

ENVIRONMENTAL ASSESSMENT OFFICE

ENVIRONMENTAL ASSESSMENT CERTIFICATE
TEMPLATE

Version #	Date (yyyy-mm-dd)	Modifications
1	2016-12-01	N/A
2	2017-01-18	IEM condition and plan development conditions

In the matter of the
ENVIRONMENTAL ASSESSMENT ACT
S.B.C. 2002, c. 43
(the Act)

and

in the matter of an
Application
for an
Environmental Assessment Certificate
(Application)

by

[NAME OF PROPONENT]
(Proponent)

for the

[NAME OF PROJECT]

ENVIRONMENTAL ASSESSMENT Certificate # XXX-XX

Whereas:

- A. The Proponent proposes to construct [etc] the Project described in Schedule A to this Certificate (the "Project");
- B. On [date], a Project Lead of the Environmental Assessment Office issued an Order under Section 10(1)(c) of the Act stating that an Environmental Assessment Certificate was required for the Project and that the Proponent could not proceed with the Project in the absence of an assessment;
- C. The assessment of the Application was conducted from [date] to [date], and included consultations with Aboriginal groups and the public respecting the Application;
- D. Compliance with this Certificate, including its conditions, will be monitored by the staff of the Environmental Assessment Office, partner agencies and others who have been authorized to inspect under the Act;
- E. On [date], pursuant to Section 17 of the Act, the Executive Director referred the Application, the assessment report dated X and [his/her] recommendations to the undersigned dated X; and,

F. The undersigned have considered the Application, [the assessment report and the recommendations] [Note to EAO staff: update as necessary to identify any information that was considered by the Ministers] of the Executive Director.

Now Therefore,

We issue this Environmental Assessment Certificate to the Proponent for the Project as described in the Certified Project Description (Schedule A), subject to the conditions set out in the Table of Conditions (Schedule B).

Duration of Certificate

For the purpose of Section 18(1) of the Act, the deadline is [three-five] years from the date set out below.

There should be at least two lines from the Certificate included on this page above the signatures.

Honourable [Name of Minister]
Minister of Environment

Honourable [Name of Minister]
Minister of [Name of Responsible Ministry]

Issued this _____ day of _____, 20XX

SCHEDULE A

Certified Project Description

[NAME OF PROJECT]

(PROJECT)

INTERPRETATION

In this Certified Project Description, terms that are capitalized but not defined have the same meaning as those terms defined elsewhere in this Certificate, including in the Table of Conditions.

This Certified Project Description describes the Project authorized by this Certificate, but does not obligate the Holder to construct or operate any aspect of the Project unless otherwise stated.

DEFINITIONS

Holder	The Proponent or, if this Certificate has been transferred in accordance with the conditions below, the person to whom this Certificate has been transferred in accordance with such conditions.
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ADD OTHER DEFINITIONS AS APPROPRIATE

Acronyms

[Note: add other acroynms as relevant for the specific certificate.]

Certificate	Environmental Assessment Certificate
EAO	Environmental Assessment Office

SCHEDULE B

TABLE OF CONDITIONS

FOR

AN ENVIRONMENTAL ASSESSMENT CERTIFICATE

INTERPRETATION

In this Schedule, Column 3 (Project Phase), in the table below is for convenience of reference only, and does not form a part of the condition.

DEFINITIONS

[Note: include other definitions as needed to ensure clarity in the Certificate. At a minimum, define Aboriginal groups and the various phases of the Project referenced in the conditions (i.e.. Construction, Operations, Decommissioning, etc).]

Aboriginal Groups	[ADD NAMES OF ALL ABORIGINAL GROUPS LISTED IN SCHEDULE B OF THE SECTION 11 ORDER]
Aboriginal Interests	Asserted or determined Aboriginal rights, including title.
Application	Application from [PROPONENT], dated [X], to the Environmental Assessment Office applying for an Environmental Assessment Certificate, pursuant to Section 16 of the <i>Environmental Assessment Act</i> , accepted for review on [DATE].
Construction	The phase of the Project during which physical alteration of land, vegetation or any other aspect of the natural environment, occurs. For the purposes of this Schedule B, Construction: (i) does not include any activities conducted solely for investigative purposes under a valid permit or authorization, and (ii) includes upgrading, repairing, replacing, or removing, any existing work or infrastructure.
Decommissioning	[IF APPLICABLE, ADD DEFINITION The phase of the Project during which....]
Holder	The Proponent or, if this Certificate has been transferred in accordance with the conditions below, the person to whom this Certificate has been transferred in accordance with such conditions.
Operations	[ADD DEFINITION The phase of the Project during which....]

Qualified Professional

A person who has training, experience and expertise in a discipline relevant to the field of practice set out in the condition, and who is registered with the appropriate professional organization in British Columbia, is acting under that organization's code of ethics and is subject to disciplinary action by that organization.

Acronyms

[Note: add other acroynms as relevant for the specific certificate.]

Certificate
EAO

Environmental Assessment Certificate
Environmental Assessment Office

No.	Condition	Project Phase
1.	<p>Document Review and Implementation</p> <p>Where a condition of this Certificate requires the Holder to provide a plan, program or other document, the Holder must provide the plan, program or other document to the EAO in the timeframe referenced in such condition, unless otherwise approved by the EAO. The EAO may, within 45 days of receiving a copy of such plan, program or other document, advise that:</p> <ul style="list-style-type: none">a) the Holder may proceed to implement the plan, program or other document with or without revisions; orb) a revised plan, program, or other document must be provided for approval of the EAO prior to a specified activity or milestone. <p>If the EAO advises pursuant to paragraphs (a) or (b) that changes are required to a plan, program, or other document, then the Holder must follow the instructions of the EAO in that regard.</p> <p>If the EAO does not advise on a) or b) within 45 days of the EAO receiving a plan, program, or other document, the Holder may proceed to implement the plan, program or other document.</p> <p>The Holder may, or the EAO may require the Holder to, revise any plan, program or other document if the Holder or the EAO determines that the implementation of the plan, program or other document is not:</p> <ul style="list-style-type: none">c) meeting one or more objectives of the plan, program or other document set out in the relevant condition of this Certificate;d) having the effects contemplated or intended, as set out in the plan, program or other document itself;e) consistent with the Certificate;f) consistent with changes in industry best practices or technology.	

No.	Condition	Project Phase
2.	<p>Plan Development</p> <p>a) Where a condition of this Certificate requires the Holder to develop a plan, program or other document, any such plan, program or other document must, at a minimum, include the following information:</p> <ul style="list-style-type: none"> i) purpose and objectives of the plan, program or other document; ii) roles and responsibilities of the Holder, project personnel and contractors; iii) names and, if applicable, professional certifications and professional stamps/seals, of those responsible for the preparation of the plan, program, or other document; iv) schedule for implementing the plan, program or other document throughout the relevant Project phases; v) means by which the effectiveness of the mitigation measures will be evaluated including the schedule for evaluating effectiveness; vi) adaptive management plan to address effects of the Project if the monitoring conducted under section B of this condition shows that those effects: <ul style="list-style-type: none"> i. are not mitigated to the extent contemplated in the Application; or ii. are not predicted in the Application; vii) schedules and methods for the submission of reporting to specific agencies, Aboriginal Group(s) and the public and the required form and content of those reports; and, viii) process and timing for updating and revising the plan, program or other document, including any consultation with agencies and Aboriginal Groups that would occur in connection with such updates and revisions. <p>b) Where a plan, program or other document includes monitoring requirements, the plan, program or other document must include:</p> <ul style="list-style-type: none"> i) Description of baseline information that will be used to support monitoring of the effectiveness of mitigation; ii) Methodology, location, frequency, timing and duration of monitoring; and, iii) Scope, content and frequency of reporting of the monitoring results. 	
3.	<p>Consultation</p> <p>Where a condition of this Certificate requires the Holder to consult a particular party or parties regarding the content of a plan, program or other document, the Holder must, to the satisfaction of the EAO:</p> <ul style="list-style-type: none"> a) provide written notice to each such party that: <ul style="list-style-type: none"> i) includes a copy of the plan, program or other document; ii) invites the party to provide its views on the content of such plan, program or other document; and iii) indicates: <ul style="list-style-type: none"> i. if a timeframe providing such views to the Holder is 	

No.	Condition	Project Phase
	<p>specified in the relevant condition of this Certificate, that the party may provide such views to the Holder within such time frame; or</p> <p>ii. if a timeframe providing such views to the Holder is not specified in the relevant condition of this Certificate, specifies a reasonable period during which the party may submit such views to the Holder;</p> <p>b) undertake a full and impartial consideration of any views and other information provided by a party in accordance with the timelines specified in a notice given pursuant to paragraph (a);</p> <p>c) provide a written explanation to each such party that provided comments in accordance with a notice given pursuant to paragraph (a) as to:</p> <p>i) how the views and information provided by such party to the Holder have been considered and addressed in a revised version of the plan, program or other document; or</p> <p>ii) why such views and information have not been addressed in a revised version of the plan, program or other document;</p> <p>d) maintain a record of consultation with each such party regarding the plan, program or other document; and</p> <p>e) provide a copy of such consultation record to the EAO, the relevant party, or both, promptly upon the written request of the EAO or such party.</p>	
4.	<p>Compliance Verification and Reporting</p> <p>The Holder must provide any document, data or information requested by the EAO for the purposes of compliance inspection and verification.</p> <p>The Holder must submit a report to the attention of the EAO on the status of compliance with this Certificate at the following times: <i>[add in specifics of reporting requirements. Staff should refer to the Certificate policy for guidance (add hyperlink when policy approved)]</i>.</p> <p>The reports must be in a form satisfactory to the EAO. The EAO may adjust or extend this reporting requirement by providing written notice to the Holder.</p>	
5.	<p>Project Status Notification</p> <p>The Holder must notify the EAO, in writing, three months prior to commencing Construction, Operations, and Decommissioning [IF APPLICABLE].</p> <p>Should the primary contact for the Project change, the Holder must notify the EAO, in writing, within 30 days of such change and provide the physical address, email address and phone number(s) of the new primary contact.</p>	
6.	<p>Compliance Notification</p> <p>The Holder must notify the EAO:</p> <p>a) as soon as practical; and</p>	

No.	Condition	Project Phase
	<p>b) In any event, no more than 72 hours, after the Holder determines that the Holder has not, or may not have, fully complied with this Certificate.</p>	
7.	<p>Transfer of Certificate</p> <p>a) Except as provided below, neither this Certificate nor any interest in it may be transferred to any person. This Certificate will be effectively transferred if the proposed Holder acknowledges that, upon transfer, it will be responsible for complying with the conditions of the Certificate, and both the proposed Holder and the Holder</p> <ul style="list-style-type: none"> i) obtain consent for the transfer from the Executive Director, ii) apply under section 19 of the Act for such amendments to this Certificate, if any, as the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer, and iii) confirm by written notice to the Executive Director, within 14 days of the completion of all aspects of the transfer transaction other than this notice, that the transfer has been completed. <p>b) An interest in this Certificate may be transferred by way of a grant of security to lenders or financiers without consent.</p> <p>c) A transfer of this Certificate to a trustee in bankruptcy, by a receiver or a trustee in bankruptcy pursuant to a court approved sale, or as part of a court approved arrangement under the <i>Company Creditors Arrangement Act</i> may occur without consent.</p> <p>If this Certificate is transferred without consent, the new and former Holder must notify the Executive Director within 30 days of the transfer and apply within the time specified by the Executive Director for any amendments to this Certificate that the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer.</p>	
8.	<p>Transfer of Interest in Project</p> <p>a) Except in connection with the granting of security to Project lenders or financiers, prior to the Holder transferring a significant interest in the Project, the Holder and proposed transferee must:</p> <ul style="list-style-type: none"> i) obtain consent for the transfer from the Executive Director, ii) apply under Section 19 of the Act for such amendments to this Certificate, if any, as the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed 	

No.	Condition	Project Phase
	<p style="text-align: center;">transfer.</p> <p>b) A transfer to a trustee in bankruptcy, by a receiver or a trustee in bankruptcy pursuant to a court approved sale or as part of a court approved arrangement under the <i>Company Creditors Arrangement Act</i> may occur without consent.</p> <p>If a significant interest in the Project is transferred without consent, the Holder must notify the Executive Director within 30 days of the transfer and apply within the time specified by the Executive Director for any amendments to this Certificate that the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer.</p>	
9.	<p>Independent Environmental Monitor</p> <p>The Holder must retain the services of an Independent Environmental Monitor (IEM). The IEM must be a Qualified Professional, unless otherwise approved by EAO, with a minimum of five years experience in monitoring construction in British Columbia. The IEM will :</p> <ul style="list-style-type: none"> a) observe and record for, and report to the EAO on compliance with the Certificate; and, b) provide information to the EAO and Aboriginal Groups [ADD other agencies as appropriate], <p>as directed by the EAO. Subject to any exceptions set out in the terms of engagement for the IEM, when providing information or reports to the EAO, the IEM must not provide such information or reports to the Holder in advance of providing such information or reports to the EAO.</p> <p>The Holder must retain the IEM throughout Construction and the first year of Operations [amend phase and duration as appropriate]. The Holder must develop the terms of engagement for the IEM in consultation with Aboriginal groups and [ADD other agencies as appropriate].</p> <ul style="list-style-type: none"> c) X days [NOTE: this must not be less than 45 days unless the plan review/implementation condition is amended] prior to the planned commencement of Construction, the Holder must: <ul style="list-style-type: none"> i) Submit to the EAO for review the name, organization and qualifications of the proposed IEM and the IEM terms of engagement; and, ii) Provide notice to Aboriginal Groups of the name, organization and qualifications of the proposed IEM. <p>The Holder must not start Construction until the selection of the IEM and the terms of engagement have been approved by the EAO.</p> <p>The terms of engagement must include, at a minimum, the following:</p> <ul style="list-style-type: none"> d) the role, responsibilities and qualifications of the IEM; e) the roles, responsibilities and qualifications of any staff or other persons that will assist the IEM with performing the IEM's roles and responsibilities (each an "IEM Support"); f) the nature and frequency of monitoring; g) the process whereby the IEM or an IEM Support will make recommendations to the Holder to take mitigative or corrective 	

No.	Condition	Project Phase
	<p>actions to address any non-compliance or potential non-compliance with this Certificate;</p> <p>h) the process by which the recommendations in section g) above will be communicated to the EAO and the Holder;</p> <p>i) the situations in which the IEM will have the authority to stop work on part of all of the project if the IEM determines that:</p> <ul style="list-style-type: none"> i) The Holder has not, or may have not, complied fully with the requirements of this Certificate; and, ii) Stopping work is necessary to prevent or reduce Project-related adverse effects as determined by the IEM or any IEM support. <p>j) the details of a report to be submitted to the EAO upon completion of [ADD project phase the IEM is retained for]. The report must be written by the IEM and include, but is not necessarily limited to:</p> <ul style="list-style-type: none"> i) A record of all non-compliances with this Certificate; ii) A record of the recommendations made by the IEM to the Holder to prevent or address any non-compliance with this Certificate; iii) A record of whether any such recommendations from the IEM were implemented and the corresponding outcome of implementation; iv) A record of all stop work orders issued to prevent or address a non-compliance with this Certificate and any other Provincial or Federal legislation or authorization applicable to the Project; v) Assessment of the effectiveness of the mitigation measures for [ADD project phase the IEM is retained for]; and, vi) Recommendations on how to achieve and maintain compliance with the conditions of this Certificate for the next project phase. <p>k) a requirement that a detailed Construction work plan and Operations work plan [amend project phase as necessary to match above] be submitted to EAO for approval prior to the start of the relevant project phase. The work plans must describe the frequency of inspections and rationale, the manner in which IEM identified non-compliances will be communicated to EAO and the Holder, and the format and frequency of IEM reports.</p>	
10.	<p>Construction Environmental Management Plan</p> <p>[NOTE: determine if an OEMP is required in addition to a CEMP. If an OEMP is required, this condition can be duplicated to include CEMP and OEMP conditions.]</p> <p>The Certificate Holder must retain one or more Qualified Professionals to develop a Construction Environmental Management Plan. The plan must be developed in consultation with [ADD APPROPRIATE AGENCIES/ABORIGINAL GROUPS (Note: specify which individual Aboriginal Groups must be consulted)/OTHER PARTIES]</p> <p>The Construction Environmental Management Plan must include at least the following:</p> <ul style="list-style-type: none"> a) the means by which the mitigation measures in [ADD SPECIFIC REFERENCE TO A DOCUMENT OR SECTION OF THE 	

No.	Condition	Project Phase
	<p>APPLICATION] will be implemented;</p> <p>b) ADD ANY OTHER RELEVANT MITIGATION MEASURES OR DOCUMENTS SUMMARIZING MITIATION MEASURES AS DETERMINED THROUGH THE EA</p> <p>The Construction Environmental Management Plan must include, at a minimum, the means by which the following will be addressed:</p> <ul style="list-style-type: none"> c) human-wildlife conflict; d) invasive plants management; e) erosion and sediment control; f) site restoration; g) waste management; and, h) spill prevention and response for hydrocarbon storage and leaks or other accidental emissions from machinery or equipment. <p>[NOTE TO the EAO: In addition to the minimum components above, the following are potential other components required in some Certificates. Review the list below to determine the appropriate list of components for this Project. There also may be other components required based on the specifics of the project. As a starting point, consider the list the proponent proposes in the EA Application.</p> <ul style="list-style-type: none"> i) access management; j) traffic management; k) noise management ; l) emergency response; m) fire suppression; n) hazardous waste management plan; o) acid rock drainage and metal leachate management; p) air quality management ; q) blasting management; r) smoke management;] <p>The Holder must provide the Construction Environmental Management Plan to [ADD REVIEWING PARTIES INCLUDING AT A MINIMUM the EAO] for review a minimum of X days [NOTE: this must not be less than 45 days unless the plan review/implementation condition is amended] prior to the planned commencement of Construction.</p> <p>The plan, and any amendments thereto, must be implemented to the satisfaction of a Qualified Professional throughout construction and to the satisfaction of the EAO.</p>	
11.	<p>[The following condition should be used as the basis for any management or monitoring plan conditions, with amendments as needed for the specifics of the project.</p> <p>The Holder must <u>retain a Qualified Professional to</u> develop a plan for <u>TOPIC</u>. The plan must be developed in consultation with [ADD APPROPRIATE AGENCIES/ABORIGINAL GROUPS (Note: specify which</p>	

No.	Condition	Project Phase
	<p>individual Aboriginal Groups must be consulted)/OTHER PARTIES].</p> <p>The plan must include at least the following: [specify below the requirements for the plan. Consider objectives that the mitigation must achieve, as well as any specific key mitigation measures to be included.]</p> <ul style="list-style-type: none"> a) <u>[List required mitigation measures as a bulleted list];</u> b) the means by which the mitigation measures in [ADD SPECIFIC REFERENCE TO A DOCUMENT OR SECTION OF THE APPLICATION] will be implemented; c) ADD ANY OTHER RELEVANT MITIGATION MEASURES OR DOCUMENTS SUMMARIZING MITIATION MEASURES AS DETERMINED THROUGH THE EA <p>The Holder must provide this draft plan to [ADD AGENCIES/FNs/OTHER PARTIES INCLUDING AT A MINIMUM the EAO] for review a minimum of <u>X days</u> [NOTE: this must not be less than 45 days unless the plan review/implementation condition is amended] <u>prior to the planned commencement of Construction</u>. [NOTE: this sentence can be removed if no review of the plan is required, for example if the plan was submitted with EA Application and only requires minor edits post-certificate to ensure consistency with the Certificate and clarity/measurability]</p> <p><u>The Holder must not commence Construction until the plan has been approved by the EAO, unless otherwise authorized by the EAO. [NOTE this sentence should only be included when the Plan requires the EAO's approval. Refer to Certificate policy for additional guidance re: if approval is appropriate for a specific plan.]</u></p> <p>The plan, and any amendments thereto, must be implemented to the satisfaction of a Qualified Professional throughout construction, operations and closure <u>[amend as needed]</u> and to the satisfaction of the EAO.</p>	