

ENVIRONMENTAL ASSESSMENT OFFICE – NEW ENVIRONMENTAL ASSESSMENT CERTIFICATE POLICY

BACKGROUND

The Environmental Assessment Office (EAO) has released a new Environmental Assessment Certificate Policy (EAC policy). The EAC policy explains how the EAO determines what mitigation measures or constraints will be included in an environmental assessment certificate (certificate) or exemption order (order) issued under s. 10(1)(b) of the Environmental Assessment Act (EAA) and how mitigation measures or constraints will be incorporated into the certificate/order. The policy is intended for use by EAO staff, proponents, and certificate/order holders.

An abridged version of the policy has been created to allow proponents and certificate/order holders to quickly review the key aspects of the new policy. The complete EAC policy, including the new EAC template and the abridged version are available on the EAO's Guidance Documents webpage available at: <http://www.eao.gov.bc.ca/guidance.html> .

WHAT'S NEW?

The EAC policy:

- Describes the new format of certificates/orders and their component schedules and clarifies what information to include in Schedule A and Schedule B;
- Clarifies the decision making process for determining what mitigation measures will be included in a certificate/exemption order;
- Provides an overview of the interactions between EAO and permitting during the drafting of a certificate and guidance on addressing requirements included in a certificate and a subsequent permit;
- Explains how EAO determines whether a mitigation measure is best suited for an individual condition or a management plan condition;
- Provides guidance on writing legally enforceable conditions and standard requirements for project maps; and,
- Includes the new EAC template.

The EAC template:

- Moves conditions that were previously included in the main certificate body to the Table of Conditions in Schedule B so all conditions are in one place;



- Requires all projects with a certificate to have an Independent Environmental Monitor and a Construction Environmental Monitoring Plan; and,
- Includes the following standard template conditions for all certificates:
 - Consultation procedures;
 - A new procedure for developing management plans and other documents required in a certificate; and,
 - Compliance reporting, verification and notification procedures.

IMPLEMENTATION

The new structure for certificates and the provisions of the EAC template will apply to all projects currently in the application review stage and all certificates going forward. The requirements will also apply where a proponent has requested an exemption order under s. 10(1)(b) of the *EAA*.

AMENDMENTS

The provisions of the EAC policy and the EAC template will apply to certificate amendments. The nature and scope of the amendment will determine the applicable provisions of the policy and template. For example, if a certificate holder wishes to amend a certificate for a non-material change that is administrative in scope, it may be possible that none, or only some, of the EAC template conditions will apply. In contrast, if a certificate holder applies for an amendment that is material in scope and varies the boundaries or operational aspects of the project, it is possible that most of the EAC template conditions will apply to the project and form part of the amended certificate, should the application for an amendment be granted.

POLICY REVISIONS

Any future revisions to the EAC policy will be communicated to affected parties and posted on EAO's website.

Questions and comments about the revised template can be submitted to EAOINFO@gov.bc.ca.

