbance and linear disturbance thresholds.</p>
<p>Consider establishing a specific threshold for the modification of an underground mining project.</p>	<p>An expansion to an underground mine project, without an EA Certificate, that meets the proposed modification thresholds for mines, is reviewable. Because underground mine operations require less surface area than open pit mines, it is less likely that a modification would become reviewable based on how much land is cleared or disturbed. However, an expansion to an underground mine might still trigger a review based on land disturbance if its proposed surface operations (waste rock piles, tailing facilities, other infrastructure) are large enough, or if its proposed production capacity meets the production capacity threshold for new projects. The Ministry of Energy and Mines and Petroleum Resources (EMPR), as primary regulatory agency for mining, thoroughly reviews proposals for safety and structural integrity. While it is believed that the proposed modification thresholds will require appropriate underground mine modification projects to undergo review, the proposed thresholds will be reviewed on a regular basis for their effectiveness.</p>
<p>Consider establishing specific thresholds for bulk sampling. There are examples of bulk sampling projects that result in significant development before the project is at the stage to be considered a candidate for the EA process.</p>	<p>Bulk sampling is authorized and monitored by EMPR. Section 17(3) of Mineral Tenure Act Regulation provides that a bulk sample of up to 10,000 tonnes of ore may be extracted from a mineral claim, not more than once every five years, and the <i>Coal Act</i> allows for bulk sampling of 100,000 tonnes for coal.</p> <p>Since the maximum amount authorized by EMPR, by permit, is below the annual production set out in the RPR project specific thresholds for reviewing a mine, the EAO does not consider there to be a need for specific bulk sampling thresholds.</p>

WHAT WE HEARD	EAO RESPONSE
Placer Mineral Mines	
<p>Consider using an alternative to the pay dirt production capacity threshold for placer mine projects. Quantity of pay dirt can be difficult to determine.</p>	<p>Alternatives were considered, but not enough data is available to support a recommendation to make a change to the pay dirt production capacity measure for this threshold at this time.</p> <p>The EAO will continue to work with EMPR colleagues as they evaluate their own regulatory framework for placer mining. EMPR has engaged Indigenous Nations through several Placer Mining Forums. These included discussing the possibility of introducing tiered information requirements and multi-party reviews for the larger and more complex placer mining applications. As those discussions continue, and as the EAO assesses whether the proposed threshold is a more effective proxy for bringing in those placer mines with the potential for significant adverse effects, the EAO will make further adjustments to the placer mine threshold as appropriate.</p>
<p>Consider whether placer mines thresholds are an accurate proxy for potential for significant adverse effects – no placer mines have ever triggered at the current threshold.</p>	<p>The EAO recognizes that the current threshold may not be an accurate proxy for the potential for significant adverse effects. We are proposing to lower the threshold for placer mines from 500,000 tonnes pay dirt/year to 250,000 tonnes pay dirt/year. Because placer mining is similar in nature to sand and gravel projects - both types of projects consist of similar activities and potential for adverse effects - the proposed threshold is based on the current RPR threshold for sand and gravel projects. One of the thresholds for sand and gravel pits is $\geq 1,000,000$ tonnes/year of production capacity over four years. We are proposing to convert this to a single year threshold for placer mines of 250,000 tonnes/year, effectively reducing the current reviewability threshold for placer mines by half.</p> <p>The EAO will continue to work with EMPR colleagues as they evaluate their own regulatory framework for placer mining. EMPR has engaged Indigenous Nations through several Placer Mining Forums. These included discussing the possibility of introducing tiered information requirements and multi-party reviews for the larger and more complex placer mining applications. As those discussions continue, and as the EAO assesses whether the proposed threshold is a more effective proxy for bringing in those placer mines with the potential for significant adverse effects, the EAO will make further adjustments to the placer mine threshold as appropriate.</p>
Sand and Gravel Pits	
<p>A review of the sand and gravel thresholds should be considered to determine if they are triggering the right projects located in populated areas, based upon concerns related to noise, dust, traffic, visual impacts and a decrease in property values.</p>	<p>Recommend status quo. There is a standard condition for <i>Mines Act</i> permits issued by EMPR for sand and gravel operations, that requires that dust and noise be controlled at the source. Any issues with fugitive dust or excessive noise would therefore be a compliance issue. There is an EMPR guidance document being developed to assist proponents in developing a dust management plan. Permissible noise levels relate to the health and safety of workers on site, and are specified in the Health, Safety and Reclamation Code for Mines, Table 2-2 (as referenced in Section 2.1.1). Section 2.6.1 also addresses noise from machinery or equipment. Noise disturbance from operations is often dealt with through hours of operation and blasting notifications.</p>

WHAT WE HEARD	EAO RESPONSE
<p>Silica sand is commonly in used in the oil and gas industry. Currently, the RPR criteria for two separate project categories – “Sand and Gravel Pits” and “Construction Stone and Industrial Mineral Quarries” - are used to determine if a silica sand project is reviewable, based on how the material is mined. If the sand is obtained by direct excavation, the thresholds for sand and gravel operations apply. If the material is first mined, and then crushed into sand, the thresholds for Construction Stone and Industrial Mineral Quarries apply. The excavation of shallow fluvial deposits for the purposes of mining silica sand can disturb areas of land. The effects of land disturbance are not accounted for in the thresholds for either of the two project categories.</p> <p>Consider specifically identifying the extraction of silica sand for oil and gas purposes as a distinct reviewable project category, and establish thresholds, definitions and other criteria to reflect the potential issue of large land disturbance.</p>	<p>It is not recommended that a new RPR project category not be created specifically for the mining of silica sand. The proposed new effects threshold for “area of land disturbance”, applicable to all project categories, would require any silica sand mining operation that meets or exceeds this particular effects threshold to undergo a review.</p>

WHAT WE HEARD	EAO RESPONSE
Electricity Projects	
Power Plants	
<p>There is a wide diversity of electrical power project types is not addressed by a single project category, its definitions or criteria. Consider establishing different thresholds for different types of power plants, to link to the various effects of each power plant type.</p> <p>Use of production capacity (MW) alone does not reflect project effects and is a disincentive to using more efficient technology. Consider establishing alternative thresholds that are more closely linked to project effects.</p> <p>There is concern that some Independent Power Projects (IPPs) under the 50 MW threshold have the potential for significant adverse effects. Consider how to address the issue of subthreshold IPP projects that are designed to avoid the review process.</p>	<p>Recommend establishing the following thresholds for specified electrical power project types:</p> <p>Wind Power - 15 turbines.</p> <p>Rationale: Use of turbines for wind projects is better reflection of environmental effects and does not provide a disincentive to using efficient technology. Average turbine in B.C. produces 3-4 MW; 15 turbines is roughly equivalent to current threshold of 50 MW at 3MW.</p> <p>Tidal - all tidal projects (excluding in-stream tidal) to be subject to EA requirement</p> <p>Rationale: new technology and its effects are not necessarily known.</p> <p>In-stream Tidal - 15 MW</p> <p>Rationale: to allow for prototypes and experiments, given that this is an emerging technology.</p> <p>Hydroelectric Projects (including Independent Power Projects (IPPs)) – 50 MW</p> <p>Rationale: This threshold has generally been effective for requiring appropriate hydro electric projects to undergo EAs. The concern that smaller power plants are being deliberately designed subthreshold to avoid an EA will be mitigated by the introduction of proposed effects thresholds. These will likely capture projects with substantial land disturbance (linear or polygonal).</p>
<p>The MW threshold does not clearly link to the effects of hydro power projects. Consider developing a threshold that is linked to the proportion of water volume diverted out of the system might be the best way to link a threshold to the project’s impact on a watershed and river systems. A number could potentially be obtained by analysing water diversions for projects authorized under the WSA across the board.</p> <p>A “proportion of water diverted” threshold would also address the issue of the modification threshold being much lower than the threshold for new projects, and the concern that smaller hydro projects are being designed to skirt the 50 MW threshold.</p>	<p>There currently has not been the required research and analysis carried out to determine an appropriate proportion of water diverted threshold for power plants. Until such a proposal can be fully researched and developed, the proposed effects thresholds, used along with the current 50 MW threshold for hydro plants, should mitigate some concern that smaller power plants are being designed subthreshold to avoid an EA.</p> <p>The RPR will be reviewed and updated at regular intervals, allowing for this proposal to be fully considered in the future.</p>

WHAT WE HEARD	EAO RESPONSE
<p>Wind turbines exist that can produce significantly more power than 3 MW, but these generally have much larger rotor diameters. With this newer technology there could be a hypothetical subthreshold project that disturbs less land but poses more risk to birds and other airborne wildlife, than a project with fifteen 3 MW turbines. If the main concern with these projects is land disturbed, then consider having a threshold based on number of turbines. If the main concern is risk to wildlife, then the rotor areas of turbines should be reflected in threshold. That said, there is very low likelihood any wind project large enough to require an EA being proposed in the next five years, regardless of threshold, and any proposed changes for this project category should have little impact on the industry.</p>	<p>Currently, there are no turbines in operation in B.C. that produce more than 3 MW. The RPR will be reviewed and updated at regular intervals, allowing for full consideration of a whether a threshold linked to rotor size for certain power projects is appropriate.</p>
<p>Nameplate capacity is a measurement designed for the purposes of a manufacturer's guarantee and does not necessarily reflect the actual generating capacity of a power plant which is often quite higher. Consider removing the term "nameplate" from the threshold description.</p>	<p>Recommend status quo. Nameplate capacity is a reasonable proxy for determining a threshold for reviewability. Experience with the use of the current nameplate capacity threshold has shown its effectiveness in identifying projects that have the potential for significant adverse effects.</p>
<p>Consider reducing the threshold for tidal projects. If every tidal project is reviewable, this will reduce incentive for developing this industry.</p>	<p>Requiring all tidal projects to undergo an EA aligns with the new federal threshold for reviewing these projects. This precautionary approach is proposed because the technology to harness tidal power is new, with yet unknown effects.</p> <p>After this technology has been in use enough time to allow the EAO and its partner agencies to evaluate the significance of its effects, it is recommended that the threshold be reviewed for its appropriateness.</p>
<p>Solar farms have a greater footprint on the land than windfarms. A solar project producing 50 MW disturbs considerably more land than a wind project with 15 turbines. Consider making the proposed threshold for wind farms greater than 15 turbines to reflect their proportionately smaller effect on the land base.</p>	<p>Recommend that the proposed thresholds continue to be 15 turbines for wind farms and 50 MW for solar projects. The relatively lower proposed threshold for wind farms is to reflect their potentially more significant effect on airborne wildlife, as well as their potential for land disturbance.</p>
<p>Current criteria for modifications to power plants (increase to power production) does not reflect actual project effects. Once infrastructure is in place the impact of increasing production is proportionally smaller than building a new project. Modifications to these projects include upgrades due to maintenance, as well upgrades specifically to increase power production.</p>	<p>Modification thresholds, for all project categories, apply only to projects that do not have an EA Certificate. A goal of modification thresholds is to bring appropriate major projects, that have never undergone a review, into the review process. Recommend maintaining the current increase by 50 MW for modifications to power plants. This also aligns with the federal threshold.</p> <p>The EAO recommends exempting modifications to power plants from the EA requirement, if the work is being done solely for maintenance purposes. Upgrades to power plants to increase their power production are not considered maintenance, and therefore would continue be subject to RPR modification thresholds.</p>

WHAT WE HEARD	EAO RESPONSE
Transmission Lines	
<p>The most significant impact of new transmission lines, or expansions to existing transmission lines, is the area of land cleared for building or expanding the corridor or right of way for these projects. Consider developing an “area of disturbance” threshold that aligns with linear projects across sectors.</p>	<p>More time is required understand the full extent of potential adverse effects for transmission line projects, and to conduct the necessary research and analyses to develop an appropriate “area of disturbance” threshold for this project category. This concept merits consideration and will be considered for a future update to the RPR.</p>
<p>Current criteria and definitions for new transmission line projects do not reflect actual project effects. Currently, any transmission line transmitting less than 500 KV is not subject to an EA. There may be adverse effects from transmission line projects transmitting less voltage than this, depending on where they are located.</p>	<p>The most significant impact of new transmission lines, or expansions to existing transmission lines, is the area cleared for building or expanding a right of way (ROW) for these projects. Typically, the width of a ROW for an electricity transmission line is based upon the power being transmitted. For example, a 500 KV transmission line has, on average, a 64 m wide ROW, and a 230 KV project, a 40m ROW; therefore a 500-kV transmission line is associated with 50% more ROW disturbance than a 230 kV.</p> <p>The EAO is considering an additional threshold for electric transmission lines, subject to feedback from this engagement:</p> <p style="text-align: center;">≥ 230 KV and ≥ 60 KM in length</p> <p>Under this proposal, no standalone transmission line transmitting ≤ 230 KV would be subject to the EA requirement. However, projects in other RPR categories could become reviewable if they meet or exceed the proposed effects threshold for linear disturbance.</p>
<p>Modification thresholds for transmission line projects are disproportionately smaller than the threshold for new transmission line projects. Once infrastructure is in place, modifications to upgrade a facility have proportionately much smaller effects. Consider establishing thresholds that more accurately reflect the smaller effects of modification.</p>	<p>Modification thresholds, for all project categories, apply only to projects that do not have an EA Certificate. A goal of modification thresholds is to bring appropriate major projects, that have never undergone a review, into the review process.</p>
<p>Question of how proposed threshold revisions for electric transmission lines will interact with proposed effects threshold for linear disturbance.</p>	<p>The effects threshold will not apply to this project category.</p> <p>If a project from an RPR project category, other than transmission line projects, has as part of its infrastructure a transmission line that meets or exceeds the proposed effects threshold for linear land disturbance (i.e. a mine project with a new transmission line), it would be subject to an EA due to the effects threshold.</p>

WHAT WE HEARD	EAO RESPONSE
Petroleum and Natural Gas Projects	
Energy Storage Facilities	
<p>Consider defining energy storage as volume or mass rather than petajoules. The advantage of petajoules is its universal application; it can be used for projects that store or process a combination of fuels. An all-inclusive list is key if moving to volume calculations.</p> <p>Methanol processing plants, LNG facilities, and energy processing facilities generally, are all currently captured under the RPR criteria for energy storage facilities, and/or other the criteria of other project categories, as applicable (i.e. shoreline modification projects, Marine Port Facilities (other than Ferry Terminals)). This can create confusion as to how RPR thresholds apply to energy processing projects. Consider establishing a separate project category for energy processing facilities, with specific thresholds or definitions, and other criteria, or provide clarity that energy processing projects are included in the definitions and thresholds for energy storage facilities.</p>	<p>Volumetric values are used understood by industry and would reflect the significant effects from energy storage facilities. However, developing volumetric thresholds for the storage and/or production of petroleum products is complex. A straightforward conversion from 3 petajoules to volumetric thresholds requires identifying the range of hydrocarbon projects that are to be listed in the RPR and using a separate conversion factor to identify its storage volume for each product. In specifying individual products and their respective volumetric conversions, there is risk of inadvertently excluding a product, therefore making its storage not subject to review or, conversely, making the storage of something that was not intended to be reviewable, reviewable. It is therefore recommended that the 3 PJ threshold be retained.</p> <p>Because LNG facilities are the projects are most frequently reviewable in this category, we propose to establish a specific volumetric threshold for this product type, as follows:</p> <ul style="list-style-type: none"> - New Liquefied Natural Gas facility: capability to store $\geq 136,000$ m³ of liquefied natural gas (conversion from existing 3 PJ storage capacity threshold) - Any other new energy storage facility: capability to store an energy resource in a quantity that can yield by combustion ≥ 3 PJ of energy <p>It is recommended that it be specified that the total energy of all relevant product types stored on a project site is to be considered, when determining whether the 3PJ threshold is met.</p> <p>Methanol production facilities are now clearly reviewable under the criteria set out in the industrial projects categories (Organic and Inorganic Chemical Industry (Table 1)), due to the clarity provided by the update from SIC to NAICS codes.</p>
Oil Refineries	
<p>Along with other energy processing facilities, discussed above, oil refineries are currently captured under the RPR criteria for energy storage facilities. Consider establishing a separate project category for oil refineries.</p>	<p>To be consistent with Canada and other jurisdictions, the EAO recommends establishing a specific project category for oil refineries, with the proposed thresholds:</p> <ul style="list-style-type: none"> - New project threshold: project, including a heavy oil upgrader, with an input capacity $\geq 10\ 000$ m³/day - Modification threshold: Expansion of an existing project, including a heavy oil upgrader, that would result in an increase in input capacity of $\geq 50\%$ and a total input capacity of $\geq 10\ 000$ m³/day

WHAT WE HEARD	EAO RESPONSE
Natural Gas Processing Facilities	
Consider adjusting the thresholds for small sweet natural gas processing facilities to recognize that small projects do not typically have the potential for significant adverse effects. They are regulated by the Oil and Gas Commission (OGC) and when they have entered the EA process, have typically been exempted.	Propose removing the processing rate threshold for natural gas processing plants. This would make only those projects producing high levels of sulphur subject to an EA, or exceeding the GHG effects threshold, leaving other projects to be reviewed by the OGC.
Consider specifically identifying sour gas processing facilities under the definitions and thresholds for natural gas processing plants Consider revising the SO ₂ threshold to capture appropriate sour gas processing facilities	Sour gas processing facilities are currently effectively considered reviewable through the sulphur emissions threshold set out in the natural gas processing plants category, and no further thresholds and definitions are required for these projects. We have reviewed the sulphur emissions thresholds and compared them to reported emissions from facilities operating in B.C. and are confident that the current threshold of 2 tonnes/year is appropriate.
Wording of current threshold “...sulphur emissions to the atmosphere of ≥ 2000 tonnes/day...” can be open to interpretation. It is not clear whether threshold is based only on elemental sulphur, or on the total mass of sulphur compounds in the emissions. Clarity is needed as to what is included in the term “sulphur”.	Define sulphur to provide clarity and be consistent with the language of OGC authorizations. Recommend that “sulfur” means “the total mass of sulphur, including elemental sulphur and all sulphur in compounds, expressed as elemental sulphur”.
Transmission Pipelines	
Suggestion that pipe diameter may not reflect significant effects of pipelines that result from area disturbed for developing/expanding right of ways.	Current RPR sets out “length of pipe” thresholds that vary according to the pipeline diameters, with the pipeline diameter being used as a proxy for width of right of way disturbance.
General	
It is suggested that, for all Petroleum and Natural Gas project types, the term “facility” needs clarification. It should be clear as to what a facility includes: buildings, onsite transportation units (i.e. marine vessels, train cars), underground caverns, etc. For Petroleum and Natural Gas projects, suggest aligning definition of facilities to the <i>Oil and Gas Activities Act</i> definition (the construction or operation of a manufacturing plant designed to convert natural gas into other organic compounds, the construction or operation of a petroleum refinery)	The EAO has reviewed use of the term “facility” throughout the RPR and, where appropriate, used another term, or provided clarification of the term.
Consider developing thresholds to capture upstream oil and gas activities	Recommend upstream oil and gas activities continue to be regulated by other legislative and policy frameworks and not form part of the RPR. The EA process is not designed to assess diffuse activities across the landscape such as upstream oil and gas.
Consider establishing thresholds, definitions and other criteria for carbon capture projects.	New thresholds and other criteria not recommended at this time. It is expected that projects sequestering carbon would already trigger an EA under current project categories and thresholds, such as natural gas processing plants.

WHAT WE HEARD	EAO RESPONSE
Water Management Projects	
Dams	
Current threshold is based on height of dam. Height is difficult to determine when dam is built on a slope. The most significant effects of dams are related to the amount of water contained or diverted behind dam. Consider a threshold, alternative to height, for reviewing dams.	Continue with current threshold and current height of 15 m as it is derived from the International Commission on large dams. Diversion of water to be addressed through effects factors.
Dikes	
Current spelling of “dyke” inconsistent with that of other legislation.	Revise spelling and definition to be consistent with the <i>Dike Maintenance Act</i> and other provincial legislation.
Dikes need to be upgraded or replaced to protect existing properties. Suggestion that these kinds of upgrades be exempted from requiring an EA to provide to local governments incentives to carry out these projects; suggest extending the exemption to projects that improve dike efficiency and move existing dikes out of sensitive riparian zones.	Propose to exempt projects that upgrade or replace existing dikes that protect existing communities if there is no new land disturbance. Projects that involve removing dikes outside critical habitat or sensitive areas will continue to be subject to the EA requirement, but could potentially be considered as an exemption or class assessment.
Water Diversion Projects	
Consider revising threshold for annual volume of water diverted downward to align better with groundwater extraction threshold. Include a maximum rate per year threshold and an instantaneous flow rate threshold. Be consistent with groundwater extraction projects (2.365 million cubic metres per annum, and 75 L/s)	In further discussions, 2.365 million cubic metres per annum deemed to be too low, capturing those projects without significant effects and already subject to review under authorization processes. It is proposed that the annual maximum 10 million m ³ /year threshold be continued.
An instantaneous rate threshold should be considered, since flow rate is a pathway to effects caused by these project types. A very high flow rate during a short period of time could have significant effects, depending on the watershed and characteristics of the watercourse in question, especially during dry periods.	Exploring this idea further shows that the effects of flow rate are so specific to the specific the location in question, it is not possible to set a single instantaneous diversion rate that is an effective proxy for significant adverse effects across B.C. This concept merits reconsideration in a future update to the RPR.
Suggestion that the water diversion threshold should align with the groundwater extraction threshold, in that it should be based on what works are “capable of diverting”.	Revise water diversion rate threshold to base it on what the project is designed to divert, as opposed to what it is permitted to divert. This will align the threshold for water diversion projects with the that for groundwater extraction projects and allow the EA to consider the potential effects of a project at full output.

WHAT WE HEARD	EAO RESPONSE
<p>Suggested that there be clarification that water diversion projects are specifically those projects that divert surface water (to differentiate from a groundwater diversion), and that groundwater diversion projects are not subject to the thresholds and other criteria set out for this project category.</p>	<p>Updated wording of groundwater extraction project threshold is "...project that consists in the extraction of groundwater from one or more aquifers...". This explicit reference to aquifers in the groundwater extraction project category should eliminate any ambiguity as to which category groundwater diversion projects fall into.</p>
<p>Modification: An $\geq 35\%$ increase in water diversion rate does not directly link to project impacts. Suggestion that threshold should reflect the remaining flow in the stream, not just be relative to existing project diversion. Suggestions for alternative modification thresholds:</p> <ul style="list-style-type: none"> • Any extraction that is near a fully recorded stream. • Any increased extraction during times when drought or low flow are anticipated in the region. • Any increased extraction that then brings the diversion over the trigger for a new project. 	<p>Inflow stream flow requirements and mean annual, or seasonal flow, fluctuate, and are difficult to determine at the project planning phase. They are therefore not being considered as reviewability thresholds for either new projects or modifications. These are factors that are assessed during the licence application process under the WSA and, if a project does enter the EA process, they may be assessed as part of the EA.</p>
<p>Current thresholds do not consider the structure/footprint of the infrastructure being used to divert water. These projects often have large footprints and are based on the anticipated growth of a municipality, rather than the quantity of water currently required or authorized by permit. Overbuilding municipal water facilities is encouraged by provincial and local governments to accommodate future population growth. Consider revising thresholds to capture the facility footprints, if this is not captured elsewhere in the RPR.</p>	<p>The proposed RPR threshold for water diversion projects is based on the rate that a project is designed to divert. Therefore, determining a proposal's reviewability based on its potential to divert, rather than what it is being diverted currently or in the near future, will continue. The rationale for this is that most projections for municipal growth are reliable, and that an EA for a major diversion project is an appropriate part of the planning process, even if it does not currently operate at its full design potential.</p>
<p>Groundwater Extraction Projects</p>	
<p>Many pumps do not operate at full design capacity. Suggest that wording of the threshold be revised to remove the reference to design capacity.</p>	<p>Continue to base threshold on what the project is designed to extract, as this allows the EA to consider the potential effects at full output.</p>
<p>Groundwater extraction project thresholds are difficult to interpret and redrafting for clarity should be considered. The meaning of a "single project" is open to interpretation.</p>	<p>Clarify that a single project can have multiple wells or aquifers as sources. The objective is to more clearly require a review of a facility that consists of one or more works for the extraction of groundwater, and sources the water from one or more aquifers or wells, to be used for the same project.</p>

WHAT WE HEARD	EAO RESPONSE
<p>Modification: $\geq 35\%$ increase in groundwater extraction rate does not directly link to project impacts, and an alternative modification threshold should be considered.</p> <p>To reflect groundwater and surface water as one resource, consider a threshold based on stream depletion times for aquifers that are connected to streams. Categories for different types of aquifers should be considered.</p> <p>Other suggestions for groundwater extraction project thresholds include:</p> <ul style="list-style-type: none"> •Any extraction that is near a fully recorded stream. •Any increased extraction during times when drought or low flow are anticipated in the region. 	<p>Inflow stream flow requirements and mean annual or seasonal flow vary therefore are not being considered as reviewability thresholds; however, these may be assessed as part of an EA, and are assessed during the licence application process under the WSA.</p>
<p>Oil and gas industry proponents are among few that have technology to access deep groundwater (which has a specific definition in the <i>Water Sustainability Act (WSA)</i>). It has been heard that removing the EA requirement for the extraction of deep groundwater for oil and gas purposes will encourage its use and will divert pressure from increasingly scarce surface water and accessible groundwater sources. Under the WSA, deep groundwater may be used for oil and gas purposes without the requirement to obtain a WSA authorization (i.e., a water license), subject to conditions. Suggested that the extraction of groundwater for oil and gas purposes be exempted from the EA requirement under similar conditions. The Oil and Gas Commission (OGC) provides regulatory oversight for oil and gas activities in the Province, including the extraction of deep ground water for oil and gas purposes.</p> <p>Concerns have been noted that the OGC process is not identical to the EA process, and that removing the EA requirement for the extraction of deep groundwater may decrease transparent regulatory oversight of this activity which, in the long term, could lead to the depletion of non-renewable deep groundwater sources. This perspective cites concerns related to the limited knowledge of deep groundwater resources, unknown futures uses or values of the of the resource, the inherent uncertainties in hydraulic connectivity between deep groundwater and shallow groundwater and surface water systems. From this perspective, the exemption from the licensing requirement in the WSA does not justify removing the EA requirement. While there is the need to minimize use of accessible water by the oil and gas industry, it is suggested that more effective, strategic incentives could be developed, rather than removing the EA requirement from deep groundwater extraction. This perspective suggests that an alternative, appropriate RPR trigger for deep groundwater extraction projects could be developed, and that projects may be considered for exemptions on a case-by-case basis.</p>	<p>The EAO notes that deep groundwater extraction projects are currently limited in their size and scope. Their physical footprint on the landbase is typically smaller than that of a natural gas well site. A deep groundwater extraction project is specific in scope and supports natural gas drilling and production in general. In this sense, deep groundwater extraction projects are not presently representative of major projects that have the potential for complex, interrelated and significant adverse effects. The one deep groundwater extraction project that has entered the EA process was exempted from requiring an EA Certificate, based on the finding that it would not have significant adverse effects.</p> <p>It is proposed that deep groundwater extraction for the oil and gas industry not be subject to the EA requirement, subject to conditions that are consistent with those set out in Part 5 of the Water Sustainability regulation under the WSA, for exempting deep groundwater extraction from requiring an authorization under the WSA. This proposed approach supports the objective of limiting the EA requirement to major projects. It would also supports a key principle of the RPR review, not duplicate reviews between provincial agencies, and it would provide incentive for industry to use deep groundwater.</p>

WHAT WE HEARD	EAO RESPONSE
Shoreline Modification Projects	
Definition of estuary should be considered. The word is currently open to interpretation.	The RPR does not define all terms. The interpretation of estuary should be to consider its ordinary meaning.
Definition of periodic maintenance dredging should be considered. Uncertainty as to when this activity is exempted from requiring a review.	Objective is to define dredge work undertaken on a periodic basis to keep an existing waterway in a condition that allows it to be used in the way it was intended and described in the original approvals and authorizations issued for the project prior to its construction. Maintenance dredging should not apply to the first dredge event, but only to subsequent events.
Large volumes of gravel can be extracted during shoreline modification projects without triggering either the threshold for a disturbance to shoreline, or the disturbance to the foreshore or area of submerged land threshold. Consider establishing a volume of gravel extracted threshold for this project category.	Commercial dredging for sand, gravel or rock is a mining is an activity regulated under the <i>Mines Act</i> regardless of whether an EA review is required. Under the current RPR, activities related to the extraction of sand and gravel that meet the production thresholds indicated in Table 6 of Part 3 (Mine Projects) are reviewable.
To support Ministry of Forests, Lands, Natural Resources and Rural Development (FLNRORD) habitat banking / offset programs, consider creating an exemption from the EA requirement for shoreline modifications that are done for habitat restoration.	The status quo is recommended. Many habitat restoration projects are considerable in size. There is a benefit to having the EAO involved in large scale projects, even if their purpose is for habitat restoration.
Waste Disposal Projects	
Hazardous Waste Management Projects	
<p>It is not clear whether the current definition of thermal treatment - “the treatment of hazardous waste in a device which uses elevated temperatures” – in the Hazardous Waste Regulation applies to the onsite thermal treatment of drilling mud.</p> <p>Industry is reluctant to use onsite thermal treatment for drilling mud because it is not currently clear whether these facilities are reviewable under RPR thresholds. The process is considered beneficial, since the waste is treated on-site in a closed loop system (no effluent or emissions), liquids are recovered and re-used, solid waste is inert and may be re-used on-site or transported to a secure landfill. It is suggested that a clear exemption from requiring an EA for the onsite thermal treatment of drilling mud, subject to conditions.</p> <p>Suggestion that this exemption only be available if treatment occurs no more than 12 months from creation of drilling mud.</p>	<p>It is proposed that the on-site treatment of drilling mud with mobile thermal treatment, located at a drilling pad or at a secure landfill site, be exempted from the EA requirement. The proposed conditions associated with this exemption will clarify that it applies to the closed loop thermal treatment units used to treat drilling mud, removing current ambiguity about how RPR criteria applies to these facilities.</p> <p>It is not recommended that this exemption be only available if treatment takes place within 12 months of drilling mud creation. The treatment is considered beneficial and should not be tied to a time for use.</p>
Clarification is needed as to whether the deep well injection of treated fracking fluid (produced water) requires an EA under the current RPR thresholds. Consider establishing a clear exemption for this activity.	Propose establishing a clear exemption for the disposal of produced water by the oil and gas industry by deep well injection. The OGC provides regulatory oversight for this activity and the EA process does not add value on the regulatory continuum, given the nature of the potential adverse effects.
Definition of “waste discharge” and the modification threshold of “an increase of at least 30 % of waste discharge” are not clearly applicable to secure landfills, since there is no waste discharge capacity threshold for new projects. Consider establishing a new threshold for the modification of a secure landfill.	The RPR modification criteria apply only to projects that that do not already have an EA Certificate. There is no existing secure landfill in B.C. that does not have an EA Certificate. Any significant changes to the design or operation of a secure landfill will be addressed as an amendment to its EAC.

WHAT WE HEARD	EAO RESPONSE
Update wording to reflect the introduction of the Hazardous Waste Regulation.	Remove, add and revise terms to align with those used in the Hazardous Waste Regulation.
Thresholds for this project category are difficult to read and confusing.	Definitions added to improve clarity.
Local Government Solid Waste Management Facilities	
Current RPR criteria does not capture landfills, incinerators, or any other types of solid waste treatment facility that is not part of a local government's Solid Waste Management Plan (SWMP) or treats or disposes of waste that is not included in SWMP. Consider expanding thresholds, definitions and other criteria to ensure that all non-hazardous solid waste is addressed in this project category, and that proponents other than local government are included.	<p>Develop thresholds, definitions and other criteria that captures all appropriate major solid waste treatment facilities, regardless of who the proponent is and whether facilities are a component of a SWMP or not.</p> <p>Change name of project category to remove "Local Government".</p> <p>Expand the definition of solid waste that is being treated or disposed of by projects in this category to include waste that is non-hazardous and non-municipal.</p>
Consider specifically identifying projects that treat or dispose of contaminated soil as being subject to thresholds in this this category.	<p>Contaminated soil is not a term that is defined in EMA or any of its regulations.</p> <p>If soil meets the definition of hazardous waste as defined by the Hazardous Waste Regulation, a project that treats, stores or disposes of it will be subject to the criteria set out in the RPR's Hazardous Waste Management Project category.</p> <p>If soil does not meet the definition of a hazardous waste, it will fall into the category of non-hazardous solid waste and be subject to the proposed criteria of the solid waste management project category.</p> <p>It is not recommended that contaminated soil be specifically identified in the RPR.</p>
As landfill space becomes scarcer, waste to energy projects are being given more consideration by proponents. Consider ensuring that these types of projects are addressed in the RPR.	<p>Waste to energy facilities are currently captured under the thresholds for solid waste management projects. Any project that destroys waste using high temperatures, with or without energy recovery, and is in the Greater Vancouver Regional District or the Fraser Valley Regional District, requires an EA.</p> <p>For waste to energy facilities located in other regions of the province, an EA is required if the project meets the threshold for waste management projects using high temperatures (≥ 225 tonnes/day).</p> <p>These provisions will be continued in the updated RPR.</p>

WHAT WE HEARD	EAO RESPONSE
Local Government Liquid Waste Management Facilities	
<p>Current criteria do not require a project that is a component a Municipal Liquid Waste Management Plan (LWMP) to undergo an EA. Rationale is that the LWMP process meets many of the objectives of the EA process.</p>	<p>Continue exempting facilities that are a component of a LWMP from an EA requirement. The LWMP process sufficiently addresses most values assessed during EA, and it is duplicative to require projects to be subject to an both an EA and a review under a LWMP process. Given the this, and the limited number of LWMPs for new facilities anticipated in the foreseeable future, it is proposed that current thresholds be maintained.</p>
Food Processing Projects	
<p>“Meat and Meat Products” and “Poultry Products” industries are both regulated by the Ministry of Environment and Climate Change Strategy (ENV) under the Code of Practice for the Slaughter and Poultry Processing Industries, under the <i>Environmental Management Act</i> (EMA). These types of projects are highly regulated, not only under EMA for waste discharges, but also under provincial and federal health and safety regulations.</p> <p>Fish processing plants are authorized by permit under EMA and are also well regulated. There are very few fish processing plants in B.C., and likely no new ones will be built in foreseeable future.</p> <p>Consider removing the requirement that these projects be subject to an EA.</p>	<p>Since the last major review of the RPR in 2002, the Waste Discharge Regulation under EMA was established, which prescribes industries and activities that must be authorized by either permit, regulation or code of practice under EMA. Waste discharges from meat and poultry production facilities are authorized under the Code of Practice for the Slaughter and Poultry Processing Industries (2007). Discharges from fish processing plants require permits under EMA. All three types of food processing projects listed in the RPR (meat, poultry and fish) are also required to adhere to a wide range of provincial and federal health, safety and other standards. Since the <i>Environmental Assessment Act</i> came into force in 1995, no food processing project has entered the EA process.</p> <p>Because all aspects of these projects are regulated by multiple provincial and federal agencies, the fact that there exists a new specific regulatory framework for discharges from these project types since the last major review of the RPR, and that no project to date has ever come into the EA process, it is proposed that the Food Processing Project categories be removed from the RPR.</p>
Transportation Projects	
Highways	
<p>Concern was raised with respect to project splitting for public highway projects. Construction and expansion of major highway projects can happen incrementally and not trigger an EA. Consider establishing alternative thresholds for highway projects.</p>	<p>The proposed notification thresholds may help address the issue of project splitting with respect to highways. It proposed that the new notification thresholds be tested in this regard, and based on practical experience in implementing them, reconsider in a future RPR review whether the project specific thresholds for highways should be adjusted.</p>

WHAT WE HEARD	EAO RESPONSE
Airports	
Current threshold, “length of runway”, alone, does not fully reflect the most significant effects of an airport: noise, air emissions, contributions to greenhouse gas emissions (GHGs). Consider alternative thresholds for airports.	It is recommended that the current project specific threshold be continued; effects thresholds may trigger the review of projects not captured by project specific thresholds. Noise and air emissions are assessed as part of the EA.
Other – Bridges and Tunnels, Cable Lines	
Major projects involving the construction or modification of bridges and tunnels, will currently trigger an EA only if they are part of a reviewable public highway project, or if they meet the thresholds for a shoreline modification project. Consider developing specific project categories, with associated thresholds and definitions, for bridges and tunnels.	Recommend status quo; these will likely continue to be captured by shoreline modification thresholds. After further research and data collection, specific thresholds for bridges and tunnels could be proposed in a future update to the RPR. In the interim, the Minister of Environment and Climate Change Strategy also has the authority to designate such a project as reviewable despite not being set out as reviewable in the RPR.
Consider developing a specific project category for telecommunications and other cable line projects. They are not captured as transmission line projects because they do not transmit electricity.	Recommend status quo; these will either continue to be captured by shoreline modification thresholds or, if associated with a subthreshold project in an RPR project category, may trigger a review based on the proposed effects criteria.
Tourist Destination Resort Projects	
Resort Developments – not Golf, Marina or Ski	
Suggest removing reference to commercial bed units. It is confusing and does not add to assessment of a project’s reviewability; there are the same effects regardless if the bed units are commercial or non-commercial.	Remove the threshold for commercial bed units.

WHAT WE HEARD	EAO RESPONSE
<p>Consider adjusting thresholds to reflect substantial duplication with regulatory process administered by Mountain Resorts Branch, ensure that EA delivery is appropriately targeted on regulatory continuum.</p>	<p>The Mountain Resort Branch (MRB) has a robust regulatory regime for assessing impacts for, and overseeing the development of, resort projects on Crown land. Each resort on Crown land must undergo the Masterplan Review Process under the ASRP, one of FLNRORD’s Crown land policies. The Masterplan Review Process evaluates many the same effects as the EA process and is, in many ways, duplicative of the EA.</p> <p>The EAO is considering the following threshold for modifications (expansions) to resort developments that are within the ASRP, subject to feedback from this engagement:</p> <p>For an expansion (modification) to an existing resort under the ASRP, revise the threshold to:</p> <ul style="list-style-type: none"> • An increase of 2000 new bed units or more; and • The total number of bed units increases by at least 50% from what is already approved in the resort’s Master Plan.
<p>Golf Resorts</p>	
<p>Suggest removing reference to commercial bed units. It is confusing and does not add to assessment of a project’s reviewability; there are the same effects regardless if the bed units are commercial or non-commercial.</p>	<p>Remove reference to commercial bed units.</p>
<p>Marina Resorts</p>	
<p>Linear metres of moorage are difficult to measure and difficult to interpret. Suggest clarifying whether measurement is supposed to be of the inside or the outside of berths.</p>	<p>Provide clarity that the linear metres of moorage is meant to be a measurement of the outside perimeter of the berths, and not a measurement of the inside of each individual berth.</p>
<p>Suggest removing reference to commercial bed units. It is confusing and does not add to assessment of a project’s reviewability; there are the same effects regardless if the bed units are commercial or non-commercial.</p>	<p>Remove reference to commercial bed units.</p>
<p>Ski Resorts</p>	
<p>Suggest removing reference to commercial bed units. It is confusing and does not add to assessment of a project’s reviewability; there are the same effects regardless if the bed units are commercial or non-commercial.</p>	<p>Delete reference to commercial bed units.</p>

WHAT WE HEARD	EAO RESPONSE
<p>Consider adjusting thresholds to reflect substantial duplication with regulatory process administered by Mountain Resorts Branch, ensure that EA delivery is appropriately targeted on regulatory continuum.</p>	<p>The Mountain Resort Branch (MRB) has a robust regulatory regime for assessing impacts for, and overseeing the development of, resort projects on Crown land. Each resort on Crown land must undergo the Masterplan Review Process under the ASRP, one of FLNRORD’s Crown land policies. The Masterplan Review Process evaluates many the same effects as the EA process and is, in many ways, duplicative of the EA process.</p> <p>The EAO is considering the following threshold for modifications (expansions) to ski resorts that are within the ASRP, subject to feedback from this engagement:</p> <p>For an expansion (modification) to an existing Ski Resort under the ASRP, revise threshold to:</p> <ul style="list-style-type: none"> • An increase of 2000 new bed units or more; and, • The total number of bed units increases by at least 50% from what is already approved in the resort’s Master Plan.
<p>Effects Thresholds – Note: specific threshold values are under consideration, subject to feedback from this engagement</p>	
<p>Linear Disturbance (Length)</p>	
<p>Linear disturbance can impact a wide range of environmental and social values, and fragment wildlife habitat and sensitive ecosystems.</p> <p>There are currently examples of RPR thresholds that reflect linear land disturbance (length thresholds for pipelines, electricity transmission lines, highways, airport runways). Consider establishing a length of disturbance threshold to be applied across all project types, to ensure that the effects of linear disturbance are linked to thresholds for all project types.</p> <p>Suggested that the threshold should apply to new disturbances only, and not apply to land that had been already cleared prior to the construction or modification of project.</p>	<p>Establish a cross-sectoral threshold for linear disturbance. Make this applicable to land that was not previously disturbed.</p> <p>A threshold of ≥ 60 km is considered, subject to feedback from this engagement. This is based on the maximum value for a length-based threshold in the current RPR (Table 8, s. 4).</p>

WHAT WE HEARD	EAO RESPONSE
Land Disturbance (Area)	
<p>The effects of land disturbance are not unique to any specific project category or sector. The greater the footprint, the greater the potential of a wide variety of effects, regardless of project type.</p> <p>There are currently examples of RPR thresholds that reflect land disturbance (i.e. for modifications to mine projects, and length thresholds for pipelines, electricity transmission lines, highways, airport runways).</p> <p>Consider establishing a cross-sectoral threshold for area of disturbance would ensure the effects of land disturbance are linked to RPR thresholds applicable to all project types.</p>	<p>Establish a cross sectoral threshold area of land disturbance.</p> <p>Similar to the approach for linear disturbance, above, the EAO considered the range of existing area-based thresholds to suggest that any project creating a new disturbance of 600 ha or more should be reviewed, subject to feedback from this engagement.</p>
Greenhouse Gas Emissions	
<p>In 2018 the B.C. Government set GHG reduction targets. To support this government policy priority, consider establishing a threshold for reviewing projects with the potential to materially affect GHG reduction targets.</p>	<p>Suggest establishing a cross sectoral threshold of 382,000 tonnes of CO₂e based on 1 % the 2030 Government goal for reducing GHG emissions, subject to feedback from this engagement:</p> <ul style="list-style-type: none"> • Legislated target of 40% reduction from 2007 emissions by 2030 • 2007 level is 63.6 MT CO₂e • 2030 target of 38.2 MT CO₂e • 1% of 2030 target = 382,000 CO₂e <p>We are also seeking feedback on whether this calculation should be based on direct emissions of the project, or whether other sources of emissions should be considered.</p>
<p>The establishment of a GHG reduction threshold could create uncertainty, bring many additional projects into the EA process, penalize projects and sectors that have the potential for higher GHG levels based on geographic location of the project (i.e. no ability to electrify based on distance from the grid)</p>	<p>GHG emissions are generally known at the project design stage of a proposal and can be determined with reasonable certainty.</p> <p>A goal of the GHG reduction threshold is to provide incentive to proponents to explore and implement ways of reducing a project's GHG emissions.</p>
<p>Consider basing the proposed GHG reduction threshold on BC's legislated target for 2050 (an 80% reduction from 2007 emissions) instead of the target for 2030 (a 40 % reduction from 2007 emissions).</p>	<p>The EAO has worked with the Climate Action Secretariat to reach the proposed threshold based on 2030 targets. As the RPR is reviewed on an ongoing basis in the future, shifts to the 2040 or 2050 targets can be considered.</p>

WHAT WE HEARD	EAO RESPONSE
<p>Other effects thresholds that been suggested include:</p> <ul style="list-style-type: none"> • Impacts to water quality and quantity • Water diversion from protected, recorded or sensitive stream of aquifer. 	<p>The EAO is not recommending including these requests as effects thresholds for the following reasons.</p> <p>Major projects have the potential to impact water quality; however, this often requires studies and information not known at the project description stage.</p> <p>Major projects have the potential to impact the availability of water in a stream; however, water diversion is already considered in our RPR project categories dealing with water management projects. The EAO acknowledges that there is greater potential for environmental impacts if a project is located over or next to a water body deemed to be protected, recorded or sensitive; however, the protected, recorded or sensitive status of water bodies is not always permanent, leading to uncertainty when trying to determine whether a proposal is reviewable. Rather, any impacts to these streams and aquifers can be managed through typical mitigations developed during EAs or, if an EA is not required, through the authorization review processes that the project will be required to undergo.</p>
<p>Notification Requirement Thresholds</p>	
<p>Percentage Below Project Threshold</p>	
<p>The act authorizes the minister to designate projects, not automatically reviewable under the RPR, as reviewable; however, there is currently no mechanism for making the EAO aware of project proposals that might require an EA. Consider a threshold that requires subthreshold projects, above a certain level, to notify the EAO.</p>	<p>Propose requiring any new project falling within 15% of the threshold set out for its specific project category, or within 15% of one or more effects thresholds, to notify the EAO.</p>
<p>The proposed requirement for subthreshold projects to notify the EAO creates uncertainty as to which projects will be reviewable and makes project timelines difficult to establish.</p> <p>If it is the EAO 's intention is to have projects falling within 15% below the established threshold to be reviewed, then lower thresholds.</p>	<p>This proposal has been developed, in part, to address the concern that some major projects are being artificially designed subthreshold, and then expanded sequentially without ever undergoing an EA.</p> <p>This approach would balance placing the onus on some projects to notify the EAO against lowering thresholds across the board for all project categories.</p>
<p>The 15 % margin may not be large enough to be meaningful. Consider a larger margin.</p>	<p>As experience is gained through application of the RPR notification thresholds, the effectiveness of the 15% margin can be evaluated, and adjustments proposed accordingly in future RPR reviews.</p>
<p>Workforce</p>	
<p>The EAO has heard that major projects can have significant social effects, especially if they are in or adjacent to smaller communities. While social and economic impacts are assessed during the EA process, there is currently no RPR threshold for reviewing projects, that is clearly linked to social effects. Consider establishing a mechanism that allows the EAO to evaluate the potential for social effects when determining whether a project should require an EA.</p>	<p>The EAO is proposing that any project that has a maximum annual employment of ≥ 250 workers during construction or operations, directly employed by the proponent, be required to notify.</p>

WHAT WE HEARD	EAO RESPONSE
<p>The proposed workforce notification requirement poses issues. Employment numbers are difficult to determine. Many employees work part-time or work off site. Many workers are not actual employees but are indirectly servicing the project.</p>	<p>The proposed threshold is based on the annual maximum number of employees that are directly employed by the proponent in relation to the project.</p>
<p>Subject to Federal Review</p>	
<p>Most projects located in B.C. that trigger a federal review, also require an EA under the <i>Environmental Assessment Act</i> (the EA Act). However, there may be exceptions, and it would be valuable for the EAO to be aware of such projects. Consider a requirement that these projects notify the EAO.</p>	<p>Proposal that any project that is subject to Canada's <i>Impact Assessment Act</i>, and not wholly located on federal land or an Indian Reserve, be required to notify the EAO.</p>
<p>Modifications to projects</p>	
<p>For projects that have never received an Environmental Assessment (EA) Certificate (i.e., they were either initially constructed prior to the first Environmental Assessment Act coming into force in 1995, or below the EA reviewability thresholds), potential about possibility of modification/expansion above new project threshold without exceeding modification, and therefore not being subject to the EA process.</p>	<p>We are considering applying a requirement that when a modified project, as proposed, would exceed the threshold for new projects in that category, it would be subject to a notification requirement, pending feedback from this engagement</p>
<p>Capital Expenses</p>	
<p>The capital expenses of a proposed project may be considered as a proxy for the significance of a project, and therefore the significance of its adverse effects.</p>	<p>A notification threshold based on capital expenses is not recommended. After reviewing the capital expenses of major projects built in BC, it was determined that the current RPR criteria already capture most projects with the largest capital expenses, and that there would be little value in establishing this as a threshold for the notification requirement.</p>
<p>Activities not Subject to the Environmental Assessment Act</p>	
<p>Concern that entire industry sectors and that are not subject to an environmental assessment, such as aquaculture, logging and exploratory drill programs. Consider expanding the RPR to include these activities and project types.</p>	<p>It not being proposed that any new industries or project categories be added to the RPR at this time. Almost all land-based activity in British Columbia is already governed by a regulatory framework that includes legislation, regulations, permitting processes and ongoing compliance and enforcement monitoring, specifically tailored to the industry or activity. A goal of the RPR is to target large, single complex projects for the EA review process.</p>

WHAT WE HEARD	EAO RESPONSE
Feedback from Indigenous Implementation Committee and Indigenous Nations	
Below Threshold Projects	
<p>Concern about impacts from below threshold projects. Project impacts can be great or small depending on where a project is located (e.g. exploratory drill programs).</p> <p>Some projects are initially below threshold but then increase production in the future. Concern that project splitting will be used to get in under threshold.</p> <p>Proximity to sacred sites may also increase effects from below threshold projects.</p> <p>Below threshold projects can have socio-economic impacts that should be considered.</p>	<p>The RPR requires that sub-threshold projects that meet one or more of the proposed notification thresholds, notify the EAO, which may result in designation by the Minister of Environment and Climate Change Strategy.</p> <p>The EAO will test whether proposed notification thresholds would address concerns in relation to project splitting. Based on practical experience in implementing the new effects thresholds, the EAO will reconsider in a future RPR review whether the sector specific thresholds should be adjusted.</p> <p>Indigenous nations can request an EA for projects that are sub-threshold (Section 11 of the EA Act). The Minister must consider a request under Section 11 by an Indigenous nation and is required to consider Indigenous interests when making the decision as to whether to designate the project reviewable.</p>
<p>Some projects will be proposed as having a smaller footprint area to get under threshold but will pile up materials higher. Consider the height as well as footprint area of a project.</p>	<p>Area of disturbance is only one threshold that may trigger the EA requirement. If a project meets the thresholds, which are generally based on design capacity or production output, set out for its category, it will also trigger an EA. Thresholds based on production capacity or output are strongly linked the amount of material moved, or waste generated, and can be considered a proxy for the quantity of materials being stored or piled.</p>
<p>Many sub-threshold projects contribute to cumulative effects (e.g. many small marine terminals)</p>	<p>Cumulative effects are a consideration of all decision making in the natural resources sector including projects not subject to the EA Act. Operationalizing the new authority to conduct regional assessment under the EA Act is a potential tool to address this issue.</p>
Dispute Resolution	
<p>The RPR should include ability to trigger Dispute Resolution in cases of disagreement.</p>	<p>The EAO has the ability to prescribe matters that are eligible for dispute resolution through regulation. This suggestion will be brought forward to the discussion related to development of that regulation.</p>
Indigenous Processes	
<p>RPR should accommodate Indigenous processes that may have different triggers for assessments than provincial processes.</p>	<p>The Province supports Indigenous nations establishing their own laws and policies for land stewardship and the new act provides the space for these processes to occur. RPR triggers pertain to Provincial legislation.</p> <p>Indigenous nations have a mechanism under the Act (Section 11) to apply for a project to be designated as reviewable by the Minister of Environment and Climate Change Strategy. Indigenous nations may set their own policies (topics and areas) when they make a Section 11 request for a project to undergo an EA.</p>

WHAT WE HEARD	EAO RESPONSE
Indigenous led processes should be recognized.	The new act enables the Province to enter into agreements with other jurisdictions, including Indigenous Nations; these can include the option of substitution. The new act also provides that an Indigenous nation may carry out an assessment with respect to the potential effects of the project on the nation and on its rights as set out in the Process Order (Section 19(4)).
Question around whether projects, that have a Treaty nation with its own EA process as a proponent, are subject to the Provincial EA process.	The new Act continues to apply to Treaty nations, subject to the terms of each individual Treaty and the context of any specific proposed project. This includes the potential requirement for consent under section 7 of the Act, a potential exemption under section 17(1)(b), or a potential agreement with respect to an assessment under section 41 of the Act, where appropriate.
Indigenous protected areas are not provincially designated; they should be recognized and carry the same weight as Prescribed Protected Areas (i.e. Class A park). Some protected areas cannot be clearly communicated or placed in a map because only some members of the community are keepers of that knowledge.	The EAO recognizes the significance of Indigenous protected areas. Where agreements exist between a nation and the Province for a protected area to be recognized under provincial law, that protected area could be included in the EAO's regulation.
The EAO should be aware of the proper rights holders.	Noted. The EAO recognizes and respects the importance of engaging with appropriate representatives from Indigenous nations.
Archeological values should be considered. Work with the Indigenous nation when considering archeological effects.	A goal of the RPR review is to ensure that the thresholds for determining whether a project is reviewable are clear, easy to understand, and that it is relatively easy to determine with certainty at the project design stage whether a project is reviewable. Developing a threshold based on effects to archaeological resources would require significant upfront and project specific research and engagement, and the nature of the effects may not be knowable at the time a project is proposed. This concept is noted for consideration in a future iteration of the RPR Indigenous nations have a mechanism under the Act (Section 11) to apply for a project to be designated as reviewable by the Minister of Environment and Climate Change Strategy. Indigenous nations may set their own policies (topics and areas) when they make a Section 11 request for a project to undergo an EA.
Past Disturbances	
Question as to whether EAs apply only for expansion of projects where, historically, no EA was conducted for the original project.	The RPR includes modification thresholds that set out when an EA is required for the expansion of projects. These apply to projects that did not undergo an EA for the original project. Projects with EA certificates that undergo changes will be subject to amendments. We are considering applying a requirement that when a modified project, as proposed, would exceed the threshold for new projects in that category, it would be subject to a notification requirement, pending feedback from this engagement
Past projects occurred in areas where there were no land use plans. Now those areas have land use plans and those should be considered for new projects.	The new EA Act requires consideration, in every EA, of consistency with any land-use plan of the government or an Indigenous nation if the plan is relevant to the assessment (section 25(2)(g))

WHAT WE HEARD	EAO RESPONSE
What constitutes as a “new disturbance” under a Provincial viewpoint is different than an Indigenous view. Indigenous nations may look at the original disturbance.	Indigenous nations have a mechanism under the Act (Section 11) to apply for a project to be designated as reviewable by the Minister of Environment and Climate Change Strategy. Indigenous nations may set their own policies (topics and areas) when they make a Section 11 request for a project to undergo an EA.
Effects Thresholds	
Thresholds should consider socio-economic effects and outreach to social ministries should be made when projects are proposed.	The EAO is proposing a notification requirement threshold based on the size of a project’s workforce. This is designed to link an RPR threshold to socio-economic effects.
Interested in understanding how effluent discharge requirements under the <i>Environmental Management Act</i> is captured in reviewable projects.	All authorizations pertaining to a reviewable project are issued by the agencies responsible for the specific activity or operations. The Ministry of Environment and Climate Change Strategy (ENV) is responsible for authorization and oversight of waste discharges. The EAO works closely with the NR agencies throughout the EA process, and agency authorizations are not issued until after an EA Certificate is granted, or the project is exempted from the EA process.
Interest in understanding how RPR thresholds are developed.	An explanation is provided in the body of the intentions paper.
Thresholds and any thresholds related to impacts to rights need to be clear and measurable.	It is a goal of the RPR review to develop thresholds that clear, unambiguous, and relatively easy to determine at the project design stage. To achieve this goal, thresholds must be measurable.
Consider criteria in Government-to-Government Agreements to inform triggers of the RPR and the Minister’s decision.	<p>One of the ways in which reviewable projects may be categorized is on the basis of geographic location. We have heard from some interested parties that they would like to see this authority used more frequently to modify project design thresholds on a regional basis. This would provide a tool to account for specific context of the human or physical environment in a particular location. These regional variations could be proposed through the following mechanisms:</p> <ul style="list-style-type: none"> - Regional EA conducted under section 35 of the Act - Signature of agreement with an Indigenous Nation or other jurisdiction under section 41 of the Act <p>Upon proposal of a regional threshold through either of these mechanisms, the Environmental Assessment Office (EAO) would conduct engagement with interested parties, and if satisfied that the regional threshold is appropriate for implementation, bring forward a recommendation to cabinet to amend the Reviewable Projects Regulation (RPR) accordingly.</p>
Current state of development and values is an important consideration in how thresholds are calculated.	Noted.

WHAT WE HEARD	EAO RESPONSE
<p>Consider secondary thresholds such as traffic (Marine, rail, road) or wetland disturbance in determining reviewability.</p> <p>Thresholds could be linked to the destruction of wetland. Given the lack of provincial policy and regulation to minimize wetland destruction, the RPR could provide incentive for its preservation</p> <p>Current model does not consider specific land based or stewardship objectives (i.e. land use planning). Consider land use plans, Indigenous land use, brownfield sites, water sources and volume, Indigenous cultural and heritage sites. Projects should be consistent with these plans and objectives.</p> <p>Current RPR model does not consider how to advance reconciliation and implement United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Consider the following:</p> <ul style="list-style-type: none"> • a rights-based threshold to scope in projects that may not trigger one of the thresholds of the project categories, or the effects thresholds, but have potential to impact Indigenous Rights • thresholds linked to impacts on Indigenous cultural and heritage sites: for example, proximity to sacred sites, medicine patches, burial grounds, hunting, fishing, spiritual places, and the enjoyment of these sites by future generations. • thresholds that take into consideration the impacts that Indigenous nations are observing on the land and what they are concerned about regarding project impacts • thresholds linked to cumulative effects and multiple effects to communities • thresholds linked to specific stewardship objectives such as land use planning • thresholds linked to the destruction of wetland. Given the lack of provincial policy and regulation to minimize wetland destruction, the RPR could provide incentive for its preservation. • thresholds based on upstream, downstream, migratory routes, and effects on community. • a threshold that considers a proponent’s compliance history. 	<p>A goal of the RPR review is to ensure that the thresholds for determining whether a project is reviewable are clear, easy to understand, and that it is relatively easy to determine with certainty at the project design stage whether a project is reviewable.</p> <p>The updated RPR introduces effects thresholds directly linked to project effects: land disturbance, linear disturbance, greenhouse gas emissions, and the overlapping of a Prescribed Protected Area. These thresholds are applicable to all RPR project categories and expand the scope of effects that are linked to the current RPR thresholds. Should a project that impacts Indigenous rights and interests not be captured, by either the specific project category thresholds, or the proposed cross-project effects thresholds, the new <i>Environmental Assessment Act</i> will continue to have the provision that allows requests for project designation (s. 11 of new act). Indigenous nations may set their own policies (topics and areas) when they make a Section 11 request for a project to undergo an EA.</p> <p>Once it has been determined that a project requires an EA, the new EA process includes an Early Engagement Stage. This includes the requirement for full engagement with Indigenous nations to identify all issues of concern, prior to entering the EA. At the completion of the Early Engagement Stage, proponents must also demonstrate that all relevant government programs and policies, such as land use plans, and programs and strategies for reducing and mitigating environmental and cumulative effects have been considered and complied with.</p>

WHAT WE HEARD	EAO RESPONSE
Notification Criteria	
Context related to workforce needs to be considered in notifications (e.g. rural workforce vs. urban workforce).	Noted. Development of the process for notification is still underway, and this suggestion will be carried forward.
Notifications should be provided to the proper rights holders.	Noted. Development of the process for notification is still underway, and this suggestion will be carried forward.
Some nations do not have capacity to review all the referrals that come into their offices. A “no response” does not mean there is no interest. Consider community events and cultural activities in notification schedules.	Noted. Development of the process for notification is still underway, and this suggestion will be carried forward.
Assumption is that nations don’t need to be proactive in notifications from the EAO – that the EAO will be notifying the proper nations. Conversely, understand that nations have to self-identify to be notified.	Noted. Development of the process for notification is still underway, and this suggestion will be carried forward.
15% below threshold is not low enough to ensure Indigenous nations are aware of potentially high impact projects. Recommend that 25% be the threshold to trigger notification – allows nations to take a closer look at whether there is project splitting, or if there isn’t a cumulative effects framework in place.	As experience is gained through application of the RPR notification thresholds, the effectiveness of the 15% margin can be evaluated, and adjustments proposed accordingly.
Designation	
Concern that Indigenous Nations do not have a specific mechanism to request a Project, or multiple sub-threshold projects in a specific location, to be reviewable.	Indigenous nations have a mechanism under the Act (Section 11) to apply for a project to be designated as reviewable by the Minister of Environment and Climate Change Strategy. Indigenous nations may set their own policies (topics and areas) when they make a Section 11 request for a project to undergo an EA.
Section 11 requests by an Indigenous nation may see little success if there is no specific requirement in the RPR related to impacts to rights.	The EA Act requires that, on receiving an application under section 11, the minister must consider (among other criteria) whether the applicant is an Indigenous nation, and whether the eligible project could have effects on an Indigenous nation and the rights recognized and affirmed by section 35 of the Constitution Act, 1982;
Interested in created a separate regulation that would speak to meeting section 2 of the Act and how designation will occur under Section 11.	There are a several approaches available that could speak to meeting section 2 of the Act and how Section 11 designations will occur. Interest in a separate regulation noted. The EAO will further consider whether a separate regulation is the most suitable approach for this purpose, or whether another approach would be more suitable.
Mines	
Exploratory mining can have greater effects on indigenous nations’ interests than actual mine projects. Core samples can be left which impact wildlife, water, local community (e.g. children). Wildlife especially are attracted to these sites and ingest what’s left from a sampling program, which impacts the health of wildlife and community well being.	Mining exploration is an activity regulated by EMPR under the <i>Mines Act</i> . As well as meeting the conditions of their <i>Mines Act</i> permits, mining exploration proponents must also meet requirements set out in the Health, Safety and Reclamation Code for Health, Safety and Reclamation Code for Mines in British Columbia (the Code). Part 9 of the Code specifically addresses exploration and includes requirements for the proper cleaning of a drilling site (9.11.1 (6)), and for ensuring the protection of community watersheds (s. 9.4.1).

WHAT WE HEARD	EAO RESPONSE
Interest in understanding the relationship between permits for drilling programs and what triggers an EA.	To automatically trigger an EA, a project proposal must fall into prescribed RPR project category, and either meet the thresholds set out in the RPR for its specific category, or one or more of the effects thresholds. If the project does not meet EA threshold, then it is still subject to other permitting processes under the applicable regulatory regime
Placer mine pay dirt data should be collected to accurately capture current disturbance.	EMPR collects and analyzes placer mining data. The EAO is working with the EMPR and will continue to do so in future RPR reviews to determine the effectiveness of RPR thresholds for this project category.
Electricity Projects	
Some transmission lines are not continuous and therefore would not trigger the RPR, but cumulatively would create issues of fragmentation, cumulative effects, etc. with other projects in the area.	Cumulative effects is a consideration of all decision making in the natural resources sector including projects not subject to the EA Act. Operationalizing the new authority to conduct regional assessment under the EA Act is a potential tool to address this issue. Development of policy/regulation for regional EA is still underway.
Petroleum and Natural Gas Projects	
GHG threshold should be set at 1% of 2050 Climate Action targets.	The EAO has worked with the Climate Action Secretariat to reach the suggest threshold based on 2030 targets. As the RPR is reviewed on an ongoing basis in the future, shifts to the 2040 or 2050 targets can be considered.
Transportation Projects	
Highway development can be incremental, meaning activities are sub-threshold while the sum of all activities would be above threshold (e.g. Trans-Canada Highway).	The EAO will test whether proposed notification thresholds would address concerns in relation to project splitting. Based on practical experience in implementing the new effects thresholds, reconsider in a future RPR review whether the sector specific thresholds should be adjusted.
Sectors Not Included in the RPR	
Concern that certain sectors have been excluded (i.e. fish farms and forestry)	The EAO has heard that certain activities and types of projects, currently not subject to the Environmental Assessment Act, should be. Such projects are not being proposed as new RPR project categories, as they are already governed by regulatory frameworks that include legislation, regulations, permitting processes and ongoing compliance and enforcement monitoring that are specifically tailored to that industry or activity.
Relationship to Strategic or Regional EAs	
Concern that triggers under RPR are not linked to strategic or regional Environmental Assessments. Consider how triggers in the RPR may lead to a regional or strategic EA.	<p>One of the ways in which reviewable projects may be categorized is on the basis of geographic location. We have heard from some interested parties that they would like to see this authority used more frequently to modify project design thresholds on a regional basis. This would provide a tool to account for specific context of the human or physical environment in a particular location. These regional variations could be proposed through the following mechanisms:</p> <ul style="list-style-type: none"> - Regional EA conducted under section 35 of the Act - Signature of agreement with an Indigenous Nation or other jurisdiction under section 41 of the Act <p>Upon proposal of a regional threshold through either of these mechanisms, the Environmental Assessment Office (EAO) would conduct engagement with interested parties, and if satisfied that the regional threshold is appropriate for implementation, bring forward a recommendation to cabinet to amend the Reviewable Projects Regulation (RPR) accordingly.</p>

WHAT WE HEARD	EAO RESPONSE
Indigenous processes and considerations don't seem to be captured in Regional and Strategic EAs.	Noted. Development of the process for regional/strategic EA is still underway, and this suggestion will be carried forward.
What is the mechanism to request a regional EA and what assurances can be provided that other regulatory bodies are adhering to the EA Act?	Noted. Development of the process for regional/strategic EA is still underway, and this suggestion will be carried forward.
Compliance and Enforcement	
<p>Past sub-threshold projects have been exceeding permit levels.</p> <p>Issue of certain proponents repeatedly failing to comply with the EA conditions or permitting conditions.</p>	The EAO has an active compliance and enforcement program that will have enhanced authorities under the new EA Act to address such instances of non-compliance.
Issue of projects, that meet reviewable thresholds, not being declared by proponents and permitting agencies not making the EAO aware of these projects.	<p>The EAO continues to work with its partner agencies to develop guidelines and procedures for ensuring that it is made aware of all projects that are either automatically reviewable under the RPR, or should be considered for designation. The combination of continued agency engagement and the introduction proposed thresholds for the notification requirement will help ensure the EAO is aware of all reviewable projects. The new EA Act continues the provisions that:</p> <ul style="list-style-type: none"> • Reviewable projects must obtain an EA Certificate or Exemption Order prior to construction (Section 6), and • Other agencies must not issue authorizations for reviewable projects until an EA Certificate or Exemption Order has been issued. If authorizations are issued under other statutes prior to issuance of an EA Certificate or Exemption Order, those authorizations are without effect (Section 8).
Relationship to other legislation	
Reviewable Projects Regulation will need to align with provincial legislation that will implement UNDRIP and address consent in that legislation.	Noted. The RPR would be reviewed in the future, should legislation be enacted that necessitates amendment to the RPR.