



The Development of Major Projects Within the Natural Resource Sector

AN OVERVIEW OF BRITISH COLUMBIA'S REGULATORY PROCESSES

MAJOR PROJECTS OFFICE



Ministry of
Forests, Lands and
Natural Resource Operations



WE WOULD LIKE TO RECOGNIZE THE PARTICIPATION OF THE FOLLOWING MINISTRIES IN THE DEVELOPMENT OF THIS DOCUMENT:

- THE MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS;
- THE MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION;
- THE MINISTRY OF AGRICULTURE;
- THE MINISTRY OF ENERGY AND MINES;
- THE MINISTRY OF JOBS, TOURISM AND SKILLS TRAINING;
- THE MINISTRY OF NATURAL GAS DEVELOPMENT AND MINISTER RESPONSIBLE FOR HOUSING; AND
- THE MINISTRY OF ENVIRONMENT.

CONTRIBUTING AUTHORS:

- DILLON STUART
- TERRY PRATT
- KIM KETTYLS
- LOUISE TAKEDA

POINT OF CONTACT:

FOREST LANDS AND NATURAL RESOURCE OPERATIONS (MAJOR PROJECTS OFFICE):
[HTTP://WWW.FOR.GOV.BC.CA/MAJOR_PROJECTS](http://www.for.gov.bc.ca/major_projects)



Table of Contents

INTRODUCTION	1
NATURAL RESOURCE SECTOR MINISTRIES	1
COORDINATED AUTHORIZATIONS	2
PROJECT TYPES	3
<i>MINING</i>	<i>3</i>
<i>CLEAN ENERGY</i>	<i>3</i>
<i>RESORTS</i>	<i>3</i>
<i>LIQUEFIED NATURAL GAS (LNG)</i>	<i>4</i>
PROJECT PHASES	4
<i>INVESTIGATION</i>	<i>4</i>
<i>ENVIRONMENTAL ASSESSMENT</i>	<i>5</i>
<i>PERMITTING</i>	<i>7</i>
<i>CONSTRUCTION</i>	<i>8</i>
<i>OPERATION AND MONITORING</i>	<i>9</i>
<i>DECOMMISSIONING, RECLAMATION AND CLOSEOUT</i>	<i>9</i>
FIRST NATIONS	9
INTEREST HOLDERS	11
<i>LOCAL GOVERNMENTS</i>	<i>11</i>
<i>PUBLIC</i>	<i>11</i>
<i>FEDERAL GOVERNMENT</i>	<i>11</i>
SUMMARY	12
REFERENCE LIST	12



Introduction

B.C.'s environment is recognized globally for its exceptional wildlife, diversity of ecosystems, and rich natural resources. The Province works to balance sustainable development with the maintenance of these valuable natural assets, which lie at the heart of many recreational and economic activities enjoyed by British Columbians in all regions of the Province. Major projects, whether they are mines, clean energy projects, resorts, and liquefied natural gas pipelines and facilities, require proponents to locate, identify, inventory and develop these resources to contribute to B.C.'s sustainable economy. Regardless of the scale or duration of impact, industrial activities should be conducted in a manner that sustains other resource values and respects local communities.

This guide is intended to provide introductory information to anyone with an interest in B.C.'s regulatory process and how regulatory agencies receive, adjudicate and approve or reject proposals for the development of major industrial projects. This document will present a high level overview of the phases of the regulatory process, identify some of the key interests of the Province for natural resource use and provide additional sources should the reader want more information. Additionally the natural resource sector ministries have adopted a "One Project-One Process" business model for major projects. The model calls for a coordinated approach to project authorization, which means projects are treated as a single project rather than a group of individual permits and authorizations.

Natural Resource Sector Ministries

The Natural Resource Sector (NRS) is comprised of six BC Public Service ministries: Aboriginal Relations and Reconciliation, Agriculture, Energy and Mines, Natural Gas Development, Forests, Lands and Natural Resource Operations and Environment, which includes the Environmental Assessment Office.

The **Ministry of Aboriginal Relations and Reconciliation** is the British Columbia Government's lead for pursuing reconciliation with the Aboriginal peoples of British Columbia. A key component of reconciliation involves creating relationships that are mutually beneficial through collaboration and commitment.

The **Ministry of Agriculture** supports an innovative, adaptive, globally competitive, socially and environmentally responsible agrifoods sector valued by all British Columbians.

The **Ministry of Energy and Mines** is the key provincial ministry responsible for British Columbia's electricity, alternative energy, mining and mineral exploration sectors. This includes both public and private interests that explore for and develop electricity, clean or renewable energy (biomass, biogas, geothermal, hydro, solar, ocean, wind or any other alternative energy resource), coal, minerals, and renewable and low-carbon fuels.

The **Ministry of Forests, Lands and Natural Resource Operations** delivers integrated natural resource management services for British Columbians. With a long-term vision of economic prosperity and environmental sustainability, it is the main agency responsible for establishing the conditions for access to and use of the Province's forest, land and natural resources.

The role of the **Ministry of Natural Gas Development and Minister Responsible for Housing** is to guide the responsible development and ensure maximum economic benefits to British Columbians from the Province's natural gas resources.

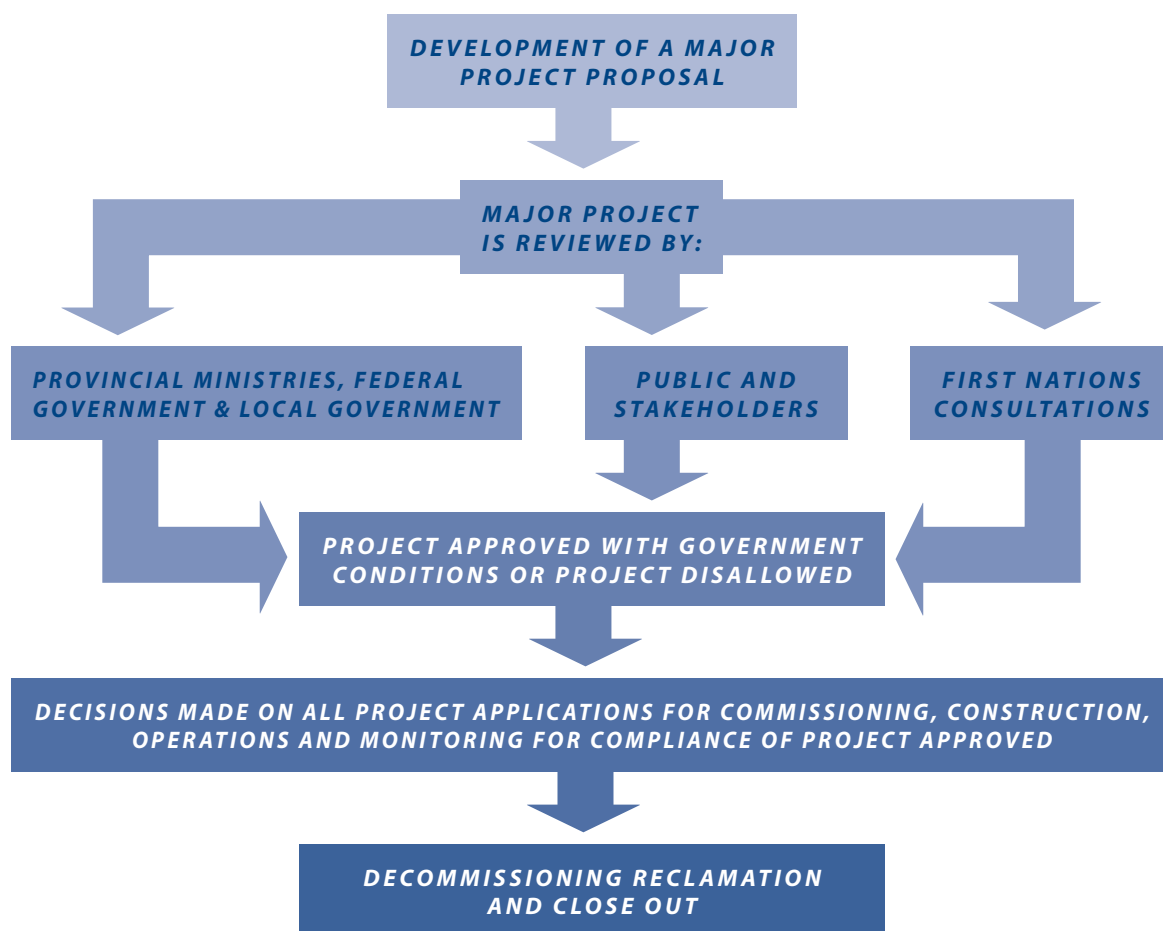
The **Ministry of Environment** is responsible for encouraging and maintaining the effective protection, management and conservation of B.C.'s water, land, air and living resources. Within the Ministry of Environment, the Environmental Assessment Office administers the environmental assessment process.

Coordinated Authorizations

Collectively the NRS ministries have moved toward a coordinated authorization approach to major natural resource projects. This approach facilitates a company's early contact with the Province, its knowledge of process and engagement with First Nations, stakeholders and the public, all leading to timely, environmentally sustainable and durable decisions. The goal of this initiative is to coordinate the project review process for the full cycle of a NRS major Project, from early investigative stages through consultation, permitting to decommissioning and reclamation. By coordinating the process, better decisions are made with more efficient timelines for a more sustainable future for our Province.

Major projects range in scope, scale and complexity. They typically have a significant capital investment, involve multiple and complex government applications/authorizations/permits for an activity/use of natural resources on the land/water base and involves significant environmental or social values.

HIGH LEVEL OVERVIEW OF A MAJOR PROJECT REVIEW PROCESS IN BRITISH COLUMBIA



Project Types

There are several project types that this document pertains to, including mining, clean energy, resorts and liquid natural gas.

MINING

B.C. is rich in mineral resources and has 150 years of solid mining history. British Columbia is a national leader in mining and mineral production and Canada's single largest exporter of coal, the largest producer of copper and the only producer of molybdenum. B.C. also produces significant amounts of gold, silver, lead, zinc and more than 30 industrial minerals. More than half of Canada's exploration and mining companies are based in British Columbia, which has the largest concentration of exploration companies and geoscience professionals anywhere in the world. British Columbia's policies ensure that mining's benefits are maximized in a sustainable way so communities can prosper for the long term, with economic and social benefits extending from the local to the national level.

For additional information please go to:

- » British Columbia's Mining Strategy:
<http://www.empr.gov.bc.ca/Mining/Documents/MiningStrategy2012.pdf>
- » British Columbia Prospects in Mining and Natural Gas:
http://www.britishcolumbia.ca/invest/documents/bcti_mininggas_brochure.aspx
- » Proponent Guide to Coordinated Authorizations for Major Mine Projects:
http://www.for.gov.bc.ca/Major_Projects/files/mining/Proponent_Guide_Major_Mine_Projects.pdf

CLEAN ENERGY

British Columbia has an abundance of renewable energy sources, providing a natural advantage for new opportunities to meet our growing energy demands with clean, renewable power. Not only can power projects use water and wind to produce energy, they can also use biomass, waste wood, solar, tidal, wave, geothermal and other natural resources. British Columbia's increasing energy requirements, along with its greenhouse gas emission reduction and clean energy targets, require greater investment and innovation in the areas of clean and renewable energy and technologies. British Columbia's clean energy policy provides a strong framework for review and development of major clean energy projects.

For additional information please go to:

- » Clean Energy webpage: <http://www.for.gov.bc.ca/mof/cleanenergy/index.htm>

RESORTS

B.C. is well known as a global winter and summer tourism destination. Provincial resorts are the foundation of the tourism sector and range from smaller eco- and fishing lodges to larger ski-focussed all-season resorts. Mountain resorts in the province range in size and seasonality, from large all-season resorts to smaller community ski areas which are integral to the quality of life for British Columbians and visitors alike. All-Season resorts in B.C. offer many recreational activities including hiking, mountain biking and other adventure tourism offerings. In addition, they provide a strong economic base for other tourism-related small businesses. The All-Seasons Resort Policy and Guidelines provide a framework for review and development of major resorts in B.C.

For additional information please go to:

- » Mountain Resorts Branch (Guidelines):
http://www.for.gov.bc.ca/mountain_resorts/rules/guidelines.htm

LIQUEFIED NATURAL GAS (LNG)

British Columbia has abundant natural gas reserves and significant opportunities for investment to meet global market demand and is ranked second only to Alberta in natural gas production in Canada. The three main components of the LNG industry include; supply, transmission and facilities, with much of the development existing or planned for northern British Columbia. To lead these LNG projects B.C. is coordinating permitting and approval processes among agencies, including the Oil and Gas commission, to ensure timely project construction.

For additional information please go to:

- » The BC Oil and Gas Commission: <http://www.bcogc.ca/>
- » The BC Government Oil and Gas Division website:
<http://www.empr.gov.bc.ca/OG/oilandgas/Pages/default.aspx>
- » LNG in BC Website: <http://engage.gov.bc.ca/Inginbc/>

Project Phases



INVESTIGATION

Prior to making a formal application for review under the *Environmental Assessment Act* or for authorizations required to develop the project, proponents must assess the feasibility of the site for the proposed purpose. They must then determine existing interests in the land, identify values and conduct baseline studies on many of those values.

Investigative and exploration authorizations (e.g. investigative licence) must be obtained by proponents before entering on Crown land or conducting baseline studies (e.g. water, wildlife, drilling). Proponents benefit from this by having their interest in the site noted in provincial databases while investigative studies occur. Front Counter BC staff will assist proponents in determining what additional permits are required.

FrontCounter BC is a single window service for clients of provincial natural resource ministries and agencies. At FrontCounter BC offices across the province, natural resource clients can obtain all the necessary information, authorizations required by natural resource clients for projects and links to applications that they need to start or expand a business.

For more information please go to:

- » FrontCounter BC: <http://www.frontcounterbc.gov.bc.ca/>

ENVIRONMENTAL ASSESSMENT

Environmental assessment in British Columbia provides an integrated process for identifying and evaluating a reviewable project's potential significant adverse effects (environmental, social, health, heritage, and economic). It also ensures that the issues and concerns of the public, First Nations, stakeholders, and government agencies are considered.

The BC Environmental Assessment Office (EAO) administers the environmental assessment process under the **Environmental Assessment Act** and its regulations.

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_02043_01

PROJECTS BECOME REVIEWABLE IN THREE WAYS:

1. A broad range of major projects are automatically reviewable if they meet certain thresholds under the **Reviewable Projects Regulation**.
http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/13_370_2002
2. The Minister of Environment may designate a project as reviewable if it is determined that the project may have significant adverse effects and that it is in the public interest for the project to undergo an environmental assessment.
3. A proponent may request that EAO designate its project (that otherwise would not be reviewable) as a reviewable project and if EAO agrees, the project becomes reviewable.

Large industrial, mining, energy, water management, waste disposal, food processing, transportation and resort developments typically require an environmental assessment and certification under the *Environmental Assessment Act*. Reviewable projects must have an environmental certificate before authorizations or approvals can be provided by other provincial agencies. Projects that do not require an environmental assessment under the *Environmental Assessment Act* must still obtain other permits or approvals required under other provincial legislation.

Opportunities for participation by government agencies, First Nations, local governments, stakeholders and the public is a key element of an environmental assessment. Participants help to identify application information requirements and potential adverse effects before the final project design and construction decisions are made.

WORKING WITH THE FEDERAL GOVERNMENT

Often major projects in British Columbia require both federal and provincial environmental assessments. EAO and the Canadian Environmental Assessment Agency work together by either:

1. Entering into a substitution agreement to allow the provincial process for a proposed project to be substituted for the federal process; or
2. Working together in a coordinated way to complete the review of a proposed project.

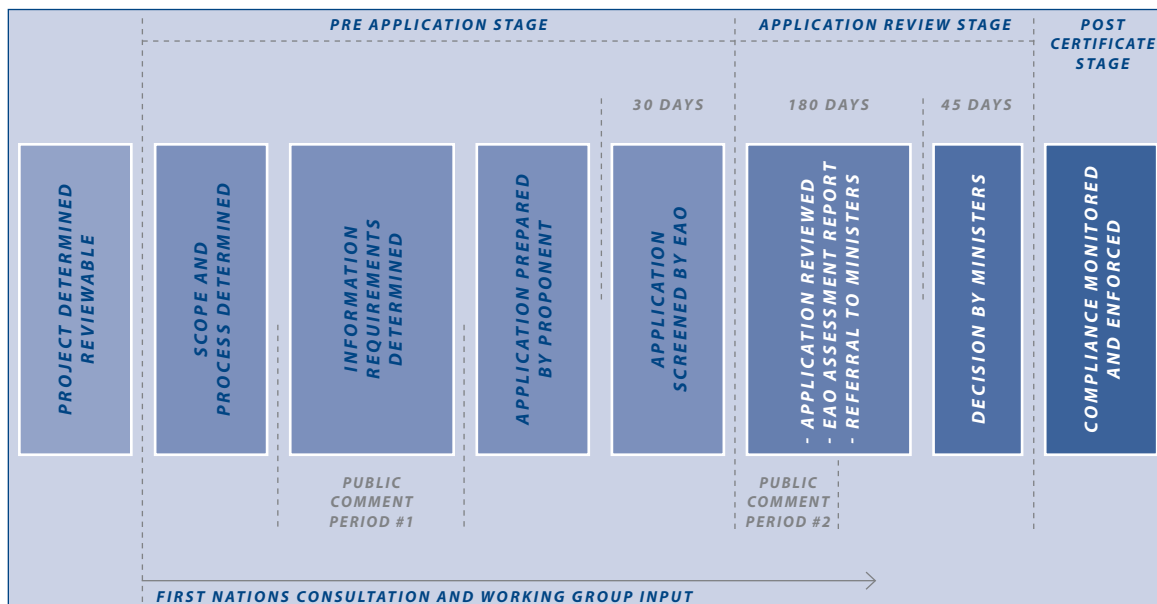
Under substitution, EAO prepares an environmental assessment report on behalf of both British Columbia and Canada. The respective federal and provincial ministers then make their own decisions regarding the significance of the proposed project's environmental effects, the adequacy of Aboriginal consultation, and whether to grant approval. Under coordination, EAO and the Canadian Environmental Assessment Agency conduct separate reviews but align process steps, consultation activities, public comment periods, and other activities to whatever extent possible.

ENVIRONMENTAL ASSESSMENT PROCESS

As the agency responsible for overseeing the provincial environmental assessment process, EAO oversees a number of processes including the following:

- » Determine if a major project requires an environmental assessment;
- » Specifies the assessment process to follow including scope, methods and procedures;
- » Determine the application information required to carry out the environmental assessment;
- » Ensure public access to information through its **electronic project information centre** (http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_home.html);
- » Provide opportunities for government agencies, First Nations, local governments, stakeholders and the public to provide input on the proposed project through advisory working groups or public comment periods;
- » Strive to facilitate consensus on issues or concerns that arise during the process;
- » Fulfil the Province's legal duty to consult and where required, accommodate First Nations; and
- » Ensure that all potential significant environmental, economic, social, heritage, and health effects of a proposed project are assessed.

THE FOLLOWING DIAGRAM ILLUSTRATES THE STAGES AND RELATED STEPS OF THE ENVIRONMENTAL ASSESSMENT PROCESS.



Once an application is accepted and input from the working group and the public is received, the EAO prepares a comprehensive assessment report that documents the procedures and findings of the application. The report also includes the issues raised by government agencies, First Nations, local government, stakeholders and the public, and the extent to which concerns have been addressed by the proponent. The report highlights any potential significant adverse effects associated with the project and considers whether and how those effects can be avoided or mitigated through conditions. The Executive Director submits this report and his or her recommendations to the Minister of the Environment and one other responsible minister (www.eao.gov.bc.ca/responsible_minister_order.html) for decision. The ministers decide whether or not to approve the proposed project. If the ministers decide to approve a project, they issue an environmental assessment certificate with any conditions they consider necessary.

If a project receives an environmental assessment certificate, a proponent must still obtain any other permits or authorizations required under other provincial legislation (e.g. water licences, timber cutting licences, mine permits or waste management permits). EAO establishes procedures to ensure a smooth transition to post-certification permitting and other follow-up activities.

For more information, please go to:

» Environmental Assessment Office Website: http://www.eao.gov.bc.ca/about_eao.html

PERMITTING

British Columbia's natural resource sector has adopted the vision that British Columbia's land base be managed in a coordinated and seamless way. By adopting a "One Land Base – One Land Manager" approach, the NRS ministries are working in a collaborative way along with their counterparts in other provincial, federal and local government agencies and with First Nations.

This helps streamline permitting decisions to encourage economic development while striving to manage potential impacts to environmental, social, and cultural values.

NATURAL RESOURCE SECTOR (NRS) PERMITTING STAGES



The permitting process is separate from but linked to the environment assessment process. Generally permitting for a major project that is reviewable under the Environmental Assessment Act happens after the project receives an environmental assessment certificate (with the exception of permitting required for investigative or exploratory work).

Additionally smaller projects not requiring a certificate still undergo stringent regulatory environmental review scaled for the development. The proponent works closely with specific natural resource ministries to provide additional information and obtain the required permits before beginning its first phase of development.

Permits may also be obtained concurrent to the receipt of an EA certificate if a proponent opts for concurrent permitting however, significantly higher levels of detailed information are required in advance of an EA Certificate so that the ministries have a sufficient level of detail to issue development permits.

PRE-APPLICATION (ACTIVITIES CAN INCLUDE)

- » Provide an overview of Project activities.
- » Scope the proposed project to determine potential conflicts, required permits and tenures.
- » Identify application package requirements and submission.
- » Identify and engage First Nations involved.
- » Identify project specific process and timelines.

SUBMISSION AND SCREENING (ACTIVITIES CAN INCLUDE)

- » Submission of draft application package by proponent.
- » Screening by government to ensure all application requirements and submission standards are met.

REVIEW AND RECOMMENDATION (ACTIVITIES CAN INCLUDE)

- » Formal technical review of submitted application package.
- » Identification and resolution of technical issues (e.g. overlapping tenures, mitigation) related to the proposed project.
- » Engagement and consultation with First Nations.
- » Coordinated consultation with all levels of government.
- » Public review & comment (as required).

DECISION (ACTIVITIES CAN INCLUDE)

- » Provincial statutory decision makers adjudicate the applications submitted by the proponent.
- » Statutory decision makers can approve application(s) with conditions, disallow application(s), or request further information.

IMPLEMENTATION AND CLOSE OUT (ACTIVITIES CAN INCLUDE)

- » Coordinated reviews of all monitoring and reporting requirements.
- » Ensure that the Project aligns with required conditions and coordinate compliance and enforcement of respective authorizations.

CONSTRUCTION

The construction stage starts with planning, designing, and financing. It continues until the project is ready for operation. All necessary authorizations for the specific phase need to be in place prior to construction however, further ancillary authorizations or amendments may be required. Construction can be broken into the following two general stages: site preparation and construction.

Environmental compliance and monitoring are required throughout the life of the project including this phase where much of the land disturbance occurs. In addition there might be commitments in permits or the Environmental Assessment Certificate that must be met prior to construction.

SITE PREPARATION

This stage generally involves laying the footwork for the construction of the project. It can include activities such as timber harvesting and land clearing, road building, camp construction and other activities to facilitate construction.

CONSTRUCTION

Construction of the project is undertaken in accordance with the final design and permit conditions. Works undertaken can include assembly of project components including buildings and other infrastructure necessary for the operation of the approved project.

OPERATION AND MONITORING

Once a project is operating, it must comply with the terms and conditions of the permits and approvals throughout the project's life-cycle. This includes all applicable legislation. It also can include monitoring and analyzing performance, conducting environmental surveys and performing preventive maintenance and repairs.

This overall strategy allows for the use of adaptive management, mitigation, as well as understanding long term cumulative effects. Government regulators and proponents work together to support ongoing monitoring, compliance and enforcement activities to ensure environmental sustainability.

For more information please go to:

- » Environmental Assessment Office Compliance and Enforcement website: <http://www.eao.gov.bc.ca/compliance.html>
- » FLNRO Compliance and Enforcement Website: <http://www.for.gov.bc.ca/hen/>

DECOMMISSIONING, RECLAMATION AND CLOSEOUT

Decommissioning, reclamation and close out are required for most project types. Decommissioning involves removing improvements from the land and operational service. Reclamation is the process of restoring land that has been altered to a natural or economically usable purpose. The objective of reclamation is to protect the environment from the onset of the project, to ensure the remaining site is as productive as possible and safe when the project closes.

While reclamation can occur throughout a project's lifecycle, most projects have a finite life span, and require a closure and reclamation plan. The plan, which is developed and agreed upon by the proponent, government agencies and First Nations, can include dismantling the facilities and returning the site to a safe, stable and reclaimed state. Site closures may take several years. In some cases, post-closure monitoring and management of any ongoing environmental impacts is also required. The intent of British Columbia's reclamation policies and legislation is to ensure that the province is not left with a legacy of clean-up requiring ongoing public funds to address impacts.

First Nations

First Nations have a critical role in the review and success of any major project proposal. The Province committed to meaningfully involve First Nations in the review of all Major Project proposals. In addition, the provincial government and British Columbia's First Nations' organizations are working together to develop consultations founded on respect, recognition and reconciliation of Aboriginal rights and title. Additionally, before issuing authorizations for any project, the province has a legal responsibility to consult and where appropriate, accommodate First nations with aboriginal interests in the proposed project area. The Province also has treaty-specific responsibilities where there are established treaty rights.

In 1982 existing Aboriginal and treaty rights were recognized and affirmed in Section 35(1) of the *Constitution Act*. The courts have clarified what Aboriginal rights and Aboriginal title mean, and how they are proven. The Supreme Court of Canada's decisions in the Haida Taku River and Tsilhqot'in cases clarified that before asserted Aboriginal rights and/or title are proven through a Court process, the Province has a duty to consult with First Nations when it has real or constructive knowledge of the potential existence of an Aboriginal right or title and contemplates potential impacts that might adversely affect it.

While the Province is responsible for ensuring adequate and appropriate consultation and accommodation, it may involve the major project proponent in certain procedural aspects of consultation with First Nations. Proponent engagement with First Nations can facilitate effective and timely information exchange and may include the modification of plans to mitigate and avoid impacts to Aboriginal Interests. It can also contribute to some of the Province's broader objectives, including partnerships and relationship building with First Nations. Proponents who are involved in consultation should document their engagement activities and share their consultation record with provincial staff.

The Environmental Assessment process also provides for ongoing and meaningful consultation with First Nations on whether and how a project may affect First Nations proven or asserted rights and title. EAO provides First Nations with opportunities to review procedural orders, provide technical expertise where necessary, participate on EAO advisory working group(s) to discuss potential project impacts and mitigation, and comment on drafts of EAO assessment reports. EAO is also committed to coordinating consultation with the Canadian Environmental Assessment Agency, other federal agencies, and provincial authorizing agencies to ensure that consultation is consistent, efficient and respectful of First Nations' and proponents' time and capacity.

First Nations expressing an Aboriginal right and/or title have a reciprocal duty to identify their Aboriginal interests and concerns once they have had the opportunity to consider the information provided. They must also make a reasonable effort to inform the Crown about any potential impacts of the proposed activity on their Aboriginal interests. First Nation communities' concerns typically relate to potential impacts on asserted Aboriginal rights and title, including traditional practices, cultural resources, and environmental concerns that may include potential impacts on the land, air, water, forests, fish and wildlife.

Engaging with First Nations provides an opportunity to build a relationship with the community. These relationships are important factors in any project proposal and are critical to the effective exchange of information. Good working relationships can complement or expedite Environmental Assessment reviews and Crown consultation requirements. In addition, First Nation communities may know of sites that are important from a cultural, historical or archaeological perspective that may require special protection. There are significant benefits when this information is received in the early stages of identifying the proposed project site.

For more information please go to:

- » Consulting with First Nations: <http://www2.gov.bc.ca/gov/topic.page?id=8CF98F756A984198AFD80AEA0E472F05>
- » Guide to Involving Proponents when Consulting First Nations in the Environmental Assessment Process: http://www.eao.gov.bc.ca/pdf/EAO_Proponent_Guide_Dec2013.pdf

Interest Holders

Within B.C. there are many interest holders on the land base and whenever a proposed major project for an activity is proposed the proponent must often consider significant environmental or social values.

LOCAL GOVERNMENTS

Local governments in B.C. focus on community life for their residents. Their jurisdiction includes overseeing local planning, delivery of services (water, sewer, and sanitation), transportation, public safety, local economic development and enhancing parks and recreation opportunities. Local governments are responsible for developing and implementing Official Community Plans (OCP) and zoning by-laws. Often, major projects represent divergent land use planning considerations and must undergo local government review processes to amend local plans. Proponents must make every effort to assess how their development plans mesh with local, municipal and regional plans, zoning bylaws and the area's OCP. Dialogue with the officials of these governing bodies should be initiated early in the project planning process in order to determine exact requirements for approval and to coordinate with current local government initiatives.

PUBLIC

Major project proponents will ultimately need to engage with the public during both provincial and local government review processes. Public participation in a project review process helps to ensure community values and public goals for community development are considered in project planning and decision-making. Throughout the project process, it is the proponent's responsibility to provide opportunities for public comment on the project often through "open houses" and online comment periods. It is fundamental to good development that members of the public have an opportunity to review and comment on plans before they are approved. In addition to providing a means of identifying and mitigating potential problems within the project, public consultation also offers the opportunity for developers to become familiar with the social and political fabric of the surrounding community.

FEDERAL GOVERNMENT

Depending on the scope and nature of the proposed project, federal authorizations may be required. These authorizations are typically authorized via Environment Canada. Environment Canada's role is to assess, monitor and protect the environment, and to provide weather and meteorological information to keep Canadians informed and safe. In addition to Environment Canada, authorizations might be required from the department of Fisheries and Oceans or Transport Canada.

For more information please go to:

- » Environment Canada Website: <http://www.ec.gc.ca/>
- » Fisheries and Oceans Website: <http://www.dfo-mpo.gc.ca/>
- » Transport Canada Website: <http://www.tc.gc.ca/>

CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY (CEAA)

The *Canadian Environmental Assessment Act, 2012* (CEAA 2012) and its regulations establish the legislative basis for the federal practice of environmental assessment in most regions of Canada. CEAA 2012 applies to projects described in the **Regulations Designating Physical Activities** (<http://www.gazette.gc.ca/rp-pr/p2/2012/2012-07-18/html/sor-dors147-eng.html>) and to projects designated by the Minister of the Environment.

The Canadian Environmental Assessment Agency (CEAA) is the responsible authority for reviewing a designated project that is described in the Regulations Designating Physical Activities. Upon acceptance of a project description, an analysis is undertaken by the Agency to decide if a federal environmental assessment is required. This step does not apply to designated projects regulated by the National Energy Board and the Canadian Nuclear Safety Commission for which an environmental assessment is mandatory.

Some projects may also require a provincial/territorial environmental assessment. To deal with these circumstances, CEAA 2012 includes provisions for cooperation and coordinated action between the two orders of government. In 2013, the BC Environmental Assessment Office and CEAA signed a **Memorandum of Understanding** (<http://www.eao.gov.bc.ca/substitution.html>) for implementing substitution of environmental assessments in British Columbia. See the *Environment Assessment* section of this document for more information on substituted and coordinated environmental assessments in British Columbia.

More information about CEAA and the federal environmental assessment process is available at:

» Canadian Environmental Assessment Agency: <http://www.ceaa.gc.ca>

Summary

The natural resource sector is comprised of six British Columbia Public Service ministries. Collectively these ministries have moved toward a coordinated approach to the review and adjudication of major natural resource sector projects. This approach helps support a company's early contact with the province, its knowledge of process, engagement with First Nations, stakeholders and the public, which leads to timely, environmentally sustainable and durable decisions.

This guidance document is intended to provide a high level overview of steps involved when considering the development of a major natural resource project within British Columbia. This major project overview, in outlining the overarching coordinated approach to project reviews provides some links to various tools and procedures that currently exist, and is for the purposes of information only.

Reference List

(The reference list below is not all inclusive.)

MINISTRY FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS:

- » Home of the Major Project Office with a corporate office in Victoria and regional offices across the province: http://www.for.gov.bc.ca/major_projects/about.htm
- » Front Counter BC for NRS businesses starting up or already operating: <http://www.frontcounterbc.gov.bc.ca>

MINISTRY OF ENVIRONMENT:

- » Ministry Divisions: <http://www.env.gov.bc.ca/main/divisions.html>
- » Environmental Assessment Office: <http://www.eao.gov.bc.ca/>

MINISTRY OF ENERGY AND MINES:

- » Home of the Chief Inspector of Mines and your first contract when considering a mineral tenure: <http://www.empr.gov.bc.ca/Mining/Pages/Contacts.aspx#exec>
- » Handbook for Mineral and Coal Exploration in B.C.:
<http://www.empr.gov.bc.ca/Mining/Exploration/Documents/MXHandbook2008-09.pdf>
- » Reclamations: www.empr.gov.bc.ca/Mining/Permitting-Reclamation/Pages/default.aspx

MINISTRY OF NATURAL GAS DEVELOPMENT AND RESPONSIBLE FOR HOUSING:

- » <http://www.empr.gov.bc.ca/OG/oilandgas/Pages/default.aspx>

CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY:

- » <http://www.ceaa.gc.ca>

THE BC OIL AND GAS COMMISSION:

- » <http://www.bcogc.ca/>

MINISTRY OF JOBS, TOURISM AND SKILLS TRAINING

- » Invest in B.C. through the Major Projects Office, that works with potential investors on proposed major resource projects. <http://www.britishcolumbia.ca/invest/index.aspx>

KEY LINKS TO CLEAN ENERGY DOCUMENTS AND POLICIES

(For the Ministry of Forests, Lands and Natural Resource Operations and the Ministry of Energy, Mines and Natural Gas.)

OPERATIONAL CROWN LAND USE POLICIES FOR CLEAN ENERGY PROJECTS:

- » http://www.for.gov.bc.ca/Land_Tenures/documents/policies/waterpower.pdf
- » http://www.for.gov.bc.ca/Land_Tenures/documents/policies/windpower.pdf
- » http://www.for.gov.bc.ca/Land_Tenures/documents/policies/ocean_energy.pdf

FRONTCOUNTER BC: <http://www.frontcounterbc.gov.bc.ca/>

- » Clean Energy Production Guidebook:
www.for.gov.bc.ca/Land_Tenures/documents/publications/clean_energy_guidebook.pdf
- » Clean Energy Project Development Plan Information Requirements:
http://www.for.gov.bc.ca/Land_Tenures/documents/publications/DPIR.pdf

MINISTRY FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS:

- » Land Tenures Branch: http://www.for.gov.bc.ca/land_tenures/index.html
- » Water Stewardship Branch: <http://www.env.gov.bc.ca/wsd/>
- » Water Power Q's and A's:
<http://www.for.gov.bc.ca/mof/cleanenergy/index.htm>
- » Clean Energy Q's and A's:
http://www.for.gov.bc.ca/land_tenures/documents/Q_and_As/clean_energy_producers_Q&A.html

MINISTRY OF ENERGY AND MINES:

- » Electricity and Alternative Energy Division:
<http://www.empr.gov.bc.ca/EAED/Pages/default.aspx>
- » Clean Energy Act: http://www.leg.bc.ca/39th2nd/3rd_read/gov17-3.htm
- » BC Energy Plan: <http://www.energyplan.gov.bc.ca>
- » Proponent Guide for Major Mine Projects:
http://www.for.gov.bc.ca/Major_Projects/files/mining/Proponent_Guide_Major_Mine_Projects.pdf



DISCLAIMER

THIS DOCUMENT PROVIDES INFORMATION AND ADVICE FOR THOSE INVOLVED IN THE COORDINATED REVIEW OF AUTHORIZATIONS FOR MAJOR PROJECTS. ALTHOUGH REFERENCES ARE MADE TO LEGAL REQUIREMENTS, THE CONTENT OF THIS GUIDE SHOULD NOT BE INTERPRETED AS LEGAL INSTRUCTIONS OR LEGAL ADVICE. USERS OF THIS GUIDE SHOULD REFER DIRECTLY TO OFFICIAL COPIES OF THE LEGISLATION TO DETERMINE LEGAL REQUIREMENTS AND SEEK QUALIFIED LEGAL COUNSEL WHEN CASE-SPECIFIC INTERPRETATIONS ARE NEEDED. AS WELL, BOTH LEGISLATION AND THE FRAMEWORK WITHIN WHICH THAT LEGISLATION FUNCTIONS ARE SUBJECT TO CHANGES WHICH ARE NOT REFLECTED BY THIS DOCUMENT.

WARRANTY

WHILE EVERY EFFORT HAS BEEN MADE TO ENSURE THE ACCURACY AND CURRENCY OF THE INFORMATION HEREIN, NO WARRANTIES OF ANY KIND ARE MADE AS TO THE PRECISION OR LONGEVITY OF THE CONTENTS. THIS INFORMATION IS PROVIDED AS A PUBLIC SERVICE BY THE GOVERNMENT OF BRITISH COLUMBIA. THIS DOCUMENT AND ALL OF THE INFORMATION IT CONTAINS ARE PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND, WHETHER EXPRESS OR IMPLIED. ALL IMPLIED WARRANTIES, INCLUDING, WITHOUT LIMITATION, IMPLIED WARRANTIES OF AVAILABILITY OR MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NON-INFRINGEMENT, ARE HEREBY EXPRESSLY DISCLAIMED.

LIMITATION OF LIABILITIES

UNDER NO CIRCUMSTANCES WILL THE GOVERNMENT OF BRITISH COLUMBIA BE LIABLE TO ANY PERSON OR BUSINESS ENTITY FOR ANY DIRECT, INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR OTHER DAMAGES BASED ON ANY USE OF THIS INFORMATION OR ANY OTHER DOCUMENT OR MATERIAL TO WHICH THIS DOCUMENT IS LINKED, INCLUDING, WITHOUT LIMITATION, ANY LOST PROFITS, BUSINESS INTERRUPTION, OR LOSS OF PROGRAMS OR INFORMATION, EVEN IF THE GOVERNMENT OF B.C. HAS BEEN SPECIFICALLY ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

COPYRIGHT © 2014, PROVINCE OF BRITISH COLUMBIA

THE FOLLOWING POLICY GOVERNS THE USE OF THIS DOCUMENT AND ALL SUPPORTING PRINT, AUDIO AND VISUAL FILES.

ALL RIGHTS RESERVED

THIS MATERIAL IS OWNED BY THE GOVERNMENT OF BRITISH COLUMBIA AND PROTECTED BY COPYRIGHT LAW. IT MAY NOT BE REPRODUCED OR REDISTRIBUTED WITHOUT THE PRIOR WRITTEN PERMISSION OF THE PROVINCE OF BRITISH COLUMBIA. PLEASE REFER TO THE INTELLECTUAL PROPERTY PROGRAM'S WEBSITE FOR COPYRIGHT PERMISSION REQUESTS: [HTTP://WWW.CIO.GOV.BC.CA/CIO/INTELLECTUALPROPERTY/COPYRIGHT.PAGE](http://www.cio.gov.bc.ca/cio/intellectualproperty/copyright.page)



PRODUCTION OF THIS DOCUMENT INCLUDED ENVIRONMENTALLY FRIENDLY BEST PRACTICES. PLEASE REDUCE, REUSE AND RECYCLE.



MAJOR PROJECTS OFFICE

**FOR MORE INFORMATION PLEASE VISIT US ONLINE:
WWW.FOR.GOV.BC.CA/MAJOR_PROJECTS**



Ministry of
Forests, Lands and
Natural Resource Operations