



# ENVIRONMENTAL ASSESSMENT REVITALIZATION WHAT WE HEARD REPORT



Early Engagement

Application Development and Review

Sustainable

Decision

Effects Assessment & Recommendation

Readiness Gate

Reconciliation

Post Certificate

Planning

Effects Assessment & Recommendation

Proposed Process as a whole

Sustainable

Decision

What Projects get assessed

Application Development and Review

Reconciliation

Environmental Clear Pathways to

Sustainable Project Approvals

Process Planning

Project Clarity and Predictability

Application Development and Review

Assessment

Sustainable

Decision

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# Introduction

The Province of British Columbia is revitalizing the environmental assessment (EA) process “To ensure the legal rights of First Nations are respected, and the public’s expectation of a strong transparent process is met.”<sup>1</sup>

Following early engagements (see next page), a [Discussion Paper](#) was developed to outline proposed changes to B.C.’s EA process.

From June 18th to July 30th, 2018, the [Discussion Paper](#) and an Engagement Survey was available for comment by the public, Indigenous nations and stakeholders – this report provides an overview of what we heard.

We also partnered with libraries throughout the province to promote this engagement by making posters and walk-through-guides available to libraries throughout B.C. to ensure that those without ready access to the internet were still aware of the engagement and could participate.

Engaging the public on the proposed changes is an integral part of revitalizing B.C.’s EA process. The outcome of EAs has the potential to affect British Columbians in a variety of ways – hearing from the public on the proposed changes helps ensure we get the assessment process right.

We received over [2500 comments](#) on the Discussion Paper, which was downloaded 950 times. The majority of the comments we received were generally in keeping with what is being proposed. Many of those who responded, however, made it clear that in their view some of the proposed changes didn’t go far enough to fully revitalize B.C.’s EA process, or more details were required – as outlined in the following pages.

1. [Mandate letter to Minister of Environment and Climate Change Strategy, George Heyman](#)

We also received over 60 [formal submissions](#) from a variety of organizations and Indigenous nations during the comment period on the [Discussion Paper](#), which we’ve broken down by theme on page 16-25. For a list of formal submissions, [see appendix I](#).

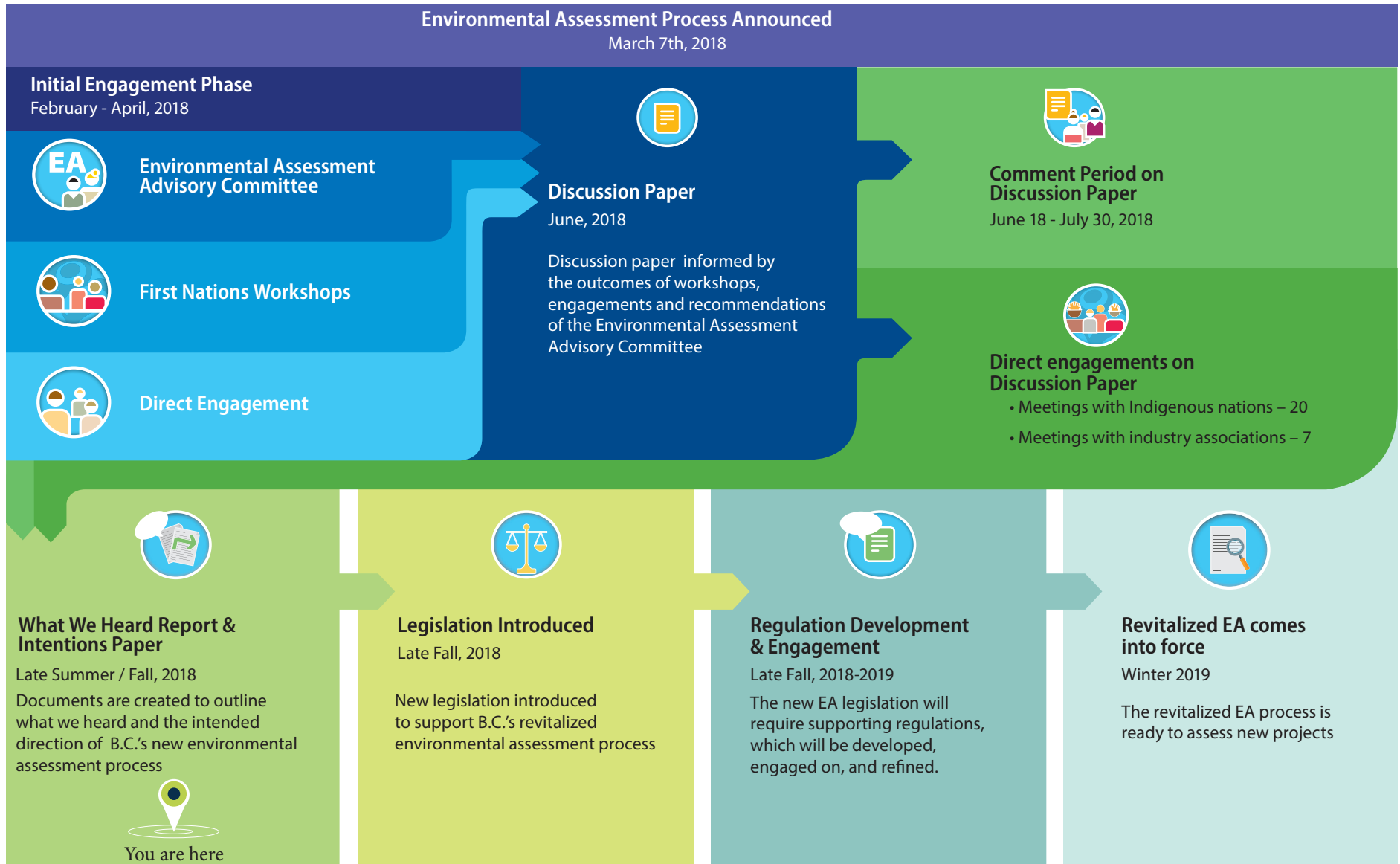
The feedback we received will be carefully considered and reflected in an upcoming Intentions Paper that will outline the intended direction of the EA legislation that will be introduced this fall. There are still additional details to be worked out in the form of regulations and policy before any new process can be fully implemented. We’ll be engaging on those details through the fall and spring of 2019.

We received a number of submissions that had ideas on how to improve EA methodology or the practice of EA. We have not gone into detail about those suggestions given the focus on legislative changes in this report; however, they will be helpful as revitalization is implemented further.

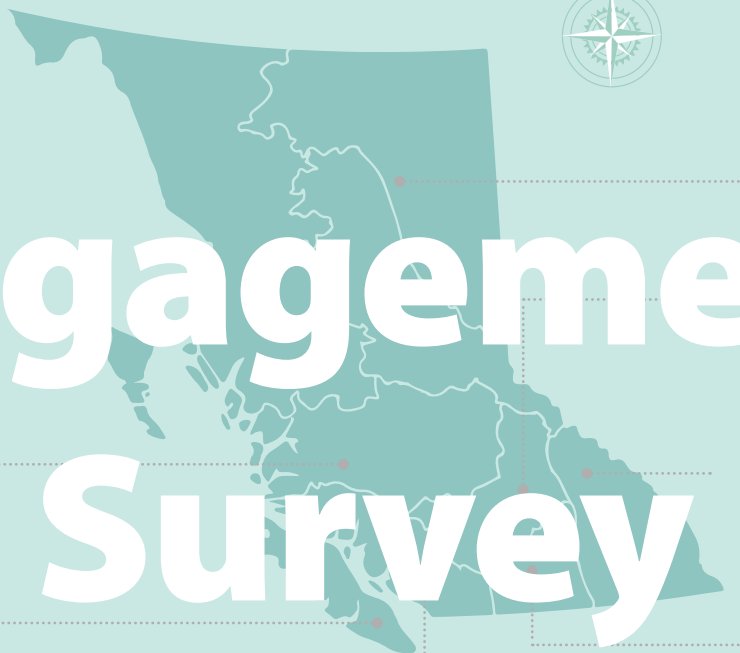
We’d like to thank all of the individuals and organizations that took the time to review the proposed changes and provide thoughtful feedback. While the Province may not choose to adopt all the suggestions, our efforts to design a revitalized EA process are strengthened by your input and help us determine whether the proposed changes are on the right track.



# What We Have Done and What is Next:





A teal-colored map of Maryland is centered on the page. The map shows the state's outline and internal county boundaries. Several small red dots are placed on the map, representing survey locations. Dotted lines extend from these dots horizontally and vertically, forming a grid-like pattern across the map. The text 'Engagement Survey' is overlaid on the map in a large, white, sans-serif font.

# Engagement Survey

# Survey Results

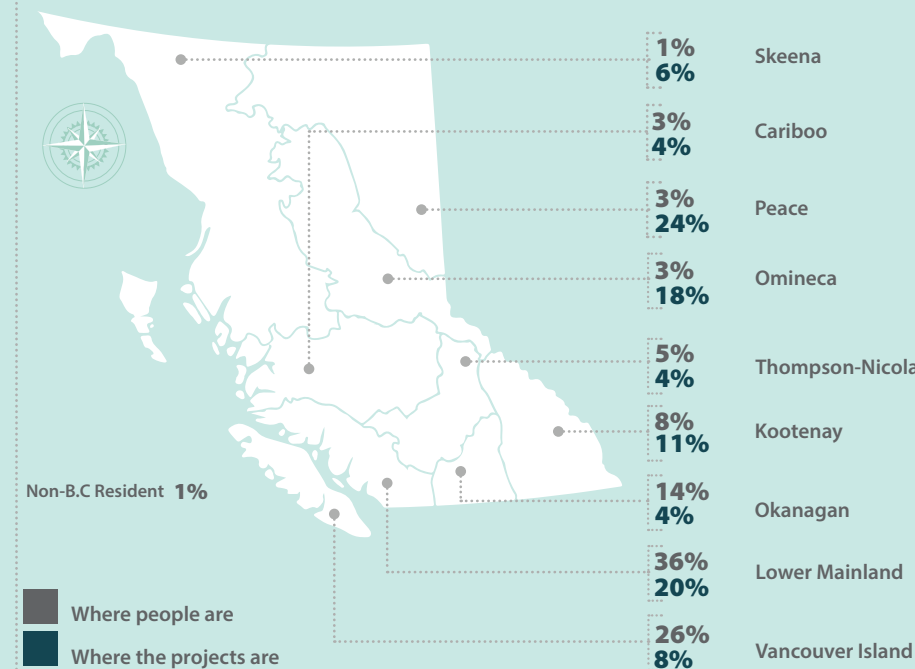
Ensuring the public can meaningfully engage with the environmental assessment process is a main priority of revitalization, which means we need to understand the ways in which the public wants to be communicated with and through what means. To do this, we sought feedback through an Engagement survey.

This survey was the first of its kind for the Environmental Assessment Office, and as part of our commitment to continuous improvement we plan to do more. Over 550 people responded to the survey, who indicated that only 19% had participated in an environmental assessment before, and tellingly, 18% didn't know or have an opinion on if we were doing a good job of communication. Less than 50% had been to our website(s) before. This means a couple of things:

1. We need to do a better job of getting in touch with people who have been through the EA process to get more meaningful data
2. While we need to be careful about how much we rely on this data, we now have a baseline for us to compare against when we try new things so we know what is working well, and what we still need to work on.

There were many questions in the survey asking respondents who had participated in an EA about their experiences. Due to the low number of respondents who had participated in an EA, however, the results have not been posted until we have a larger sample size and can be confident in the statistical validity of the results.

## WHERE ARE PEOPLE RESPONDING FROM AND WHERE THE PROJECTS ARE



75% of the responses came from the Lower Mainland, Vancouver Island, and the Okanagan, which represents 32% of EA projects in B.C. We'll work harder to target the other areas of B.C. where the bulk of the projects happen in future engagements

## DO YOU IDENTIFY AS (PLEASE SELECT ALL THAT APPLY)

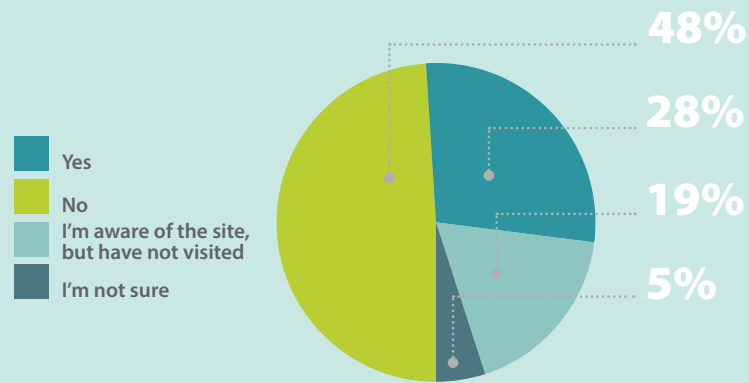


Note: percentages are greater than 100% as respondents may select more than one response to this question

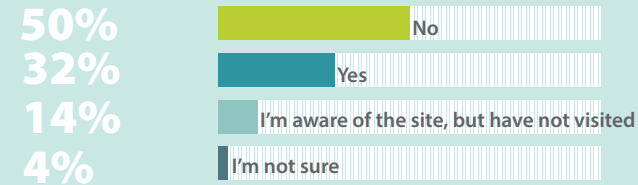
We wanted to hear primarily from the general public in this survey, and we achieved this goal

# Survey Results

**HAVE YOU VISITED PROJECTS.EAO.GOV.BC.CA, OUR PROJECT WEBSITE WHERE PROJECT SPECIFIC INFORMATION AND DOCUMENTS ARE AVAILABLE (ALSO KNOWN AS EPIC)?**

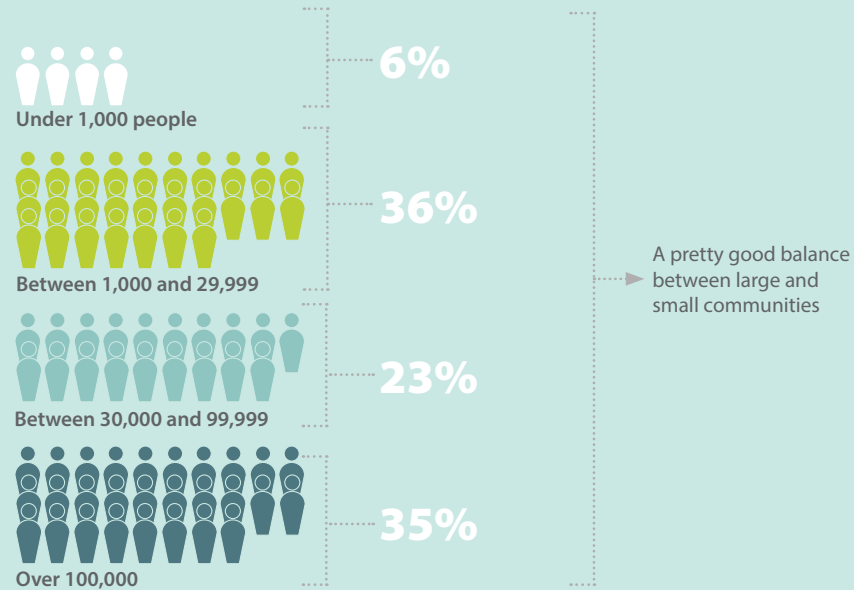


**HAVE YOU VISITED EAO.GOV.BC.CA, OUR MAIN WEBSITE WHERE YOU'LL FIND GENERAL INFORMATION ABOUT THE ENVIRONMENTAL ASSESSMENT PROCESS?**



This tells us we need to do a better job of engaging with people who have experience with environmental assessments, and that we need to be cautious about how we interpret the survey data

**WHAT SIZE COMMUNITIES ARE PEOPLE RESPONDING FROM?**

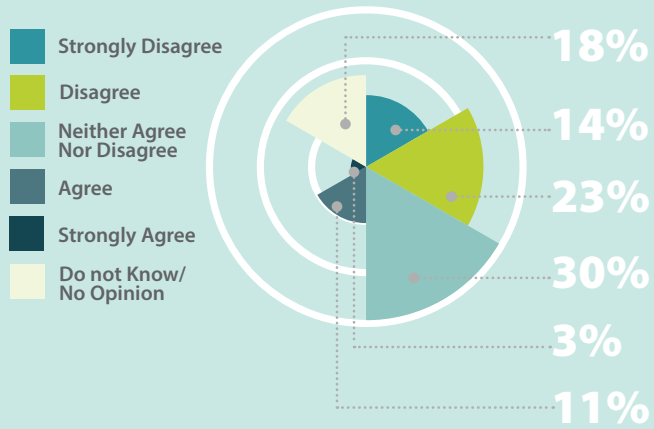


**HAVE YOU PARTICIPATED IN THE ENVIRONMENTAL ASSESSMENT OF A PROJECT IN B.C. IN THE LAST 5 YEARS?**



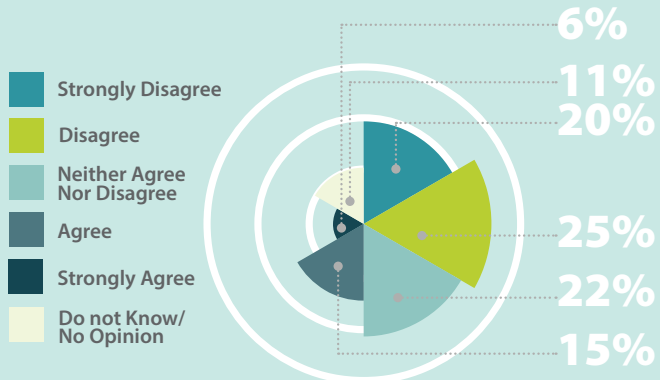
# Survey Results

**THE EAO DOES A GOOD JOB OF MAKING INFORMATION AVAILABLE ABOUT THE CURRENT ENVIRONMENTAL ASSESSMENT PROCESS, AND EXPLAINING THE CURRENT PROCESS IN AN EASY TO UNDERSTAND WAY.**



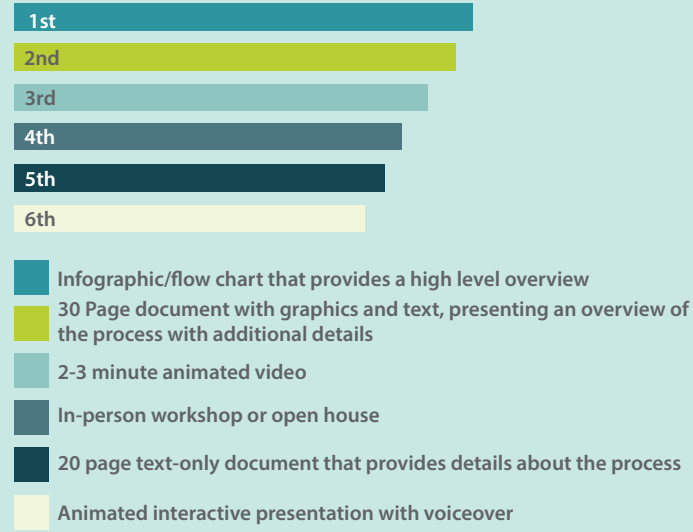
This suggests that we need to do a better job of making information about EAs easier to understand

**“THE EAO CONDUCTS IMPARTIAL ASSESSMENTS OF THE ENVIRONMENTAL, HEALTH, HERITAGE, SOCIAL AND ECONOMIC IMPACTS OF A PROPOSED PROJECT USING GOOD SCIENCE AND TRADITIONAL INDIGENOUS KNOWLEDGE.”**



This is in line with what we're hearing through comments on the Discussion Paper, and will help inform our efforts in improving public confidence

## PREFERENCE FOR LEARNING ABOUT THE NEW ENVIRONMENTAL ASSESSMENT PROCESS

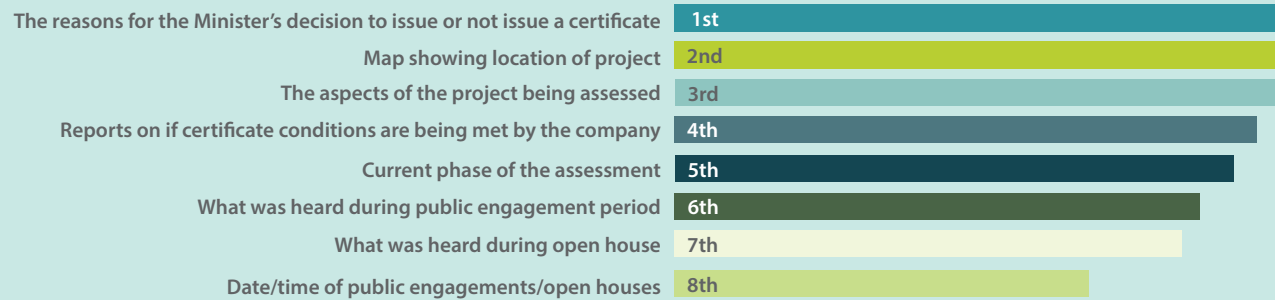


This will help us develop materials to make it easy to understand the new process when it comes into force



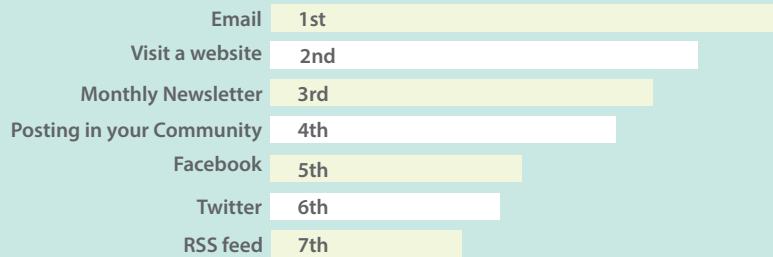
# Survey Results

## PLEASE TELL US HOW IMPORTANT IT IS FOR YOU TO KNOW ABOUT THE FOLLOWING IN AN ENVIRONMENTAL ASSESSMENT



This will help us design the way we display project information - prioritizing the information people care about most.

## PREFERENCE FOR LEARNING ABOUT CHANGES OR UPDATES TO A PROJECT



This information will help us develop news tools to make it easier for the public to stay updated on projects as they progress through an EA

# **What We Heard From The Public**

# What We Heard from the Public

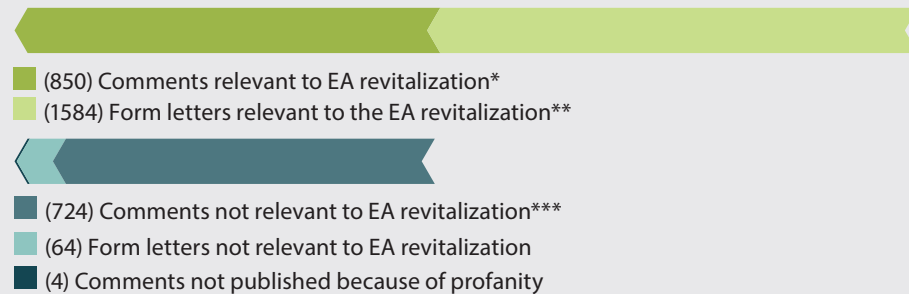
From June 18th to July 30th, all British Columbians were invited to review and comment on proposed changes to B.C.'s environmental assessment process, by reviewing the [Discussion Paper](#) and submitting comments through the EAO's [online comment system](#).

We also received a number of comments through organizations sending in email feedback. Many of these comments were helpful but some did not reference changes to B.C.'s EA process. All relevant e-mail comments have, however, been included in our final analysis and have been [posted on our website](#).

In the following pages, we've highlighted the most common suggestions we've received

related to changes to B.C.'s EA process. Many of the suggestions support the changes we've proposed in the Discussion Paper, while others in the 'We also heard' section offer unique insights or fresh ideas we had not previously explored within the [Discussion Paper](#). We've tried to represent a diverse range of suggestions that repeatedly came up in the public comments, and they are not strictly selected by the number of times they came up, nor should it be presumed that any one suggestion represents the majority of commenters. Comments with only a few supporters have not been included. [All comments can be viewed online](#).

## COMMENTS RECEIVED DURING THE PUBLIC CONSULTATION PERIOD

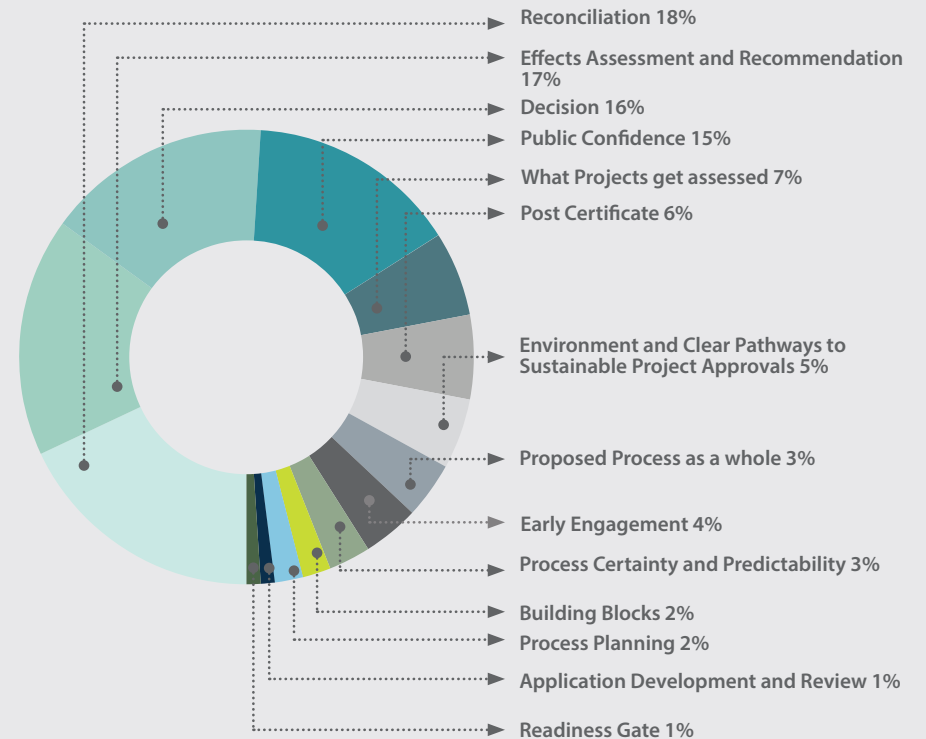


\* This includes 620 comments that were received by email, then analyzed, personal information removed, and submitted to the online comment system by EAO staff for public posting.

\*\* This includes 1505 form letters that were received by email. The 2 versions of the form letter have been submitted to the online comment system by EAO staff for public posting.

\*\*\* This includes 445 comments that were received by email during the public comment period, but were not related to changes to B.C.'s environmental assessment process and therefore not published.

## COMMENTS RECEIVED DURING THE PUBLIC CONSULTATION PERIOD BY TOPIC



# Theme: Reconciliation

**The public comments we received are strongly in support of the Province's commitment to revitalize the EA process as part of the commitment to implement the UN Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's Calls to Action, which includes recognizing Indigenous nations as decision-makers in their territories. Legislative change that recognizes the role of Indigenous nations in a revitalized EA process enhances clarity and certainty for all EA participants.**

## **Support for proposed changes in the Discussion Paper include:**

- Enabling consensus-based decision-making with Indigenous nations at a technical level throughout the EA process, as well as recognition of decisions made by Indigenous governing bodies at key junctures, supported by a time-bound alternative dispute resolution process
- Use of Indigenous knowledge in conjunction with science-based data to inform decisions
- Adequate funding to ensure Indigenous nations can meaningfully participate in the process
- A role for Indigenous nations to participate in monitoring of certificate conditions such as the use of initiatives like Indigenous guardian programs should a EA certificate be issued for a project

## **We also heard:**

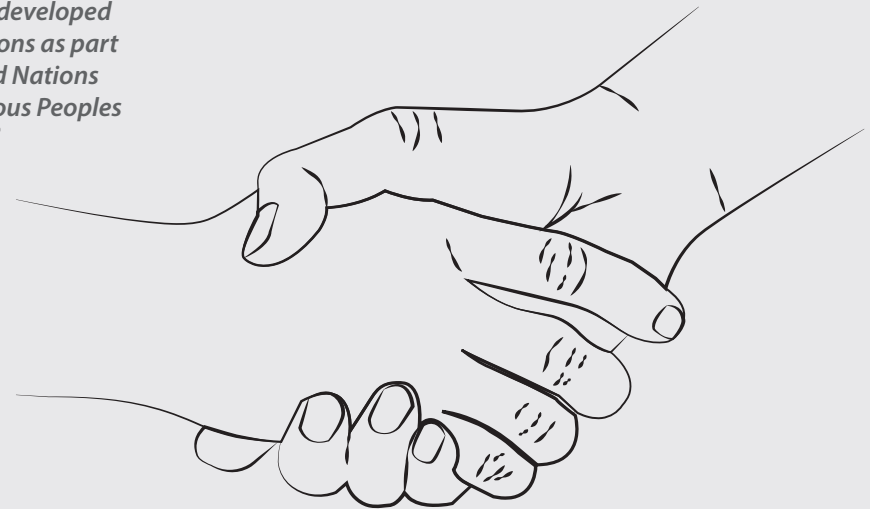
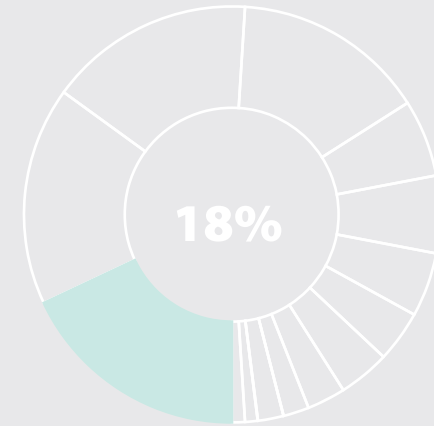
- Projects should be rejected if they don't meet important 'legal criteria', including Indigenous consent

**“Not only is adhering to UNDRIP a matter of social justice and living up to our international obligations, it would help get all potential conflicts out in the open well in advance so there aren't any surprises for governments, planners, developers, and investors. We've seen so many cases where obstacles crop up during projects, which could have been foreseen and even resolved if enough awareness and consideration had been employed. Also this would honour our commitment to the findings of the Truth and Reconciliation Commission. Not only is it more efficient in terms of effort and finances to avoid these kinds of problems, but it would build trust and community capacity for resource management.”**

- Lisa, Victoria -

**“Consent from impacted Indigenous nations must be a mandatory condition for project approval. The EA process should be developed collaboratively with Indigenous nations as part of BC's larger plan to put the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into action.”**

- Edwin, unknown -



# Theme: Effects Assessment and Recommendation

**Effects Assessment and the recommendations that flow from that assessment is at the core of an EA process and was understandably of high interest to those who submitted comments. The comments received by the public were generally in support of the proposed changes, and indicated that there is a desire for greater change.**

## Support for proposed changes in the Discussion Paper include:

- All project EAs include an assessment of cumulative effects informed by the Province's Cumulative Effects Framework, and guided by higher level plans and assessments, including regional and strategic assessments as they become available

## We also heard:

- The technical working group model, where used, needs to be improved, including the transparency of the process, who is on the working group and how data is analyzed
- More needs to be done to ensure rigour and independence of scientific and technical evidence, with opportunities for independent peer review
- The evidence informing assessments must include Indigenous-led studies and Indigenous knowledge
- Assessments should include mechanisms to enable assessment participants' involvement in identifying information gaps, reviewing evidence and conducting studies, where appropriate
- Projects should be evaluated to ensure they will not prevent B.C. from meeting its climate change targets with respect to greenhouse gas emissions
- Regional and strategic EAs should be mandatory and in place before a project EA may proceed

*“Cumulative impacts should be considered regionally i.e. in terms of all similar applications in the region, as well as cumulative impacts regarding health, ecosystem integrity, biodiversity, economic, social, species and habitat, air quality, climate change etc.”*

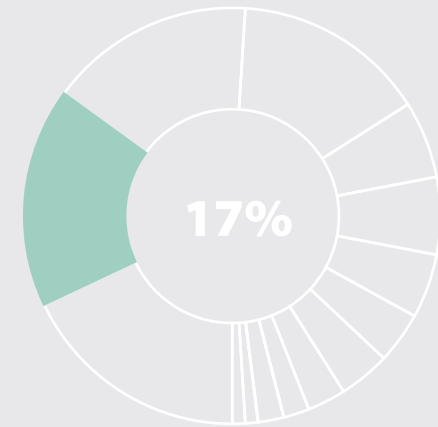
- Virginia, Revelstoke -

## WHAT GETS ASSESSED?

We heard from many commenters that more projects should require an EA (both in type, and size). Determining what projects get assessed is part of the [Reviewable Project Regulation](#). As noted in the [Discussion Paper](#), we anticipate reviewing and engaging on this regulation through the fall and into the spring of 2019.

*“Science requires independent evidence. The BC government has a duty to ensure that the process and decision-making under BC's new Environmental Assessment legislation is science-based. This means rejecting the current system whereby most of the information put forward comes from entities with an economic interest in the proposed development. This produces biased and distorted information that does not present the environmental impact. Therefore, each Environmental Assessment must be evaluated by independent scientific experts.”*

- Antonia, Prince George -



*“The primary and over-riding purpose of environmental assessment must be to protect the environment to promote sustainability more broadly, including Indigenous rights and human rights. This should be a proactive, not reactive function. Rather than project opponents having to prove that a project is too harmful to proceed, the onus should be on proponents to demonstrate that the project supports biophysical and social health.”*

- Anonymous, Vancouver -



# Theme: Public Confidence

**Strengthening public confidence is one of the main drivers of enhancing B.C.'s environmental assessment process. We're encouraged to see that the majority of the public is in support of the proposed changes to make it easier to meaningfully engage in the process.**

## **Support for proposed changes in the Discussion Paper include:**

- Public engagements providing a variety of types and means of engagement beyond traditional comment periods, including more opportunities for dialogue, supported by plain language materials
- Increasing the number of public engagement periods throughout the process and earlier in the process
- Making funding available for public participation
- Formal opportunity for the public to identify interests, issues, and concerns with a project to inform project design, location, alternatives and study requirements, and to shape the approach to public engagement
- Support for Community Advisory Committees, which members of the public can join

## **We also heard:**

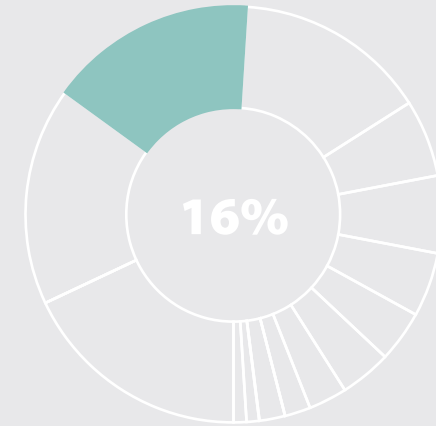
- The need to create meaningful opportunities for local expertise
- Allowing public participants to engage experts and test evidence
- The desire for mandatory public hearings on all projects
- The desire for public comment periods to be longer
- The desire to see how public comments were considered in the decision making process
- Increased independence of the assessment process from politicians and the proponent is important for public confidence
- Ensuring that public engagement is clearly led by the body conducting the assessment, not the proponent

**“In order for environmental assessment in BC to become more effective it is very important to ensure that the new process provides opportunity for meaningful public engagement with local communities, especially First Nations. This means providing information in a concise and comprehensive format so that people who are not ecologists or lawyers can understand it. It also means including representatives of these communities in working groups.”**

- Miriam, Youbou -

**“A public participation funding program should be established in legislation to ensure sufficient funding is reliably and independently distributed, so that inaccurate evidence can be challenged and reasonable alternatives can be developed and presented”**

- Eric, Victoria -





# Theme: Decision

**Understandably, the decision on whether or not to issue an Environmental Assessment Certificate was of top concern for those that submitted comments.**

**Support for proposed changes in the Discussion Paper include:**

- Indigenous governing bodies make a decision on the project
- EA decisions are based on required criteria with defined factors set out in legislation
- Ministers' provide their reasons to issue (or not issue) an EA certificate with online documentation

**We also heard:**

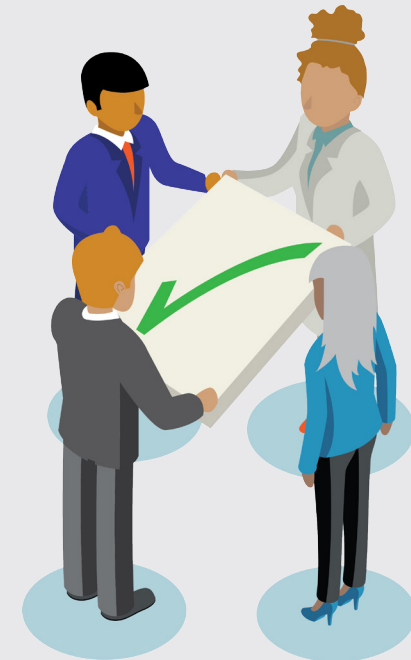
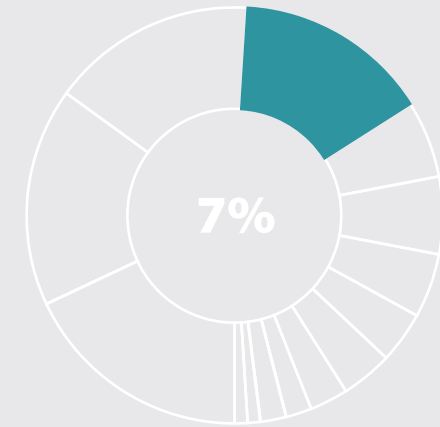
- The desire for an appeals process to challenge decisions
- The ability to exempt projects from assessment be removed
- Projects that fail to meet defined legislative criteria – including Indigenous consent, a climate test and respecting ecological limits – must not be approved
- A new assessment law should require decision-makers to select project design options from among reasonable alternatives that best serves the public interest
- All decisions should be made by a review panel/board rather than a politician
- A new assessment law should require decision-makers to select project design options from among reasonable alternatives that best protects Indigenous rights and title and safeguards health, ecological, cultural, social, and economic values

**“Outcomes from key assessment stages, such as the assessment report and recommendations, and Ministers’ decision on whether to approve a project, should be clearly subject to appeal to ensure transparency and accountability.”**

- Barbara, Crescent Valley -

**“The criteria for individual projects should take explicit account of cumulative impacts. There may need to be separate, regional, studies to determine regional limits/targets to provide context for assessing compliance by individual projects. A moratorium on additional projects in relevant sectors should be maintained until such regional targets/goals are established.”**

- Jesper, Whistler -



# Theme: Post Certificate

Once a proponent receives an Environmental Assessment Certificate for a project, they are required to comply with a number of conditions set out in the certificate. They also require a number of permits from other provincial and federal agencies before the project can be built.

## Support for proposed changes in the Discussion Paper include:

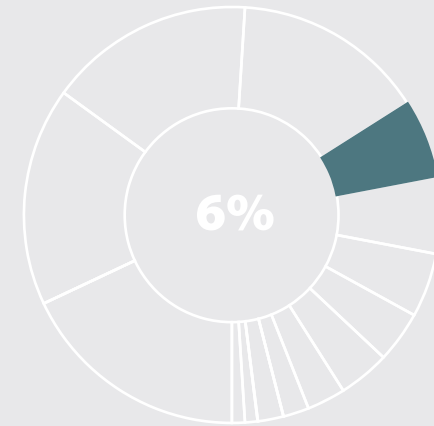
- Modernizing compliance and enforcement, including administrative financial penalties, preventative orders and increased court imposed penalties
- New tools for auditing the effectiveness of certificate conditions to inform future certificate condition requirements
- Transparent compliance, enforcement and monitoring information posted online

## We also heard:

- The desire for proponents to post a bond, or provide some other monetary assurance that in the event of an accident or malfunction, the proponent is held fully accountable and has sufficient funds for reparations
- Continuing engagement of public participants in monitoring, compliance and enforcement
- Increased funding and staff for compliance and enforcement

*“Require the analysis of financial securities (bonding) for site clean-up, potential accidental damages (e.g. mining spills), and perpetual care as a core obligation of impact assessment”*

-Robie, Victoria-



**What We Heard From  
Indigenous Nations,  
Industry, ENGOs, Health  
Authorities, Practitioners  
and Representative  
Organizations**

# Formal submissions from Indigenous nations, industry and stakeholders

In addition to [public comments on the discussion paper](#), the Environmental Assessment Office also received a large number of [formal submissions](#) from: Indigenous nations, industry, non-governmental organizations, health authorities, EA practitioners and others on the proposed changes. As these organizations are (for the most part) deeply experienced in environmental assessments, their submissions are generally more detailed than those of the public, and so have been afforded more space in this report. The EAO would like to emphasize that the smaller number of pages dedicated to the public submissions in this report is not an indication of their influence in this process.

Indications of support (indicated in brackets by group) in the following section reflects general support for that point from the submissions of the identified group. It does not necessarily mean the point was supported or addressed by all submissions in that group. A lack of attribution indicates there was general support from all groups on that point. Each submission has been carefully and individually considered. Collective themes are presented here to provide a general overview of what we heard.

[Complete copies of all submissions are available on our website](#), and links to the reports are available in the [attached appendix](#).



# Theme: Proposed Process as a Whole

We're pleased that our efforts over the last six months to engage with Indigenous nations, industry, ENGOs, health authorities, practitioners and representative organizations early in the process has helped us propose suggestions that, for the most part resonate and can be supported. Generally speaking, there is support for the majority of the proposed changes to B.C.'s EA process, notably the proposed process steps and goals of the revitalized process.

## Support for proposed changes in the Discussion Paper include:

- A focus and recognition of the importance of building blocks that will assist in the environmental assessment of projects, especially regional environmental assessments and strategic environmental assessments
- An early engagement stage to identify key issues and considerations
- An EA commencement decision or readiness gate
- Collaborative process planning with Indigenous nations and other participants in the process
- An alternative dispute resolution process (in principle and with reservations until more details are known)
- Advancing reconciliation
- Strengthened compliance and enforcement through tougher penalties, more rigorous enforcement and inclusion of Indigenous nations in monitoring efforts

*“Overall, the breadth and depth of the changes proposed in the Discussion Paper reflect a willingness on the part of the BC government to meaningfully reform EA.”*

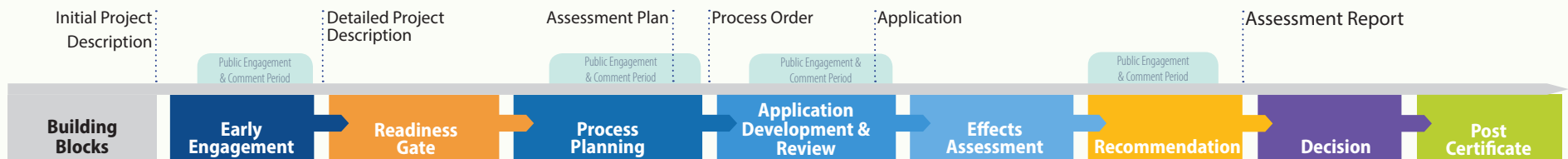
*- Musqueam Indian Band submission pg 2 -*

*“Overall, we support the objectives driving the BC Government’s review of environmental assessment (EA) processes including enhancing public confidence; advancing reconciliation with Indigenous Peoples; and protecting the environment while enabling continued economic development.”*

*- Teck Resources Limited, pg 1 -*

*“EA conditions should provide for Aboriginal monitoring programs, to ensure that engagement with First Nations continues for the life of the projects... Opportunities for First Nations involvement in monitoring activities must be both short and long-term.”*

*- Saulteau First Nation, pg 22 -*



# Theme: Reconciliation

**By advancing reconciliation and working with Indigenous nations throughout the process, B.C.'s revitalized EA process will create greater process certainty for all EA participants and reduce the potential of unforeseen conflicts and time delays. It's encouraging to see that while some submissions expressed reservations about this approach until more details are known - including how free, prior and informed consent is implemented - broadly speaking, almost all submissions offered support for this important aspect of revitalization.**

## Support for proposed changes in the Discussion Paper include:

- Recognition of Indigenous decision making in legislation with an opportunity to enter into government-to-government agreements with the Province on the conduct of EAs (which includes a project's Assessment Plan) (ENGOs, Indigenous nations)
- Various options to conduct EAs, including collaborative and Indigenous-led EAs in whole or part (Indigenous nations, ENGOs)
- Expressly allow Crown-Indigenous agreements to depart from the default legislated process (Indigenous nations)
- Recognition of importance of Indigenous knowledge in effects assessments along with Western science (ENGOs, Indigenous nations, industry)
- Adequate and timely capacity funding to meet the needs of individual nations, starting at the early engagement phase (ENGOs, Indigenous nations, industry)
  - Industry would like more clarity on the cost implications for proponents

- Commitment to implementing UNDRIP (ENGOs, Indigenous nations, industry, health authorities, practitioners)

## We also heard:

- There should be a coordinated approach across government to implement UNDRIP (industry)
- UNDRIP requires free, prior and informed consent (Indigenous nations, ENGOs, health authorities)

**“At a high level, the Discussion Paper represents real potential for effective change that, if adopted and implemented, will advance reconciliation and result in increased certainty for all parties in future EA processes.”**

*- First Nations Major Project Coalition, pg 6 -*

**“To enable clear and consistent application of UNDRIP principles across all regulatory platforms, including the EA, the need for the province to formalize a provincial strategy for reconciliation and collaborative decision making should be the priority.”**

*- BC Stone, Sand and Gravel Association, pg 2 -*

**“Addressing Indigenous rights, interests, and participation in a revitalized EA process is of fundamental importance and constitutes an opportunity to better define and highlight BC's leadership in the efforts to move forward with economic reconciliation. We agree with and strongly support advancement of reconciliation objectives with Indigenous Peoples in BC through legislative reviews and encourage government to ensure that the EA process is just one facet of a much broader approach that covers all phases of resource development in BC.”**

*- Teck, pg 3 -*

**“Tsleil-Waututh commends the progressive direction and careful consideration of improvements suggested thus far in the EAR process. The Discussion Paper is a welcome improvement to the current EA structure. This work clearly demonstrates that the EAO is listening, but we collectively have a significant amount of work to do in order to bring the new EA legislation up to a standard that accords with the UNDRIP and other world-class standards.”**

*- Tsleil-Waututh Nation, pg 10 -*

**“A provincial EA certificate must not be granted in the absence of consent from all affected First Nations.”**

*- First Nations Leadership Council, pg 2 -*

## DRAFT PRINCIPLES THAT GUIDE THE PROVINCE OF BRITISH COLUMBIA'S RELATIONSHIP WITH INDIGENOUS PEOPLES

The Province released a [set of draft principles](#) designed to guide the work of provincial government employees in advancing reconciliation as a starting point for conversation with Indigenous peoples.





# Theme: Building Blocks

**The building blocks of the proposed EA process sets the stage for a project to enter the assessment process. Large support was broadly received for this new addition to the EA process, particularly from ENGOs and Indigenous nations.**

**Support for proposed changes in the Discussion Paper include:**

- Regional and strategic environmental assessments should be used where available
- Use of the precautionary principle
- Incorporation of Indigenous knowledge into building blocks and assessments generally

**We also heard:**

- Project EA decisions should not be delayed by regional or strategic assessments in progress (industry)
- A “sustainability test” with defined criteria should be an aspect of the assessment (ENGOs, Indigenous nations)
  - Its application should be clearly defined/limited (industry)
- The precautionary principle requires a strict definition (ENGOs)
- The scope of projects subject to assessment must be broadened (ENGOs, Indigenous nations)
- Removal of ability to exempt projects from assessment (ENGOs, Indigenous nations)
- Concern for inclusion of vague and broad-reaching terms such as ‘sustainability’ in legislation because of the potential uncertainty it can create (industry)
- The desire for traditional land use studies to occur during the building block phase, rather than in reaction to a particular project (Indigenous nations, industry)

**“We are thankful that the Province has embedded the concepts of cumulative effects and regional/strategic assessments in the EA Revitalization proposal. These are highly relevant to northeast B.C. where many of the current Resource Municipalities Coalition members are located.”**  
[- Resource Municipalities Coalition, pg 2 -](#)

**“The Discussion Paper supports strategic and regional assessments, modernized land use planning, advancement of the Cumulative Effects Framework, the implementation of a Climate-Action Strategy, and a new provincial endangered species law. These recommendations align with LBN’s call for more pre-IA [impact assessment] tools to set the stage for better informed decision-making and Crown-Indigenous consensus building. LBN would simply emphasize three additional building blocks for supporting robust IAs and consensus building: Traditional Ecological Knowledge Studies (“TEKs”) and Traditional Land Use Studies (“TLUs”) in advance of any EA process rather than in reaction to a particular project...”**  
[- Lake Babine First Nation pg 2 -](#)

**“To further support procedural clarity, MABC recommends that EAO formalize its position that projects undergoing assessment, under the current or revitalized process, will not be delayed or procedurally prejudiced in the absence of a functioning cumulative effects assessment framework, regional assessments or strategic assessments.”**  
[- Mining Association of BC pg 12 -](#)

**“It has been our experience that current thresholds are excluding projects that have significant social and economic implications for communities. For instance, in Northeastern BC there are many projects with large population influxes and camps in close proximity to communities, therefore resulting in substantial socio-economic changes; however, many of these do not trigger an EA and therefore there is no mechanism to identify and manage these effects.”**  
[- Northern Health, pg 6 -](#)



# Theme: Effects Assessment & Technical Review

**This phase for many is the most critical phase of the EA process, where collected data is analyzed, and the Environmental Assessment Office and Indigenous nations – following independent analysis of the data – makes recommendations to decision makers on whether or not to issue a certificate.**

**Support for proposed changes in the Discussion Paper include:**

- Continued central purpose of protecting the environment and fostering sustainability across the five pillars of assessment: environmental, economic, social, cultural and health
- Effects assessment include both positive and negative effects of the proposed project (Indigenous nations, industry, local government)

**We also heard:**

- The need for use of ‘independent science’ in assessments – separation of money from proponents and EA practitioners (Indigenous nations, ENGOs, health authorities)
- The need for more extensive socio-economic and health assessments (ENGOs, health authorities, and Indigenous nations)
- Projects should be evaluated to ensure they will not prevent B.C. from meeting its climate change targets with respect to greenhouse gas emissions (ENGOs)
- Establish requirements for independent peer review of evidence (Indigenous nations, ENGOs, health authorities)
- Multi-jurisdictional discussions and public engagement to develop an Assessment Plan should shape how evidence is generated and reviewed in an assessment (Indigenous nations, ENGOs)
- Assessments must include impacts to treaty and aboriginal rights (Indigenous nations)

- Approach to assessing cultural effects to be developed in collaboration with Indigenous nations (Indigenous nations)
- Robust analysis of alternatives is an important part of enhancing sustainability and protecting Indigenous rights (ENGOs)
- Unless otherwise determined through collaboratively developed Assessment Plans and related government-to-government agreements, independent or Indigenous-led panels should be the default for assessment, not the EAO (ENGOs, Indigenous nations)

**“A new assessment law must replace the current system whereby the proponent generates virtually all the evidence and it is reviewed behind closed doors. We recommend that the new law ensure a mandatory role for independent experts in assessments, rigorous peer review of scientific and technical information, provide for Indigenous-led studies, and provide mechanisms for public participants to engage experts and test evidence (including early engagement to shape how this occurs).”**

*- Sierra Club BC, pg 3 -*

**“The assessment of cultural practices and transmission, including, ongoing practice, experience on the land, and trust in resources as potential key indicators, must be considered in EAs. Blueberry strongly supports legislative changes that require the assessment of cultural as well as socio-economic factors.”**

*- Blueberry River First Nation, pg 21 -*

**“Data collection and analysis is typically done well, effects characterization [on First Nation rights and interests] is the issue.”**

*- Carrier Sekani First Nations, pg13 -*

**“...Stantec recognizes that information is submitted into the process from various sources, including the public and environmental non-governmental organizations. We believe that all submission should be reviewed with the same level of scrutiny. Government technical reviewers should evaluate the standards of all western data collection and consider whether the data was collected under the supervision of a qualified professional and ensuring an equal standard of care for information used in the assessment.”**

*-Stantec Inc., pg 3 -*



# Theme: Decision Making & Dispute Resolution

**Proposed changes to this phase of the EA process have been met generally with broad support, with the caveat that further details are needed before full support can be given. A number of these details will be developed within regulations (which may be brought into force after legislation passes) – we’ll be engaging on those proposed details to ensure we get it right.**

## Support for proposed changes in the Discussion Paper include:

- An alternative dispute resolution process (with reservations until more details are known)
- Transparency and accountability in decision making, including factors, reasons for decision and time-frame

## We also heard:

- The need for greater clarity on the role of Indigenous nations in decision making and who the ultimate decision maker is (industry, practitioners, ENGOs, Indigenous nations)
- The need for different sets of decision criteria for different project types (Indigenous nations, industry, practitioners)
- The need for implementation of the UNDRIP standard of free, prior and informed consent in legislation (Indigenous nations, ENGOs)
- A project should not receive a certificate if it does not pass a legislated sustainability and reconciliation test (ENGOs, Indigenous nations)
- Dispute resolution mechanisms are collaboratively developed with Indigenous nations (Indigenous nations, ENGOs)
- Ministerial discretion over the EA process and decision-making relegates Indigenous nations to a secondary role (Indigenous nations)

- Outcomes from key assessment stages, and the Minister’s decision on whether to approve a project, should be subject to appeal (ENGOs)

**“Acknowledgment of implementing UNDRIP in the context of EA is a welcome addition; however, it is limited to the concept of ‘building consensus’, falling short of requiring achieving free, prior and informed consent. TWN, as with other Indigenous groups, must be recognized as legitimate decision-makers with the ability to use their discretion to provide consent or withhold consent from a project. Consent does not occur at a single point in time but must be continually sought. Further, consent is not achieved simply by adhering to procedural steps but through substantive evaluation of potential impacts and informed decision-making.”**

[- Tsleil-Waututh Nation pg 2 -](#)

**“Decision criteria should define what are tolerable impacts that could be approved if offset by sufficient benefits, versus intolerable impacts that cannot be approved regardless of benefits.”**

[- EA practitioners Hammond & Gray, pg 6 -](#)

**“AME supports the principles within UNDRIP and our industry leads the way in implementing those principles through relationships, partnerships and mutual economic benefits. As such, our industry has long been working towards consensus decision making as the goal. However, we submit that if consensus is not reached, the Province must remain the ultimate decision maker and recognize that lack of support from one or multiple Indigenous groups does not constitute a veto.”**

[- Association for Mineral Exploration pg 3 -](#)

**“It is vital that Nations negotiate agreements in a manner which is consistent with their governance structures to ensure that decision making ‘institutions’ provide respectful recognition of a Nation’s jurisdiction.”**

[- Stk’emlupsemc te Secwepemc Nation, pg 1 -](#)

**“The proposed decision-gate system, if properly implemented has the potential to greatly improve the EA process. In particular, Blueberry recommends that the Early Engagement Planning phase include specific references to existing processes and key documents related to land use planning, ongoing restoration work and “no-go” zones and other designations.”**

[- Blueberry River First Nation, pg 5 -](#)



# Theme: Procedural Certainty & Timelines

**While strong support was received for the proposed process as a whole, a lack of specific details (a number of which will be developed through forthcoming regulations) resulted in some level of concern from some submissions.**

## **Support for proposed changes in the Discussion Paper include:**

- Capacity funding for Indigenous nations to participate in the process (Indigenous nations, ENGOs, industry)
  - Industry would like more details on costing and associated implications
- Consistent and predictable timelines for each phase of the process (industry)
- Flexible timelines for each phase of the process to allow for satisfaction of the Crown's duty to consult (Indigenous nations and industry)
- Timelines to be jointly agreed upon by all affected jurisdictions during the process planning stages (Indigenous nations)
- Coordination among jurisdictions in support of one-project, one-assessment (Indigenous nations, ENGOs, industry)
- Alignment with the federal process to support ease of one-project, one-assessment (industry, local governments)

## **We also heard:**

- Without further details, there is concern the process as proposed could result in (industry):
  - Adding further complication and complexity to project assessments
  - Potential delays in project approvals
  - Increasing costs to proponents
  - Reduced investor confidence and resulting inability to attract capital to B.C.
- A general sentiment that the current process works and is not in need of reform (industry)

**“... The Business Council agrees that governments must have more direct and active consultation and engagement with Indigenous people in connection with industrial and resource development. We are concerned, however, that the current patterns of delegating the cost and process demands to business and proponents will continue.”**

*-BC Business Council, pg 6 -*

**“We agree conceptually with the incorporation of an initial project description and detailed project description to facilitate identification of key issues of concern during the Early Engagement phase. [...] Sufficient detail on the scope and review period for information required in the initial and detailed project description should be included in regulation. Development of the regulations should be informed by consultation with proponents.”**

*- Teck, pg 5 and 6 -*

**“We are very supportive of this “one project, one assessment” objective, and believe that considerable effort should be dedicated to determining how this objective can be achieved in a clear, predictable and efficient fashion.”**

*- Resource Municipalities Coalition, pg 4 -*

**“There must be clear legislation in regards to assessments that include provincial and federal processes: harmonized, substituted, and coordinated assessments; this would also include assessments where another federal body may act on behalf of EA legislation, such as the Vancouver Fraser Port Authority who conduct their own EA processes on behalf of CEEA 2012.”**

*- Tsleil-Waututh Nation, pg 8 -*

## **ONE-PROJECT, ONE ASSESSMENT**

The one-project, one-assessment approach allows for a single assessment process to support separate and independent decisions by Indigenous, Provincial and Federal decision makers using the same assessment data. This drastically reduces the amount of work required by every participant in the EA process, from the public to the proponent.





# Theme: Public Confidence and Engagement

**Making it easier for the public to understand and more meaningfully engage throughout the environmental assessment (EA) process is a main priority of revitalizing B.C.'s EA process. Most submissions agree with key aspects of the approach we're taking.**

**Support for proposed changes in the Discussion Paper include:**

- More meaningful public engagement through: increased opportunities for engagement throughout the EA, including early engagement on project design documents in plain language, different ways of engagement and participant funding (ENGOS, local governments, industry)
- Scientific data and all assessment information posted publicly (ENGOS, industry)
- Support for Community Advisory Committees, which members of the public can join

**We also heard:**

- Concern that increased public engagement could result in “referendums” on projects (industry)
- Concern that increased public engagement will result in policy debates (which are better suited to the regional environmental assessments / strategic environmental assessments engagements) (industry)
- The need for mandatory public hearings (ENGOS)
- The desire for public participation in monitoring and follow-up post certificate (ENGOS)
- Greater clarity needed on the relationship between the environmental assessment process and the rest of the regulatory continuum, especially subsequent permitting (industry, practitioners)

**“We find it encouraging that the proposed EA process includes an early engagement phase to inform project design, location, alternatives and study requirements, and to shape the approach to public engagement. Further, new public engagement opportunities on a projects potential exemption from an EA, information requirements, effects assessment and EA conclusions are important additions. These new process steps will improve public confidence in the process.”**

*- SkeenaWild Conservation Trust, pg 4 -*

**“There are positive commitments to increasing public engagement opportunities, including earlier engagement and use of a variety of engagement methods beyond comment periods, as well as an opportunity for the public to identify how they would like to be engaged... Legislation should include public hearings as a default component of assessments, and establish criteria for Assessment Plans to ensure that public engagement consists of more than just comment periods.”**

*- West Coast Environmental Law, pg 6 and 7, June Submission -*

**“With mineral exploration and mining being a globally competitive industry, it is vital that the role of potential effects of the EA process on other stages of the project lifecycle be considered, and these need to be broadly communicated to stakeholders and Indigenous groups.”**

*- Association for Mineral Exploration, pg 3 -*

**“The EA process, while important, is only one component of the regulatory system for mining in British Columbia. The most impactful and enduring portions of the regulatory continuum are administered by the permitting agencies, which in the case of mining projects, includes the Ministry of Energy, Mines and Petroleum Resources, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, and the Ministry of Environment.”**

*- Mining Association of BC pg 2 -*



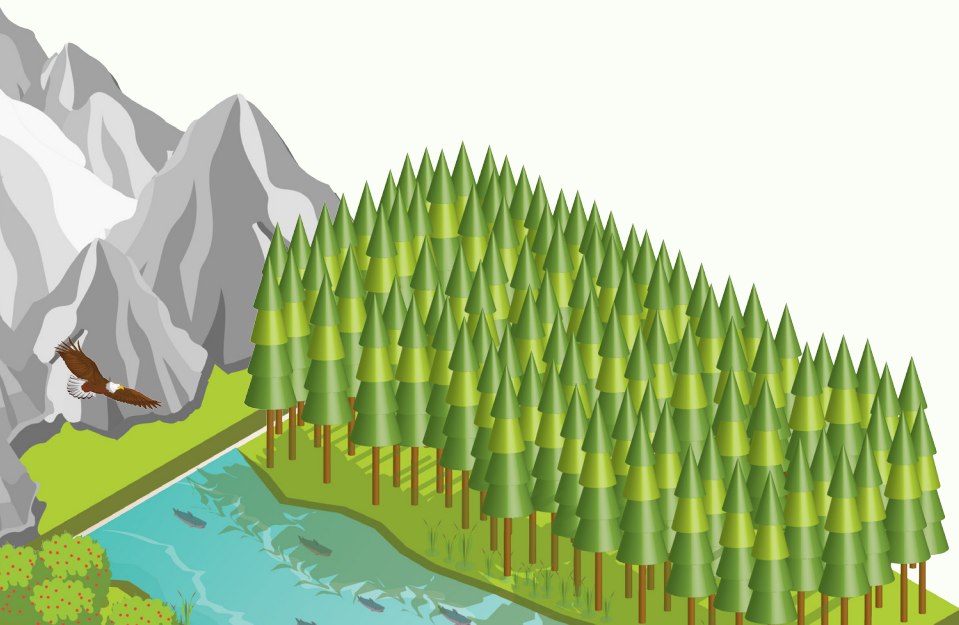
# Additional Concerns

**Some consistent concerns were raised that don't easily fit into a theme and have been captured here:**

- The need for proponents to guarantee financial security through a posted bond or other security for remediation in the case of a project malfunction or accident (ENGOs, Indigenous nations)
- Concerns about the overall impact of cumulative regulations/legislation to industry and investor confidence (industry)

**“ Although LBN appreciates that the mechanism for providing corporate accountability will lie partly outside the new EA legislation (e.g.: establishment of mandatory sectoral insurance funds), the Crown can and should make it a condition of all project approvals that the proponent be demonstrably able to internalize the full costs of the credible worst case scenario.”**

*- Lake Babine Nation, pg 14 -*





# Summary

It's encouraging to see that for the most part, the Environmental Assessment Office, the public, Indigenous nations, EA practitioners, industry, non-governmental organizations, Health Authorities, local governments and other stakeholders are in agreement with the general thrust of the major proposed changes to B.C.'s environmental assessment process: Implementing UNDRIP and advancing reconciliation, making it easier for the public to meaningfully participate in the process, and protecting the environment while providing clear pathways to sustainable project approvals.

Many of you feel that more needs to be done to have confidence in B.C.'s EA process, and we hear you. We're carefully considering all of the feedback we received, and we'll be providing a response to those issues in the forthcoming Intentions Paper.

Members of the public and other organizations want more details before they can be satisfied with the proposed changes, and those details are coming. The forthcoming Intentions Paper will address many of the concerns raised in this report and chart a clear path for what the legislation will look like. Once legislation passes, we can then begin to develop the regulations that will fill in a number of those missing details. We'll be engaging the public, Indigenous nations and stakeholders on the proposed regulations as they're developed to make sure we continue to put forward practical solutions informed by feedback from those who are involved in and impacted by the environmental assessment process.

We sincerely appreciate all of the time and effort that went into over 3100 suggestions, submissions and survey responses on this important initiative. We hope to hear from all of you again when we seek feedback on future proposed regulations.



# Appendix

# Appendix I: List of Formal Submissions

## SUBMISSIONS FROM COMPANIES

- [AltaGas](#)
- [Conoco Phillips](#)
- [FortisBC](#)
- [Hammond and Gray \(EA practitioners\)](#)
- [Pembina Pipeline Corporation](#)
- [Stantec Consulting Limited](#)
- [Teck Resources Limited](#)

## SUBMISSIONS FROM HEALTH AUTHORITIES

- [Health Authorities](#)
- [Interior Health](#)
- [Northern Health](#)

## SUBMISSIONS FROM INDIGENOUS ORGANIZATIONS

- [First Nations Health Authority](#)
- [First Nations Leadership Council](#)
- [First Nations Major Projects Coalition](#)
- [S'ólh Téméxw Stewardship Alliance](#)
- [Skeena Fisheries Commission](#)
- [Southeast Alaska Indigenous Transboundary Commission](#)

## SUBMISSIONS FROM INDIGENOUS NATIONS

- [Blueberry River First Nation](#)
- [Carrier Sekani First Nations](#)
  - [Nadleh Whut'en First Nation](#)
  - [Nak'adzli Whut'en](#)
  - [Saik'uz First Nation](#)
  - [Stellat'en First Nation](#)
  - [Tl'azt'en Nation](#)
  - [Ts'il Kaz Koh First Nation](#)
  - [Takla First Nation](#)
- [Central Council of the Tlingit and Haida Indian Tribes of Alaska](#)
- [Citxw Nlaka'pamux Assembly](#)
- [Cowichan Tribes](#)
- [Gitanyow Hereditary Chiefs](#)
  - [Presentation](#)
- [Gitga'at First Nation](#)
- [Halfway River First Nation](#)
- [Kitselas First Nation](#)
- [Kitsumkalum Indian Band](#)
- [Lake Babine First Nation](#)
- [Musqueam First Nation](#)
- [Office of the Wet'suwet'en](#)
- [Saulteau First Nation](#)
- [Teslin Tlingit Council](#)
- [Tseil-Waututh Nation](#)
- [Stk'emlúpsenc te Secwepemc Nation](#)

## SUBMISSIONS FROM ENGOs

- [BC Nature](#)
- [Cowichan Green Community](#)
- [Cowichan Valley Naturalists' Society](#)
- [Ducks Unlimited](#)
- [Great Blue Heron Society](#)
- [Kamloops Preservation Society](#)
- [My Sea to Sky](#)
- [Northern Confluence](#)
- [Rivershed Society of BC](#)
- [Salmon beyond borders](#)
- [Sierra Club BC](#)
- [Skeena Wild Conservation Trust](#)
- [Skeena Watershed Conservation Coalition](#)
- [Southeast Alaska Conservation Council](#)
- [Watershed Watch Salmon Society](#)
- [West Coast Environmental Law](#)
  - [Separate submission on public participation](#)
- [Wilderness Committee](#)

## SUBMISSIONS FROM REPRESENTATIVE ORGANIZATIONS

- [Association for Mineral Exploration](#)
- [Association of Professional Biology](#)
- [BC Business Council](#)
  - [Cover letter](#)
- [BC Government and Service Employees' Union](#)
- [BC Sand Stone and Gravel Association](#)
- [Canadian Association of Petroleum Producers](#)
- [Canadian Energy Pipeline Association](#)
- [Independent Contractors and Businesses Association](#)
- [Mining Association of BC](#)
  - [Cover Letter](#)
- [Resource Municipalities Coalition](#)
- [Society for Ecological Restoration](#)
- [Union of British Columbia Municipalities](#)