Appendix II: What We Heard Tracking Table

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

TABLE 1 – Stakeholder and Public Feedback

- **What we Heard so Far - IP Appendix II: Comments that were heard during the review of the Reviewable Projects Regulation (RPR) and that appear in Appendix II of the Intentions Paper (IP)**
- **What We Heard During the PCP: Comments received during the Public Comment Period in response to the IP.**

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Industrial Projects		
General		
What we Heard so Far - IP Appendix II: SIC codes are outdated. It is recommended they be replaced by North American Industry Classification System (NAICS) codes. NAICS is more current and provides more flexibility in handling emerging industries.	Replace SIC codes with NAICS.	n/a
Forest Products Industries		
What we Heard so Far - IP Appendix II: RPR thresholds should to be able to accommodate for the seasonality of forest industry businesses, and still reflect their effects when they are operating.	The Environmental Assessment Office (EAO) acknowledges this comment; however, the issue of seasonality of the forest products industry is probably too complex and context specific to be addressed through an RPR threshold.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Current criteria for forest product industries can provide disincentive for upgrading technology and undertaking projects that are beneficial to the environment (i.e. upgrading technology to increase production capacity while lowering energy consumption and emissions). Consider thresholds that provide incentive for projects that are considered beneficial.	This comment has been noted; however, it is likely context is specific and difficult to implement through RPR thresholds. A proponent proposing a beneficial technology upgrade could apply for an exemption, or if many similar beneficial projects were being proposed, a class EA could be established. Class assessment is a standardized environmental assessment process by which a clearly defined class or group of projects is evaluated against a prescribed set of criteria. Class assessments have the potential to reduce the burden on EAO's existing resources while meeting EAO's mandate to conduct quality EAs in a timely fashion.	n/a
What we Heard so Far - IP Appendix II: Consider establishing an air quality threshold for forest product industries. Threshold based on PM2.5 is suggested, as most forest industries are in or near population centres, and this particle size has a high impact on human health.	Quality of air emissions are hard to determine at the project design phase of project. Potential air emissions and air quality issues are assessed during the EMA authorization processes and are closely monitored by ENV.	n/a
What we Heard so Far - IP Appendix II: New industries within the forest products sector have become more common since the RPR was first drafted. Many co-generation projects do not meet the 50 MW threshold for electrical power plants. Consider creating new project categories for: co-generation facilities; pellet plants; and cross-laminated timber plants.	Any pulp mill that is converted into a co-generation facility, and does not meet the threshold of 50 MW, may be brought into the EA process by one or more of the proposed effects thresholds, or require notification if it meets one or more of the notification thresholds. The RPR will be evaluated regularly moving forward, providing opportunity for the EAO to more carefully consider the need for the suggested new project categories and, if considered necessary, carry out the research and analysis required to develop appropriate thresholds.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Other Industries		
What we Heard so Far - IP Appendix II: Consider establishing separate project categories, definitions and thresholds for medical and recreational cannabis production facilities, to accommodate the legalization of these products since the last review of the RPR.	All aspects of medical and recreational cannabis production are now highly regulated. Licensed cannabis producers go through a rigorous accreditation process as mandated by the federal *Cannabis Act* and regulations, to be able to operate. This process is administered by Health Canada which continues to regulate the industry throughout its operation. Licensing requirements dictate that local and provincial approvals must be achieved to obtain and maintain a valid Health Canada production license. Effluent and emissions are regulated under the Agricultural Environmental Code of Practice under *Environmental Management Act* (EMA), by the Environmental Protection Division (EPD) of the Ministry of Environment and Climate Change (ENV). There is determined to be no value to be added by making cannabis production subject to an environmental assessment (EA), and the status quo is recommended.	n/a
Mines		
Definitions		
What we Heard so Far - IP Appendix II: There is currently no definition for production capacity for mine projects, which can result in confusion in interpretation. Consider whether production capacity should be determined by including the quantity of waste rock generated, or by the quantity of product produced alone.	Define production capacity to be the quantity of product, or output of value, expected from a given mining operation, and not to include the waste material generated while mining. (B.C. Court of Appeal Decision - *Fort Nelson First Nation (FNFN) v. BC (EAO)* - December 2016).	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Consider whether production capacity should be based on the project's potential for production, determined by the infrastructure that is already in place, or by what the proponent is currently permitted to produce.	There are many mine projects that do not operate throughout the entire year. If production capacity were based on a project's potential production capacity rather its current permitted limit, there is the potential to bring operations with much lower annual production rates into the EA process. The proposed effects thresholds, and provisions to limit the incentive for project splitting and the skirting of thresholds, will discourage and, in some cases, prevent smaller operations from sequentially expanding to become major projects without undergoing an EA.	n/a
What we Heard so Far - IP Appendix II: Current definition for clean coal is ambiguous and open to interpretation.	Define "clean coal" as coal that has undergone a washing process to remove waste before being transported from the mine site for marketing or testing.	n/a
What We Heard During the PCP: support for clarifying that production capacity for mines does not include waste materials.	n/a	n/a
What We Heard During the PCP: Suggestion that waste materials represent one of the biggest issues and risks with mining and that the definition of production capacity should include waste.	**Response to what was heard during the PCP:** The clarification that production capacity for mines does not include waste material was made to bring the RPR in line with case law. The effects associated with waste materials from mines are, to a large extent, linked to area of disturbance threshold. The larger the volume of waste materials, the larger the area of disturbance. Notification requirements will apply to mines when they are within 15% of the new project threshold, or when the area of disturbance exceeds 450 ha.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Coal Mines and Mineral Mines		
What we Heard so Far - IP Appendix II: The modification thresholds for reviewing mines is not capturing major projects with significant increases in production capacity, because in most cases they do not also meet the increase in permitted area of disturbance threshold. A number of these mines have never had an Environmental Assessment Certificate (EA Certificate) (i.e. initiated pre-*Environmental Assessment Act* or built below threshold). Consider revising modification threshold to address this issue.	Revise thresholds for modification of mine projects to retain the requirement to meet or exceed the thresholds for a new project, and the "50% increase of area not previously permitted for disturbance" portion of the threshold. The proposed effects threshold for "area of land disturbance" would effectively replace the reviewability threshold of 750 ha.	n/a
What we Heard so Far - IP Appendix II: Consider applying both a production capacity threshold and an area of disturbance threshold to coal mine and mineral mine projects, to ensure the impacts of both underground mining and open pit mining are reflected in the thresholds.	The proposed effects thresholds would apply to all projects, including both surface or underground mine projects. This includes the area of disturbance and linear disturbance thresholds.	n/a
What we Heard so Far - IP Appendix II: Consider establishing a specific threshold for the modification of an underground mining project.	An expansion to an underground mine project, without an EA Certificate, that meets the proposed modification thresholds for mines, is reviewable. Because underground mine operations require less surface area than open pit mines, it is less likely that a modification would become reviewable based on how much land is cleared or disturbed. However, an expansion to an underground mine might still trigger a review based on land disturbance if its proposed surface operations (waste rock piles, tailing facilities, other infrastructure) are large enough, or if its proposed production capacity meets the production capacity threshold for new projects. The Ministry of Energy and Mines and Petroleum Resources (EMPR), as primary regulatory agency for mining, thoroughly reviews proposals for safety and structural integrity. While it is believed that the proposed modification thresholds will require appropriate underground mine modification projects to undergo review, the proposed thresholds will be reviewed on a regular basis for their effectiveness.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Consider establishing specific thresholds for bulk sampling. There are examples of bulk sampling projects that result in significant development before the project is at the stage to be considered a candidate for the EA process.	Bulk sampling is authorized and monitored by EMPR. Section 17(3) of Mineral Tenure Act Regulation provides that a bulk sample of up to 10,000 tonnes of ore may be extracted from a mineral claim, not more than once every five years, and the *Coal Act* allows for bulk sampling of 100,000 tonnes for coal. Since the maximum amount authorized by EMPR, by permit, is below the annual production set out in the RPR project specific thresholds for reviewing a mine, the EAO does not consider there to be a need for specific bulk sampling thresholds.	n/a
What We Heard During the PCP: Suggestion that the thresholds for coal mines and mineral mines should be restored to pre-2002 values (100,000 tonnes/year for coal mines and 25,0000 tonnes/year for mineral metal mines).	**Response to what was heard during the PCP:** Under the current RPR project design thresholds, in place since 2002, almost all major coal and mineral mine projects in B.C. are required to undergo an EA. In addition to the design thresholds, effects thresholds are introduced in the updated RPR, and may capture certain projects that would not require a review under the design thresholds alone. The new notification thresholds will bring subthreshold mining projects to the attention of the EAO to consider for referral for designation.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Placer Mineral Mines		
What we Heard so Far - IP Appendix II: Consider using an alternative to the pay dirt production capacity threshold for placer mine projects. Quantity of pay dirt can be difficult to determine.	Alternatives were considered, but not enough data is available to support a recommendation to make a change to the pay dirt production capacity measure for this threshold at this time. The EAO will continue to work with EMPR colleagues as they evaluate their own regulatory framework for placer mining. EMPR has engaged Indigenous Nations through several Placer Mining Forums. These included discussing the possibility of introducing tiered information requirements and multi-party reviews for the larger and more complex placer mining applications. As those discussions continue, and as the EAO assesses whether the proposed threshold is a more effective proxy for bringing in those placer mines with the potential for significant adverse effects, the EAO will make further adjustments to the placer mine threshold as appropriate.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Consider whether placer mines thresholds are an accurate proxy for potential for significant adverse effects – no placer mines have ever triggered at the current threshold.	The EAO recognizes that the current threshold may not be an accurate proxy for the potential for significant adverse effects. We are proposing to lower the threshold for placer mines from 500,000 tonnes pay dirt/year to 250,000 tonnes pay dirt/year. Because placer mining is similar in nature to sand and gravel projects - both types of projects consist of similar activities and potential for adverse effects - the proposed threshold is based on the current RPR threshold for sand and gravel projects. One of the thresholds for sand and gravel pits is ≥ 1,000,000 tonnes/year of production capacity over four years. We are proposing to convert this to a single year threshold for placer mines of 250,000 tonnes/year, effectively reducing the current reviewability threshold for placer mines by half. The EAO will continue to work with EMPR colleagues as they evaluate their own regulatory framework for placer mining. EMPR has engaged Indigenous Nations through several Placer Mining Forums. These included discussing the possibility of introducing tiered information requirements and multi-party reviews for the larger and more complex placer mining applications. As those discussions continue, and as the EAO assesses whether the proposed threshold is a more effective proxy for bringing in those placer mines with the potential for significant adverse effects, the EAO will make further adjustments to the placer mine threshold as appropriate.	n/a
What We Heard During the PCP: Suggestion that the proposed revision to placer mining threshold (250,000 tonnes/yr) is unlikely to trigger a review of any operation.	**Response to what was heard during the PCP:** All placer mining operations are subject to permitting requirements and regulatory oversight, by both the Ministry of Energy Mines and Petroleum Resources (EMPR) and the Ministry of Environment and Climate Change Strategy (ENV). The intent of the RPR threshold is to target only major placer mining operations for review. As noted, the EAO continues to work closely with partner agencies as they evaluate their permitting processes for placer mines. The RPR will be reviewed on a regular basis. If it is determined that the revised threshold, combined with the new effects and notification thresholds, are not capturing the appropriate placer mining projects, new thresholds for placer mines will be considered.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Because EMPR and ENV have limited data on volumes of pay-dirt extracted, and areas of disturbance, for placer operations, it is suggested that the RPR thresholds for placer mines be linked to effects that are monitored and recorded by those permitting agencies.	**Response to what was heard during the PCP:** This suggestion is noted. If it is determined during future RPR reviews that the revised threshold is not capturing appropriate placer mining projects for review, the EAO will consider developing a threshold or thresholds for placer mines that are based on values other than the volume of pay-dirt extracted or the area of land disturbed.	n/a
Sand and Gravel Pits		
What we Heard so Far - IP Appendix II: A review of the sand and gravel thresholds should be considered to determine if they are triggering the right projects located in populated areas, based upon concerns related to noise, dust, traffic, visual impacts and a decrease in property values.	Recommend status quo. There is a standard condition for *Mines Act* permits issued by EMPR for sand and gravel operations, that requires that dust and noise be controlled at the source. Any issues with fugitive dust or excessive noise would therefore be a compliance issue. There is an EMPR guidance document being developed to assist proponents in developing a dust management plan. Permissible noise levels relate to the health and safety of workers on site, and are specified in the Health, Safety and Reclamation Code for Mines, Table 2-2 (as referenced in Section 2.1.1). Section 2.6.1 also addresses noise from machinery or equipment. Noise disturbance from operations is often dealt with through hours of operation and blasting notifications.	n/a

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

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Electricity Projects		
Power Plants		
What we Heard so Far - IP Appendix II: There is a wide diversity of electrical power project types is not addressed by a single project category, its definitions or criteria. Consider establishing different thresholds for different types of power plants, to link to the various effects of each power plant type. Use of production capacity (MW) alone does not reflect project effects and is a disincentive to using more efficient technology. Consider establishing alternative thresholds that are more closely linked to project effects. There is concern that some Independent Power Projects (IPPs) under the 50 MW threshold have the potential for significant adverse effects. Consider how to address the issue of subthreshold IPP projects that are designed to avoid the review process.	Recommend establishing the following thresholds for specified electrical power project types: **Wind Power - 15 turbines.** Rationale: Use of turbines for wind projects is better reflection of environmental effects and does not provide a disincentive to using efficient technology. Average turbine in B.C. produces 3-4 MW; 15 turbines is roughly equivalent to current threshold of 50 MW at 3MW. **Tidal - all tidal projects (excluding in-stream tidal) to be subject to EA requirement** Rationale: new technology and its effects are not necessarily known. **In-stream Tidal - 15 MW** Rationale: to allow for prototypes and experiments, given that this is an emerging technology. **Hydroelectric Projects (including Independent Power Projects (IPPs)) – 50 MW** Rationale: This threshold has generally been effective for requiring appropriate hydro electric projects to undergo EAs. The concern that smaller power plants are being deliberately designed subthreshold to avoid an EA will be mitigated by the introduction of proposed effects thresholds. These will likely capture projects with substantial land disturbance (linear or polygonal).	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: The MW threshold does not clearly link to the effects of hydro power projects. Consider developing a threshold that is linked to the proportion of water volume diverted out of the system might be the best way to link a threshold to the project's impact on a watershed and river systems. A number could potentially be obtained by analysing water diversions for projects authorized under the WSA across the board. A "proportion of water diverted" threshold would also address the issue of the modification threshold being much lower than the threshold for new projects, and the concern that smaller hydro projects are being designed to skirt the 50 MW threshold.	There currently has not been the required research and analysis carried out to determine an appropriate proportion of water diverted threshold for power plants. Until such a proposal can be fully researched and developed, the proposed effects thresholds, used along with the current 50 MW threshold for hydro plants, should mitigate some concern that smaller power plants are being designed subthreshold to avoid an EA. The RPR will be reviewed and updated at regular intervals, allowing for this proposal to be fully considered in the future.	n/a
What we Heard so Far - IP Appendix II: Wind turbines exist that can produce significantly more power than 3 MW, but these generally have much larger rotor diameters. With this newer technology there could be a hypothetical subthreshold project that disturbs less land but poses more risk to birds and other airborne wildlife, than a project with fifteen 3 MW turbines. If the main concern with these projects is land disturbed, then consider having a threshold based on number of turbines. If the main concern is risk to wildlife, then the rotor areas of turbines should be reflected in threshold. That said, there is very low likelihood any wind project large enough to require an EA being proposed in the next five years, regardless of threshold, and any proposed changes for this project category should have little impact on the industry.	Currently, there are no turbines in operation in B.C. that produce more than 3 MW. The RPR will be reviewed and updated at regular intervals, allowing for full consideration of a whether a threshold linked to rotor size for certain power projects is appropriate.	n/a
What we Heard so Far - IP Appendix II: Nameplate capacity is a measurement designed for the purposes of a manufacturer's guarantee and does not necessarily reflect the actual generating capacity of a power plant which is often quite higher. Consider removing the term "nameplate" from the threshold description.	Recommend status quo. Nameplate capacity is a reasonable proxy for determining a threshold for reviewability. Experience with the use of the current nameplate capacity threshold has shown its effectiveness in identifying projects that have the potential for significant adverse effects.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Consider reducing the threshold for tidal projects. If every tidal project is reviewable, this will reduce incentive for developing this industry.	Requiring all tidal projects to undergo an would EA aligns with the new federal threshold for reviewing these projects. This precautionary approach is proposed because the technology to harness tidal power is new, with yet unknown effects. After this technology has been in use enough time to allow the EAO and its partner agencies to evaluate the significance of its effects, it is recommended that the threshold be reviewed for its appropriateness.	n/a
What we Heard so Far - IP Appendix II: Solar farms have a greater footprint on the land than windfarms. A solar project producing 50 MW disturbs considerably more land than a wind project with 15 turbines. Consider making the proposed threshold for wind farms greater than 15 turbines to reflect their proportionately smaller effect on the land base.	Recommend that the proposed thresholds continue to be 15 turbines for wind farms and 50 MW for solar projects. The relatively lower proposed threshold for wind farms is to reflect their potentially more significant effect on airborne wildlife, as well as their potential for land disturbance.	n/a
What we Heard so Far - IP Appendix II: Current criteria for modifications to power plants (increase to power production) does not reflect actual project effects. Once infrastructure is in place the impact of increasing production is proportionally smaller than building a new project. Modifications to these projects include upgrades due to maintenance, as well upgrades specifically to increase power production.	Modification thresholds, for all project categories, apply only to projects that do not have an EA Certificate. A goal of modification thresholds is to bring appropriate major projects, that have never undergone a review, into the review process. Recommend maintaining the current increase by 50 MW for modifications to power plants. This also aligns with the federal threshold. The EAO recommends exempting modifications to power plants from the EA requirement, if the work is being done solely for maintenance purposes. Upgrades to power plants to increase their power production are not considered maintenance, and therefore would continue be subject to RPR modification thresholds.	n/a
What We Heard During the PCP: Support for the introduction of new thresholds specific to wind and tidal power projects, to better reflect the effects of these projects.	n/a	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggestion that there be an exemption from the EA requirement for projects such as the replacing generators or turbines, regardless of MW output, for replacement projects that do not result in an increased plant footprint.	**Response to what was heard during the PCP:** The MW threshold is generally linked to the effects of power generation, with an increase in power production reflecting an increase in those effects. This is regardless of whether there a change in size of the plant footprint. For example, an increase to a hydro plant's power production is usually associated with an increase in the quantity of water diverted from a river system. Similarly, with thermal power plants, increased power production is often linked to increased emissions and other waste generation. For this reason, modifications that increase power production and meet the modification thresholds continue to be subject to a review, regardless of whether the plant's footprint is unchanged.	n/a
Transmission Lines		
What we Heard so Far - IP Appendix II: The most significant impact of new transmission lines, or expansions to existing transmission lines, is the area of land cleared for building or expanding the corridor or right of way for these projects. Consider developing an "area of disturbance" threshold that aligns with linear projects across sectors.	More time is required understand the full extent of potential adverse effects for transmission line projects, and to conduct the necessary research and analyses to develop an appropriate "area of disturbance" threshold for this project category. This concept merits consideration and will be considered for a future update to the RPR.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Current criteria and definitions for new transmission line projects do not reflect actual project effects. Currently, any transmission line transmitting less than 500 KV is not subject to an EA. There may be adverse effects from transmission line projects transmitting less voltage than this, depending on where they are located.	The most significant impact of new transmission lines, or expansions to existing transmission lines, is the area cleared for building or expanding a right of way (ROW) for these projects. Typically, the width of a ROW for an electricity transmission line is based upon the power being transmitted. For example, a 500 KV transmission line has, on average, a 64 m wide ROW, and a 230 KV project, a 40m ROW; therefore a 500-kV transmission line is associated with 50% more ROW disturbance than a 230 kV. The EAO is considering an additional threshold for electric transmission lines, subject to feedback from this engagement: $\geq$ 230 KV and $\geq$ 60 KM in length Under this proposal, no standalone transmission line transmitting $\leq$ 230 KV would be subject to the EA requirement. However, projects in other RPR categories could become reviewable if they meet or exceed the proposed effects threshold for linear disturbance.	There was support in the feedback during the PCP for lowering the kilovoltage threshold to below 500 KV. In response, the EAO is establishing new electric transmission line projects thresholds to align with federal thresholds: - New project: $\geq$ 345 Kv that is 40 km in length on new right of way - Modification to project: Any modification that results in an electric transmission line project that is $\geq$ 345 Kv that is 40 km in length on new right of way - Define new right of way to mean "means land that is to be developed for an electrical transmission line that is not alongside and contiguous to an area of land that was developed for an electrical transmission line, transmission pipeline, railway or public highway". - Establish a notification requirement threshold for new electric transmission lines $\geq$ 230 Kv and $\geq$ 40 km
What we Heard so Far - IP Appendix II: Modification thresholds for transmission line projects are disproportionately smaller than the threshold for new transmission line projects. Once infrastructure is in place, modifications to upgrade a facility have proportionately much smaller effects. Consider establishing thresholds that more accurately reflect the smaller effects of modification.	Modification thresholds, for all project categories, apply only to projects that do not have an EA Certificate. A goal of modification thresholds is to bring appropriate major projects, that have never undergone a review, into the review process.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Question of how proposed threshold revisions for electric transmission lines will interact with proposed effects threshold for linear disturbance.	The effects threshold will not apply to this project category. If a project from an RPR project category, other than transmission line projects, has as part of its infrastructure a transmission line that meets or exceeds the proposed effects threshold for linear land disturbance (i.e. a mine project with a new transmission line), it would be subject to an EA due to the effects threshold.	n/a
What We Heard During the PCP: There was mixed support for the proposal to lower the kilovoltage threshold to 230 Kilovolts. Many wanted to see the threshold revised to ≥ 230 Kv, making more electric transmission lines required to undergo an EA, and others argued that there was not a clear rationale for having any threshold based on kilovoltage, for determining whether electric transmission line projects are reviewable. We heard concern that, by making more electric transmission line projects reviewable, barriers to achieving the Province's goal of electrification may be created. There was also the ssuggestion that it would increase regulatory efficiency and decrease regulatory complexity to have consistent thresholds and triggers between BC and federal regimes.	**Response to What We Heard During the PCP:** Further action taken since the public comment period is documented in next column.	As noted above, the thresholds for electric transmission line projects are revised to 345 Kv or higher, and 40 km or more in length. The limited rationale for using kilovoltage as a threshold is noted. The RPR will be reviewed on a regular basis. If determined to be appropriate, a threshold, or thresholds, linked to other project effects will be developed for electric transmission line projects.

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Petroleum and Natural Gas Projects		
Energy Storage Facilities		
What we Heard so Far - IP Appendix II: Consider defining energy storage as volume or mass rather than petajoules. The advantage of petajoules is its universal application; it can be used for projects that store or process a combination of fuels. An all-inclusive list is key if moving to volume calculations. Methanol processing plants, LNG facilities, and energy processing facilities generally, are all currently captured under the RPR criteria for energy storage facilities, and/or other the criteria of other project categories, as applicable (i.e. shoreline modification projects, Marine Port Facilities (other than Ferry Terminals)). This can create confusion as to how RPR thresholds apply to energy processing projects. Consider establishing a separate project category for energy processing facilities, with specific thresholds or definitions, and other criteria, or provide clarity that energy processing projects are included in the definitions and thresholds for energy storage facilities.	Volumetric values are used understood by industry and would reflect the significant effects from energy storage facilities. However, developing volumetric thresholds for the storage and/or production of petroleum products is complex. A straightforward conversion from 3 petajoules to volumetric thresholds requires identifying the range of hydrocarbon projects that are to be listed in the RPR and using a separate conversion factor to identify its storage volume for each product. In specifying individual products and their respective volumetric conversions, there is risk of inadvertently excluding a product, therefore making its storage not subject to review or, conversely, making the storage of something that was not intended to be reviewable, reviewable. It is therefore recommended that the 3 PJ threshold be retained. Because LNG facilities are the projects are most frequently reviewable in this category, we propose to establish a specific volumetric threshold for this product type, as follows: - New Liquified Natural Gas facility: capability to store ≥ 136,000 m3 of liquefied natural gas (conversion from existing 3 PJ storage capacity threshold) - Any other new energy storage facility: capability to store an energy resource in a quantity that can yield by combustion ≥ 3 PJ of energy It is recommended that it be specified that the total energy of all relevant product types stored on a project site is to be considered, when determining whether the 3PJ threshold is met. Methanol production facilities are now clearly reviewable under the criteria set out in the industrial projects categories (Organic and Inorganic Chemical Industry (Table 1)), due to the clarity provided by the update from SIC to NAICS codes.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Oil Refineries		
What we Heard so Far - IP Appendix II: Along with other energy processing facilities, discussed above, oil refineries are currently captured under the RPR criteria for energy storage facilities. Consider establishing a separate project category for oil refineries.	To be consistent with Canada and other jurisdictions, the EAO recommends establishing a specific project category for oil refineries, with the proposed thresholds: - New project threshold: project, including a heavy oil upgrader, with an input capacity ≥10 000 m3/day - Modification threshold: Expansion of an existing project, including a heavy oil upgrader, that would result in an increase in input capacity of ≥ 50% and a total input capacity of ≥ 10 000 m3/day	n/a
Natural Gas Processing Facilities		
What we Heard so Far - IP Appendix II: Consider adjusting the thresholds for small sweet natural gas processing facilities to recognize that small projects do not typically have the potential for significant adverse effects. They are regulated by the Oil and Gas Commission (OGC) and when they have entered the EA process, have typically been exempted.	Propose removing the processing rate threshold for natural gas processing plants. This would make only those projects producing high levels of sulphur subject to an EA, or exceeding the GHG effects threshold, leaving other projects to be reviewed by the OGC.	n/a
What we Heard so Far - IP Appendix II: Consider specifically identifying sour gas processing facilities under the definitions and thresholds for natural gas processing plants Consider revising the SO2 threshold to capture appropriate sour gas processing facilities	Sour gas processing facilities are currently effectively considered reviewable through the sulphur emissions threshold set out in the natural gas processing plants category, and no further thresholds and definitions are required for these projects. We have reviewed the sulphur emissions thresholds and compared them to reported emissions from facilities operating in B.C. and are confident that the current threshold of 2 tonnes/year is appropriate.	n/a
What we Heard so Far - IP Appendix II: Wording of current threshold "…sulphur emissions to the atmosphere of $\geq$ 2000 tonnes/day…" can be open to interpretation. It is not clear whether threshold is based only on elemental sulphur, or on the total mass of sulphur compounds in the emissions. Clarity is needed as to what is included in the term "sulphur".	Define sulphur to provide clarity and be consistent with the language of OGC authorizations. Recommend that "sulfur" means "the total mass of sulphur, including elemental sulphur and all sulphur in compounds, expressed as elemental sulphur".	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggestion that removing the production capacity threshold for natural gas processing facilities and having the project design thresholds for these projects limited to the sulphur emissions threshold alone, will not target all the appropriate projects for review.	**Response to what was heard during the PCP:** To date, any natural gas processing facility that did not met the sulphur emissions threshold (sweet gas facilities) but required an EA based on the production capacity threshold alone, has been exempted from the EA process based on findings that the project does not have significant adverse effects. By basing the project design threshold only on sulphur emissions, the intention is to target those facilities producing significant amounts of H2S, or sour gas. Under the updated RPR, natural gas processing plants will also be subject to the new effects thresholds - including the greenhouse gas emissions threshold - and notification thresholds.	n/a
Transmission Pipelines		
What we Heard so Far - IP Appendix II: Suggestion that pipe diameter may not reflect significant effects of pipelines that result from area disturbed for developing/expanding right of ways.	Current RPR sets out "length of pipe" thresholds that vary according to the pipeline diameters, with the pipeline diameter being used as a proxy for width of right of way disturbance.	Revise threshold to align with other linear projects (electric transmission lines, pipeline transmission lines, public highways). Clarify that length is measured on new right of way. Define new right of way to mean "means land that is to be developed for a railway that is not alongside and contiguous to an area of land that was developed for an electrical transmission line, transmission pipeline, railway or public highway."
What We Heard During the PCP: Suggestion that it would increase regulatory efficiency and decrease regulatory complexity to have consistent thresholds and triggers for between BC and federal regimes for pipeline projects.	**Response to what was heard during the PCP:** When developing updates to RPR thresholds, the EAO considered, among other factors, federal thresholds. Where deemed appropriate, the updated thresholds were aligned with the those of the federal regime. B.C. continues to have thresholds and other criteria for determining reviewability of pipeline projects that are different from federal thresholds.	Both Canada and B.C. have new EA legislative regimes; the two jurisdictions are currently in discussions to develop agreements and memoranda of understanding around conducting EAs on projects that are subject to more than one EA, with a goal to increasing regulatory efficiency and decreasing complexity for participants of both processes.

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Recommendation that federally regulated pipelines be expressly excluded from the RPR.	**Response to what was heard during the PCP:** Federally regulated pipelines are not expressly excluded from the RPR. If a pipeline meets or exceeds RPR thresholds, it requires an EA.	Both Canada and B.C. have new EA legislative regimes; the two jurisdictions are currently in discussions to develop agreements and memoranda of understanding around conducting EAs on projects that are subject to more than one EA, with a goal to increasing regulatory efficiency and decreasing complexity for participants of both processes.
General		
What we Heard so Far - IP Appendix II: It is suggested that, for all Petroleum and Natural Gas project types, the term "facility" needs clarification. It should be clear as to what a facility includes: buildings, onsite transportation units (i.e. marine vessels, train cars), underground caverns, etc. For Petroleum and Natural Gas projects, suggest aligning definition of facilities to the *Oil and Gas Activities Act* definition (the construction or operation of a manufacturing plant designed to convert natural gas into other organic compounds, the construction or operation of a petroleum refinery)	The EAO has reviewed use of the term "facility" throughout the RPR and, where appropriate, used another term, or provided clarification of the term.	n/a
What we Heard so Far - IP Appendix II: Consider developing thresholds to capture upstream oil and gas activities	Recommend upstream oil and gas activities continue to be regulated by other legislative and policy frameworks and not form part of the RPR. The EA process is not designed to assess diffuse activities across the landscape such as upstream oil and gas.	n/a
What we Heard so Far - IP Appendix II: Consider establishing thresholds, definitions and other criteria for carbon capture projects.	New thresholds and other criteria not recommended at this time. It is expected that projects sequestering carbon would already trigger an EA under current project categories and thresholds, such as natural gas processing plants.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Water Management Projects		
General		
What We Heard During the PCP: Suggestion that approvals under section 10 of the *Water Sustainability Act* should not be exempted from the EA requirement. [Section 10 provision authorizes temporary diversion of ground or surface water for a maximum period of 24 months]	**Response to What We Heard During the PCP:** Approvals under s. 10 of the *Water Sustainability Act* authorize diversions that are temporary in nature. They are subject to review and regulation under the *Water Sustainability Act* and its regulations and, because of the short-term nature of these diversions, are better addressed by the *Water Sustainability Act* legislative framework alone.	n/a
Dams		
What we Heard so Far - IP Appendix II: Current threshold is based on height of dam. Height is difficult to determine when dam is built on a slope. The most significant effects of dams are related to the amount of water contained or diverted behind dam. Consider a threshold, alternative to height, for reviewing dams.	Continue with current threshold and current height of 15 m as it is derived from the International Commission on large dams. Diversion of water to be addressed through effects factors.	n/a
Dikes		
What we Heard so Far - IP Appendix II: Current spelling of "dyke" inconsistent with that of other legislation.	Revise spelling and definition to be consistent with the *Dike Maintenance Act* and other provincial legislation.	n/a
What we Heard so Far - IP Appendix II: Dikes need to be upgraded or replaced to protect existing properties. Suggestion that these kinds of upgrades be exempted from requiring an EA to provide to local governments incentives to carry out these projects; suggest extending the exemption to projects that improve dike efficiency and move existing dikes out of sensitive riparian zones.	Propose to exempt projects that upgrade or replace existing dikes that protect existing communities if there is no new land disturbance. Projects that involve removing dikes outside critical habitat or sensitive areas will continue to be subject to the EA requirement, but could potentially be considered as an exemption or class assessment.	n/a
Water Diversion Projects		

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Consider revising threshold for annual volume of water diverted downward to align better with groundwater extraction threshold. Include a maximum rate per year threshold and an instantaneous flow rate threshold. Be consistent with groundwater extraction projects (2.365 million cubic metres per annum, and 75 L/s)	In further discussions, 2.365 million cubic metres per annum deemed to be too low, capturing those projects without significant effects and already subject to review under authorization processes. It is proposed that the annual maximum 10 million m3/year threshold be continued.	n/a
What we Heard so Far - IP Appendix II: An instantaneous rate threshold should be considered, since flow rate is a pathway to effects caused by these project types. A very high flow rate during a short period of time could have significant effects, depending on the watershed and characteristics of the watercourse in question, especially during dry periods.	Exploring this idea further shows that the effects of flow rate are so specific to the specific the location in question, it is not possible to set a single instantaneous diversion rate that is an effective proxy for significant adverse effects across B.C. This concept merits reconsideration in a future update to the RPR.	n/a
What we Heard so Far - IP Appendix II: Suggestion that the water diversion threshold should align with the groundwater extraction threshold, in that it should be based on what works are "capable of diverting".	Revise water diversion rate threshold to base it on what the project is designed to divert, as opposed to what it is permitted to divert. This will align the threshold for water diversion projects with the that for groundwater extraction projects and allow the EA to consider the potential effects of a project at full output.	n/a
What we Heard so Far - IP Appendix II: Suggested that there be clarification that water diversion projects are specifically those projects that divert surface water (to differentiate from a groundwater diversion), and that groundwater diversion projects are not subject to the thresholds and other criteria set out for this project category.	Updated wording of groundwater extraction project threshold is "…project that consists in the extraction of groundwater from one or more aquifers…". This explicit reference to aquifers in the groundwater extraction project category should eliminate any ambiguity as to which category groundwater diversion projects fall into.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Modification: An ≥ 35% increase in water diversion rate does not directly link to project impacts. Suggestion that threshold should reflect the remaining flow in the stream, not just be relative to existing project diversion. Suggestions for alternative modification thresholds: • Any extraction that is near a fully recorded stream. • Any increased extraction during times when drought or low flow are anticipated in the region. • Any increased extraction that then brings the diversion over the trigger for a new project.	Inflow stream flow requirements and mean annual, or seasonal flow, fluctuate, and are difficult to determine at the project planning phase. They are therefore not being considered as reviewability thresholds for either new projects or modifications. These are factors that are assessed during the licence application process under the WSA and, if a project does enter the EA process, they may be assessed as part of the EA.	n/a
What we Heard so Far - IP Appendix II: Current thresholds do not consider the structure/footprint of the infrastructure being used to divert water. These projects often have large footprints and are based on the anticipated growth of a municipality, rather than the quantity of water currently required or authorized by permit. Overbuilding municipal water facilities is encouraged by provincial and local governments to accommodate future population growth. Consider revising thresholds to capture the facility footprints, if this is not captured elsewhere in the RPR.	The proposed RPR threshold for water diversion projects is based on the rate that a project is designed to divert. Therefore, determining a proposal's reviewability based on its potential to divert, rather than what it is being diverted currently or in the near future, will continue. The rationale for this is that most projections for municipal growth are reliable, and that an EA for a major diversion project is an appropriate part of the planning process, even if it does not currently operate at its full design potential.	n/a
Groundwater Extraction Projects		
What we Heard so Far - IP Appendix II: Many pumps do not operate at full design capacity. Suggest that wording of the threshold be revised to remove the reference to design capacity.	Continue to base threshold on what the project is designed to extract, as this allows the EA to consider the potential effects at full output.	n/a
What we Heard so Far - IP Appendix II: Groundwater extraction project thresholds are difficult to interpret and redrafting for clarity should be considered. The meaning of a "single project" is open to interpretation.	Clarify that a single project can have multiple wells or aquifers as sources. The objective is to more clearly require a review of a facility that consists of one or more works for the extraction of groundwater, and sources the water from one or more aquifers or wells, to be used for the same project.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Modification: ≥ 35% increase in groundwater extraction rate does not directly link to project impacts, and an alternative modification threshold should be considered. To reflect groundwater and surface water as one resource, consider a threshold based on stream depletion times for aquifers that are connected to streams. Categories for different types of aquifers should be considered. Other suggestions for groundwater extraction project thresholds include: •Any extraction that is near a fully recorded stream. •Any increased extraction during times when drought or low flow are anticipated in the region.	Inflow stream flow requirements and mean annual or seasonal flow vary therefore are not being considered as reviewability thresholds; however, these may be assessed as part of an EA, and are assessed during the licence application process under the WSA.	n/a

What we Heard so Far - IP Appendix II: Oil and gas industry proponents are among few that have technology to access deep groundwater (which has a specific definition in the *Water Sustainability Act* (WSA)). It has been heard that removing the EA requirement for the extraction of deep groundwater for oil and gas purposes will encourage its use and will divert pressure from increasingly scarce surface water and accessible groundwater sources. Under the WSA, deep groundwater may be used for oil and gas purposes without the requirement to obtain a WSA authorization (i.e., a water license), subject to conditions. Suggested that the extraction of groundwater for oil and gas purposes be exempted from the EA requirement under similar conditions. The Oil and Gas Commission (OGC) provides regulatory oversight for oil and gas activities in the Province, including the extraction of deep ground water for oil and gas purposes. Concerns have been noted that the OGC process is not identical to the EA process, and that removing the EA requirement for the extraction of deep groundwater may decrease transparent regulatory oversight of this activity which, in the long term, could lead to the depletion of non-renewable deep groundwater sources. This perspective cites concerns related to the limited knowledge of deep groundwater resources, unknown futures uses or values of the of the resource, the inherent uncertainties in hydraulic connectivity between deep groundwater and shallow groundwater and surface water systems. From this perspective, the exemption from the licensing requirement in the WSA does not justify removing the EA requirement. While there is the need to minimize use of accessible water by the oil and gas industry, it is suggested that more effective, strategic incentives could be developed, rather than removing the EA requirement from deep groundwater extraction. This perspective suggests that an alternative, appropriate RPR trigger for deep groundwater extraction projects could be developed, and that projects may be considered for exemptions on a case-by-case basis.	The EAO notes that deep groundwater extraction projects are currently limited in their size and scope. Their physical footprint on the landbase is typically smaller than that of a natural gas wellsite. A deep groundwater extraction project is specific in scope and supports natural gas drilling and production in general. In this sense, deep groundwater extraction projects are not presently representative of major projects that have the potential for complex, interrelated and significant adverse effects. The one deep groundwater extraction project that has entered the EA process was exempted from requiring an EA Certificate, based on the finding that it would not have significant adverse effects. It is proposed that deep groundwater extraction for the oil and gas industry not be subject to the EA requirement, subject to conditions that are consistent with those set out in Part 5 of the Water Sustainability regulation under the WSA, for exempting deep groundwater extraction from requiring an authorization under the WSA. This proposed approach supports the objective of limiting the EA requirement to major projects. It would also supports a key principle of the RPR review, not to duplicate reviews between provincial agencies, and it would provide incentive for industry to use deep groundwater.	n/a
What We Heard During the PCP: Suggestion that the *Water Sustainability Act* legislative framework and the Oil and Gas Commission's permitting processes, alone, are not enough to	As stated above, the intent of EA is to review major, complex projects with the potential for significant adverse effects. The decision to exclude deep groundwater extraction from the EA process is based on the following: these projects are ancillary to,	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
regulate projects that extract deep groundwater for oil and gas purposes from the EA requirement, and that they should continue to be subject to the EA requirement.	and support, larger oil and gas projects; the one deep groundwater extraction project that has entered the EA process was exempted based on the finding that there were no significant adverse effects, and; it is considered in the public interest to have the oil and gas industry use deep groundwater, to relieve pressure on more easily accessible water sources. The RPR will be reviewed on a regular basis and all current revisions, including this, will be reviewed to evaluate their effectiveness.	
Shoreline Modification Projects		
What we Heard so Far - IP Appendix II: Definition of estuary should be considered. The word is currently open to interpretation.	The RPR does not define all terms. The interpretation of estuary should be to consider its ordinary meaning.	n/a
What we Heard so Far - IP Appendix II: Definition of periodic maintenance dredging should be considered. Uncertainty as to when this activity is exempted from requiring a review.	Objective is to define dredge work undertaken on a periodic basis to keep an existing waterway in a condition that allows it to be used in the way it was intended and described in the original approvals and authorizations issued for the project prior to its construction. Maintenance dredging should not apply to the first dredge event, but only to subsequent events.	n/a
What we Heard so Far - IP Appendix II: Large volumes of gravel can be extracted during shoreline modification projects without triggering either the threshold for a disturbance to shoreline, or the disturbance to the foreshore or area of submerged land threshold. Consider establishing a volume of gravel extracted threshold for this project category.	Commercial dredging for sand, gravel or rock is a mining is an activity regulated under the *Mines Act* regardless of whether an EA review is required. Under the current RPR, activities related to the extraction of sand and gravel that meet the production thresholds indicated in Table 6 of Part 3 (Mine Projects) are reviewable.	n/a
What we Heard so Far - IP Appendix II: To support Ministry of Forests, Lands, Natural Resources and Rural Development (FLNRORD) habitat banking / offset programs, consider creating an exemption from the EA requirement for shoreline modifications that are done for habitat restoration.	The status quo is recommended. Many habitat restoration projects are considerable in size. There is a benefit to having the EAO involved in large scale projects, even if their purpose is for habitat restoration.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Waste Disposal Projects		
Hazardous Waste Management Projects		
What we Heard so Far - IP Appendix II: It is not clear whether the current definition of thermal treatment - "the treatment of hazardous waste in a device which uses elevated temperatures" – in the Hazardous Waste Regulation applies to the onsite thermal treatment of drilling mud. Industry is reluctant to use onsite thermal treatment for drilling mud because it is not currently clear whether these facilities are reviewable under RPR thresholds. The process is considered beneficial, since the waste is treated on-site in a closed loop system (no effluent or emissions), liquids are recovered and re-used, solid waste is inert and may be re-used on-site or transported to a secure landfill. It is suggested that a clear exemption from requiring an EA for the onsite thermal treatment of drilling mud, subject to conditions. Suggestion that this exemption only be available if treatment occurs no more than 12 months from creation of drilling mud.	It is proposed that the on-site treatment of drilling mud with mobile thermal treatment, located at a drilling pad or at a secure landfill site, be exempted from the EA requirement. The proposed conditions associated with this exemption will clarify that it applies to the closed loop thermal treatment units used to treat drilling mud, removing current ambiguity about how RPR criteria applies to these facilities. It is not recommended that this exemption be only available if treatment takes place within 12 months of drilling mud creation. The treatment is considered beneficial and should not be tied to a time for use.	n/a
What we Heard so Far - IP Appendix II: Clarification is needed as to whether the deep well injection of treated fracking fluid (produced water) requires an EA under the current RPR thresholds. Consider establishing a clear exemption for this activity.	Propose establishing a clear exemption for the disposal of produced water by the oil and gas industry by deep well injection. The OGC provides regulatory oversight for this activity and the EA process does not add value on the regulatory continuum, given the nature of the potential adverse effects.	n/a
What we Heard so Far - IP Appendix II: Definition of "waste discharge" and the modification threshold of "an increase of at least 30 % of waste discharge" are not clearly applicable to secure landfills, since there is no waste discharge capacity threshold for new projects. Consider establishing a new threshold for the modification of a secure landfill.	The RPR modification criteria apply only to projects that that do not already have an EA Certificate. There is no existing secure landfill in B.C. that does not have an EA Certificate. Any significant changes to the design or operation of a secure landfill will be addressed as an amendment to its EAC.	n/a
What we Heard so Far - IP Appendix II: Update wording to reflect the introduction of the Hazardous Waste Regulation.	Remove, add and revise terms to align with those used in the Hazardous Waste Regulation.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Thresholds for this project category are difficult to read and confusing.	Definitions added to improve clarity.	n/a
What We Heard During the PCP: Suggestion that projects that dispose of produced water in deep wells should not be excluded from the EA requirement.	**Response to What We Heard During the PCP:** The intent of the EA process is to review major, complex projects with the potential for significant adverse effects. Produced water is water that has been used for unconventional drilling (fracking) and subsequently treated. With disposal in deep wells, the water is often being returned to the same well from which it was originally extracted. Before disposal, the produced water is treated to remove any chemicals that were added during the fracking process, and its chemical makeup is similar to the deep groundwater to which it is being returned. The RPR will be reviewed on a regular basis, and all current revisions to the regulation will be reviewed for their effectiveness.	n/a
What We Heard During the PCP: Suggestion that the class assessment approach for reviewing the mobile treatment of drilling mud would be more appropriate than excluding this activity from the EA requirement altogether.	**Response to What We Heard During the PCP:** The treatment of drilling mud using mobile facilities is a beneficial practice. Drilling mud often accumulates at drilling sites and can have negative environmental effects. Without treatment, proper disposal requires transporting the mud to a secure landfill facility. On-site treatment with a mobile facility produces an inert product that can either be disposed of safely at the site or used for other purposes. Excluding this practice from requiring an EA will encourage the treatment of drilling mud with mobile facilities. The practice is, and will continue to be, subject to review and regulatory oversight by the Ministry of Environment and Climate Change Strategy (ENV).	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Local Government Solid Waste Management Facilities		
What we Heard so Far - IP Appendix II: Current RPR criteria does not capture landfills, incinerators, or any other types of solid waste treatment facility that is not part of a local government's Solid Waste Management Plan (SWMP) or treats or disposes of waste that is not included in SWMP. Consider expanding thresholds, definitions and other criteria to ensure that all non-hazardous solid waste is addressed in this project category, and that proponents other than local government are included.	Develop thresholds, definitions and other criteria that captures all appropriate major solid waste treatment facilities, regardless of who the proponent is and whether facilities are a component of a SWMP or not. Change name of project category to remove "Local Government". Expand the definition of solid waste that is being treated or disposed of by projects in this category to include waste that is non-hazardous and non-municipal.	n/a
What we Heard so Far - IP Appendix II: Consider specifically identifying projects that treat or dispose of contaminated soil as being subject to thresholds in this this category.	Contaminated soil is not a term that is defined in EMA or any of its regulations. If soil meets the definition of hazardous waste as defined by the Hazardous Waste Regulation, a project that treats, stores or disposes of it will be subject to the criteria set out in the RPR's Hazardous Waste Management Project category. If soil does not meet the definition of a hazardous waste, it will fall into the category of non-hazardous solid waste and be subject to the proposed criteria of the solid waste management project category. It is not recommended that contaminated soil be specifically identified in the RPR.	n/a
What we Heard so Far - IP Appendix II: As landfill space becomes scarcer, waste to energy projects are being given more consideration by proponents. Consider ensuring that these types of projects are addressed in the RPR.	Waste to energy facilities are currently captured under the thresholds for solid waste management projects. Any project that destroys waste using high temperatures, with or without energy recovery, and is in the Greater Vancouver Regional District or the Fraser Valley Regional District, requires an EA. For waste to energy facilities located in other regions of the province, an EA is required if the project meets the threshold for waste management projects using high temperatures ($\geq$225 tonnes/day). These provisions will be continued in the updated RPR.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Support for expanding thresholds, definitions and other criteria to ensure that all non-hazardous solid waste is addressed in the solid waste management project category, and that proponents other than local government are included.	n/a	n/a
Local Government Liquid Waste Management Facilities		
What we Heard so Far - IP Appendix II: Current criteria do not require a project that is a component a Municipal Liquid Waste Management Plan (LWMP) to undergo an EA. Rationale is that the LWMP process meets many of the objectives of the EA process.	Continue exempting facilities that are a component of a LWMP from an EA requirement. The LWMP process sufficiently addresses most values assessed during EA, and it is duplicative to require projects to be subject to an both an EA and a review under a LWMP process. Given the this, and the limited number of LWMPs for new facilities anticipated in the foreseeable future, it is proposed that current thresholds be maintained.	n/a
Food Processing Projects		
What we Heard so Far - IP Appendix II: "Meat and Meat Products" and "Poultry Products" industries are both regulated by the Ministry of Environment and Climate Change Strategy (ENV) under the Code of Practice for the Slaughter and Poultry Processing Industries, under the *Environmental Management Act* (EMA). These types of projects are highly regulated, not only under EMA for waste discharges, but also under provincial and federal health and safety regulations. Fish processing plants are authorized by permit under EMA and are also well regulated. There are very few fish processing plants in B.C., and likely no new ones will be built in foreseeable future. Consider removing the requirement that these projects be subject to an EA.	Since the last major review of the RPR in 2002, the Waste Discharge Regulation under EMA was established, which prescribes industries and activities that must be authorized by either permit, regulation or code of practice under EMA. Waste discharges from meat and poultry production facilities are authorized under the Code of Practice for the Slaughter and Poultry Processing Industries (2007). Discharges from fish processing plants require permits under EMA. All three types of food processing projects listed in the RPR (meat, poultry and fish) are also required to adhere to a wide range of provincial and federal health, safety and other standards. Since the *Environmental Assessment Act* came into force in 1995, no food processing project has entered the EA process. Because all aspects of these projects are regulated by multiple provincial and federal agencies, the fact that there exists a new specific regulatory framework for discharges from these project types since the last major review of the RPR, and that no project to date has ever come into the EA process, it is proposed that the Food Processing Project categories be removed from the RPR.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Transportation Projects		
Public Highways		
What we Heard so Far - IP Appendix II: Concern was raised with respect to project splitting for public highway projects. Construction and expansion of major highway projects can happen incrementally and not trigger an EA. Consider establishing alternative thresholds for highway projects.	The proposed notification thresholds may help address the issue of project splitting with respect to highways. It proposed that the new notification thresholds be tested in this regard, and based on practical experience in implementing them, reconsider in a future RPR review whether the project specific thresholds for highways should be adjusted.	Revise threshold to align with other linear projects (electric transmission lines, pipeline transmission lines, railways). Clarify that length is measured on new right of way. Define new right of way to mean "means land that is to be developed for a public highway that is not alongside and contiguous to an area of land that was developed for an electrical transmission line, transmission pipeline, railway or public highway."
Railways		
n/a	n/a	Revise threshold to align with other linear projects (electric transmission lines, pipeline transmission lines, public highways). Clarify that length is measured on new right of way. Define new right of way to mean "means land that is to be developed for a railway that is not alongside and contiguous to an area of land that was developed for an electrical transmission line, transmission pipeline, railway or public highway."
Airports		
What we Heard so Far - IP Appendix II: Current threshold, "length of runway", alone, does not fully reflect the most significant effects of an airport: noise, air emissions, contributions to greenhouse gas emissions (GHGs). Consider alternative thresholds for airports.	It is recommended that the current project specific threshold be continued; effects thresholds may trigger the review of projects not captured by project specific thresholds. Noise and air emissions are assessed as part of the EA.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Other – Bridges and Tunnels, Cable Lines		
What we Heard so Far - IP Appendix II: Major projects involving the construction or modification of bridges and tunnels, will currently trigger an EA only if they are part of a reviewable public highway project, or if they meet the thresholds for a shoreline modification project. Consider developing specific project categories, with associated thresholds and definitions, for bridges and tunnels.	Recommend status quo; these will likely continue to be captured by shoreline modification thresholds. After further research and data collection, specific thresholds for bridges and tunnels could proposed in a future update to the RPR. In the interim, the Minister of Environment and Climate Change Strategy also has the authority to designate such a project as reviewable despite not being set out as reviewable in the RPR.	n/a
What we Heard so Far - IP Appendix II: Consider developing a specific project category for telecommunications and other cable line projects. They are not captured as transmission line projects because they do not transmit electricity.	Recommend status quo; these will either continue to be captured by shoreline modification thresholds or, if associated with a subthreshold project in an RPR project category, may trigger a review based on the proposed effects criteria.	n/a
Tourist Destination Resort Projects		
Resort Developments – not Golf, Marina or Ski		
What we Heard so Far - IP Appendix II: Suggest removing reference to commercial bed units. It is confusing and does not add to assessment of a project's reviewability; there are the same effects regardless if the bed units are commercial or non-commercial.	Remove the threshold for commercial bed units.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Consider adjusting thresholds to reflect substantial duplication with regulatory process administered by Mountain Resorts Branch, ensure that EA delivery is appropriately targeted on regulatory continuum.	The Mountain Resort Branch (MRB) has a robust regulatory regime for assessing impacts for, and overseeing the development of, resort projects on Crown land. Each resort on Crown land must undergo the Masterplan Review Process under the ASRP, one of FLNRORD's Crown land policies. The Masterplan Review Process evaluates many the same effects as the EA process and is, in many ways, duplicative of the EA. The EAO is considering the following threshold for modifications (expansions) to resort developments that are within the ASRP, subject to feedback from this engagement: For an expansion (modification) to an existing resort under the ASRP, revise the threshold to: • An increase of 2000 new bed units or more; and • The total number of bed units increases by at least 50% from what is already approved in the resort's Master Plan.	n/a
Golf Resorts		
What we Heard so Far - IP Appendix II: Suggest removing reference to commercial bed units. It is confusing and does not add to assessment of a project's reviewability; there are the same effects regardless if the bed units are commercial or non-commercial.	Remove reference to commercial bed units.	n/a
Marina Resorts		
What we Heard so Far - IP Appendix II: Linear metres of moorage are difficult to measure and difficult to interpret. Suggest clarifying whether measurement is supposed to be of the inside or the outside of berths.	Provide clarity that the linear metres of moorage is meant to be a measurement of the outside perimeter of the berths, and not a measurement of the inside of each individual berth.	n/a
What we Heard so Far - IP Appendix II: Suggest removing reference to commercial bed units. It is confusing and does not add to assessment of a project's reviewability; there are the same effects regardless if the bed units are commercial or non-commercial.	Remove reference to commercial bed units.	n/a
Ski Resorts		

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Suggest removing reference to commercial bed units. It is confusing and does not add to assessment of a project's reviewability; there are the same effects regardless if the bed units are commercial or non-commercial.	Delete reference to commercial bed units.	n/a
What we Heard so Far - IP Appendix II: Consider adjusting thresholds to reflect substantial duplication with regulatory process administered by Mountain Resorts Branch, ensure that EA delivery is appropriately targeted on regulatory continuum.	The Mountain Resort Branch (MRB) has a robust regulatory regime for assessing impacts for, and overseeing the development of, resort projects on Crown land. Each resort on Crown land must undergo the Masterplan Review Process under the ASRP, one of FLNRORD's Crown land policies. The Masterplan Review Process evaluates many the same effects as the EA process and is, in many ways, duplicative of the EA process. The EAO is considering the following threshold for modifications (expansions) to ski resorts that are within the ASRP, subject to feedback from this engagement: For an expansion (modification) to an existing Ski Resort under the ASRP, revise threshold to: • An increase of 2000 new bed units or more; and, • The total number of bed units increases by at least 50% from what is already approved in the resort's Master Plan.	Clearance administered under the *Resort Timber Administration Act* will not be counted towards the 600 ha effects threshold.

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggestions that: • Thresholds for resorts should be lower if the resort is near or in an existing community. • The "Bed unit" threshold should be better defined. The term can be confusing for local governments • The "and" clause in the proposed modification threshold for resorts governed by the All Season Resort Policy (ASRP) should be reconsidered. It would allow a large resort like Whistler to add 10 000 + beds without undergoing an EA.	**Response to What We Heard During the PCP:** • During consultations we heard that, to be economically viable, a new ski resort development must have at least 8000 bed units. It is expected that by continuing the 2000 bed unit threshold for new ski resorts, all major resort projects in the province will require an EA, regardless of their location. • During engagement we heard that the bed unit is a familiar term, understood by both industry and local governments. We also heard that it is difficult to distinguish between types of bed units: residential and commercial. In response, all references to "commercial bed unit" have been removed, and the revised thresholds refers only to "bed units". • Ski resorts governed by the ASRP undergo rigorous reviews by the Ministry of Forest, Lands, Natural Resources Operations and Rural Development's (FLNRORD's) Mountain Resort Branch, and each one has an approved Master Plan setting out its long-term conceptual plans for development. The intent of the updated RPR modification threshold for ASRP ski resorts is to target only those expansions that deviate significantly from their established Master Plans.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: • Suggestion that the effects thresholds, especially the GHG emissions threshold, are ineffective when applied to mountain resorts. Resorts develop over many decades. The need to quantify GHG emissions at outset of a new resort or resort expansion is not realistic, especially if the emissions are to be calculated over the entire lifespan of the resort. • A request for clarification as to whether the linear and area of disturbance thresholds apply to ski runs, and bike and other recreational trails.	**Response to What We Heard During the PCP:**	Linear disturbance is clarified to pertain to the following the following sources of disturbance only: - Electric Transmission Lines - Transmission Pipelines - Public Highways - Railways - Public highways In response to what we heard during the PCP, wording was added to the RPR to clarify that the "area of disturbance" threshold does not apply to clearances that are authorized by the minister, or delegate, under the *Resort Timber Administration Act.* Determination of greenhouse gas emissions is determined in accordance with part 3 of the Greenhouse Gas Emissions Reporting Regulation. There is guidance to support this determination on the Climate Action Secretariat's website: *https://www2.gov.bc.ca/gov/content/environment/climate-change/industry/reporting*

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Effects Thresholds		
General		
What we Heard so Far - IP Appendix II: Other effects thresholds that been suggested include: • Impacts to water quality and quantity • Water diversion from protected, recorded or sensitive stream of aquifer.	The EAO is not recommending including these requests as effects thresholds for the following reasons. Major projects have the potential to impact water quality; however, this often requires studies and information not known at the project description stage. Major projects have the potential to impact the availability of water in a stream; however, water diversion is already considered in our RPR project categories dealing with water management projects. The EAO acknowledges that there is greater potential for environmental impacts if a project is located over or next to a water body deemed to be protected, recorded or sensitive; however, the protected, recorded or sensitive status of water bodies is not always permanent, leading to uncertainty when trying to determine whether a proposal is reviewable. Rather, any impacts to these streams and aquifers can be managed through typical mitigations developed during EAs or, if an EA is not required, through the authorization review processes that the project will be required to undergo.	n/a
What We Heard During the PCP: Suggestion that effects thresholds increase industry and investor uncertainty, which is contrary to an objective of EA Revitalization which is provide clarity and certainty.	**Response to What We Heard During the PCP:** The effects thresholds have been developed to be, as much as possible, clear and relatively easy to determine at the design stage of the project.	n/a
What We Heard During the PCP: Suggestion that the introduction of effects thresholds is inconsistent to approach recently taken by federal government with Canada's new Act and regulations. This is in opposition to the goal of striving for alignment between the federal and B.C. processes.	**Response to What We Heard During the PCP:** While B.C. has strived, as much as is appropriate, to align its EA process with the federal regime, there remain differences. The effects thresholds have been designed to link RPR thresholds directly to effects that are common to projects and activities across industrial sectors, and to support government objectives such as the reduction greenhouse gases.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggestion that effects thresholds should either be removed entirely, or linked directly to specific project types and included in their definitions; otherwise, these thresholds act as screening criteria.	**Response to What We Heard During the PCP:** Effects criteria apply only to those projects that: 1) fall into a prescribed RPR project category, and 2) fail to meet the design thresholds for their specific project category. In other words, in the updated RPR model, effects thresholds are supplemental, not screening, criteria.	n/a
What We Heard During the PCP: Suggestion that the effects thresholds are a good idea in principle, but in order to make a difference in practice they must be significantly strengthened.	**Response to What We Heard During the PCP** This is noted. Threshold values were developed to target appropriate projects for review and, as much as is appropriate, reflect a balance of the multiple interests affected by the EA process. In response to concern we heard during the PCP about the strength of the new thresholds, the EAO is introducing several notifications thresholds documented in the next column. These are intended to target projects that do not meet effects threshold values. The RPR will be reviewed on a regular basis, and the effectiveness of both the threshold types and their values will be evaluated.	In response to concerns expressed during the PCP about the strength of the effects thresholds, the following notification thresholds have been added to the RPR: <u>Linear Clearance:</u> New projects: ≥ 40km linear clearance (does not apply to linear project categories) <u>Area of Clearance:</u> New projects: ≥ 450 ha area of clearance (does not apply to linear project categories) <u>GHG emissions:</u> New projects: ≥ 125,000 tonnes/yr Modifications: ≥ 125,000 tonnes/yr (applies only for the first time an expansion of a given project exceeds this threshold)
What We Heard During the PCP: Suggestion that there is a lack of thresholds that reflect an Indigenous nation perspective.	**Response to What We Heard During the PCP:** The new Act and its supporting regulations enable several mechanisms for allowing Indigenous nations input into the determination of which projects are required to undergo a review. Please see "Pathways to address Indigenous concerns about project reviewability" slide in the What We Heard paper for more details.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggestion that the *Water Sustainability Act* legislative framework alone is not enough to protect water resources. There is a need for RPR thresholds directly linked to effects on aquatic resources, including water quality and quantity.	**Response to What We Heard During the PCP:** This is noted. The RPR will be reviewed on a regular basis, and the need for a threshold that links to effects on aquatic resources will be considered.	n/a
What We Heard During the PCP: Suggestion that the effects thresholds should be linked to cumulative effects and land use plans.	**Response to What We Heard During the PCP:** Under the new EA process, proponents are required to show they have fully considered cumulative effects and land use plans during the project design and the Early Engagement phases of the process. Going forward, they will be supported in meeting this requirement by programs such as land use planning, the Cumulative Effects Framework, and the new Species at Risk legislative framework currently being developed and/or expanded upon by government. As with other recommendations, this will be revisited in future reviews of the RPR, and evaluated in light of the experience that has been gained with the updated EA process and government programs to support planning around cumulative effects and land use.	n/a
Linear Disturbance (Length)		
What we Heard so Far - IP Appendix II: Linear disturbance can impact a wide range of environmental and social values, and fragment wildlife habitat and sensitive ecosystems. There are currently examples of RPR thresholds that reflect linear land disturbance (length thresholds for pipelines, electricity transmission lines, highways, airport runways). Consider establishing a length of disturbance threshold to be applied across all project types, to ensure that the effects of linear disturbance are linked to thresholds for all project types. Suggested that the threshold should apply to new disturbances only, and not apply to land that had been already cleared prior to the construction or modification of project.	Establish a cross-sectoral threshold for linear disturbance. Make this applicable to land that was not previously disturbed. A threshold of $\geq$ 60 km is considered, subject to feedback from this engagement. This is based on the maximum value for a length-based threshold in the current RPR (Table 8, s. 4).	In response to feedback received during the PCP requesting that the linear disturbance threshold be strengthened, the EAO is establishing a notification requirement threshold of: • $\geq$ 40 km of clearance (Does not apply to linear project categories) • Threshold applies to new projects only.

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Rationale is needed for the 600-ha threshold.	**Response to What We Heard During the PCP:** The 600 hectares threshold is based on the approximate areas of clearance that would be required for major new linear projects, such as electric transmission lines and transmission pipelines, to meet their project design thresholds.	n/a
What We Heard During the PCP: Question of why a railway or road project would trigger an EA at 20 km threshold in their own project categories but must reach 60 km to trigger if these projects are ancillary to another project.	**Response to What We Heard During the PCP:** Project design thresholds for linear projects such as public highways, railways, transmission lines, and pipelines are designed to target the major projects that fall into these categories and are specifically designed around the characteristics of these projects. The effects thresholds, including the clearance of land threshold, are supplementary criteria that apply across project categories and are, consequently, more generic in their design. The linear clearance threshold value is based on the longest linear project design threshold currently in the RPR (pipelines with a diameter of $\leq$ 114.3 mm). The intent is to ensure projects exceeding this linear disturbance are considered for review.	n/a
Land Disturbance (Area)		
What we Heard so Far - IP Appendix II: The effects of land disturbance are not unique to any specific project category or sector. The greater the footprint, the greater the potential of a wide variety of effects, regardless of project type. There are currently examples of RPR thresholds that reflect land disturbance (i.e. for modifications to mine projects, and length thresholds for pipelines, electricity transmission lines, highways, airport runways). Consider establishing a cross-sectoral threshold for area of disturbance would ensure the effects of land disturbance are linked to RPR thresholds applicable to all project types.	Establish a cross sectoral threshold area of land disturbance. Similar to the approach for linear disturbance, above, the EAO considered the range of existing area-based thresholds to suggest that any project creating a new disturbance of 600 ha or more should be reviewed, subject to feedback from this engagement.	In response to feedback received during PCP requesting the area of land disturbance threshold be strengthened, the EAO is establishing a notification requirement threshold of: • 450 ha of clearance (Does not apply to linear project categories) • Threshold applies to new projects only.

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggestion that clarification around what is meant by "permanent" disturbance is needed. Projects such as mines are required to reclaim the landscape at closure.	**Response to What We Heard During the PCP:** Determination of the length of clearance threshold and the area of clearance threshold, both introduced with the new RPR, will be based on the length of land cleared, or the area of land cleared, respectively, for the purpose of constructing a new project or modifying of an existing project.	n/a
What We Heard During the PCP: Suggestion that 600 ha is too large for the threshold to be effective, and that there is no rationale for this value.	**Response to What We Heard During the PCP:** This is noted. In response to feedback that the area of clearance threshold is too large, the EAO is introducing a notification requirement threshold for land clearance that applies to new projects only. This will require any new project that involves 450 or more hectares of land clearance to notify the EAO. If deemed appropriate, the project could be referred to the Minister to be considered for designation.	Establish a notification requirement threshold of: • 450 ha of clearance (Does not apply to linear project categories) • Threshold applies to new projects only.
What We Heard During the PCP: Support for introducing a land disturbance threshold in the RPR. This is an important way to meet the recommendation of the Province's EA Advisory Committee[1] that the RPR needs to move away from strictly production capacity-based outputs, to criteria that more accurately reflect the potential for a given project to result in adverse impacts.	n/a	n/a

[1] The EA Advisory Committee was established and met several times in 2018. It was comprised of a wide range of Indigenous nations and stakeholders, and its purpose was to provide input to the EAO on EA Revitalization.

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Greenhouse Gas Emissions		
What we Heard so Far - IP Appendix II: In 2018 the B.C. Government set greenhouse gas (GHG) reduction targets. To support this government policy priority, consider establishing a threshold for reviewing projects with the potential to materially affect GHG reduction targets.	Suggest establishing a cross sectoral threshold of 382,000 tonnes of CO2e based on 1 % the 2030 Government goal for reducing GHG emissions, subject to feedback from this engagement: • Legislated target of 40% reduction from 2007 emissions by 2030 • 2007 level is 63.6 MT CO2e • 2030 target of 38.2 MT CO2e • 1% of 2030 target = 382,000 CO2e We are also seeking feedback on whether this calculation should be based on direct emissions of the project, or whether other sources of emissions should be considered.	Final wording of threshold as follows: "380,000 tonnes per year or more (1% of 2030 target) determined in accordance with the Greenhouse Gas Emission Reporting Regulation"
What we Heard so Far - IP Appendix II: The establishment of a GHG reduction threshold could create uncertainty, bring many additional projects into the EA process, penalize projects and sectors that have the potential for higher GHG levels based on geographic location of the project (i.e. no ability to electrify based on distance from the grid)	GHG emissions are generally known at the project design stage of a proposal and can be determined with reasonable certainty. A goal of the GHG reduction threshold is to provide incentive to proponents to explore and implement ways of reducing a project's GHG emissions.	n/a
What we Heard so Far - IP Appendix II: Consider basing the proposed GHG reduction threshold on BC's legislated target for 2050 (an 80% reduction from 2007 emissions) instead of the target for 2030 (a 40 % reduction from 2007 emissions).	The EAO has worked with the Climate Action Secretariat to reach the proposed threshold based on 2030 targets. As the RPR is reviewed on an ongoing basis in the future, shifts to the 2040 or 2050 targets can be considered.	In response to feedback that the GHG emission threshold needs to be strengthened, the EAO is establishing two thresholds for the notification requirement: New Projects: 125,000 tonnes per year or more (1% of 2050 target) determined in accordance with the Greenhouse Gas Emission Reporting Regulation Modifications: 125,000 tonnes per year or more (1% of 2050 target) determined in accordance with the Greenhouse Gas Emission Reporting Regulation (only applies to the first time an expansion of a given project exceeds this threshold)

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggestion that the proposed threshold is so high that it would only capture a few projects, the majority of which would already require an EA based on their design thresholds.	**Response to What We Heard During the PCP:**	In response to feedback that the GHG emission threshold needs strengthening the EAO is introducing a notification requirement threshold for GHG emissions. This will bring to the attention of the EAO any new project, or modification to an existing project, that emits 125,000 tonnes per year or more of GHGs. Once notified, the EAO could refer the project to the Minister to be considered for designation.
What We Heard During the PCP: Suggestion that there are already legislative and regulatory frameworks in place for reducing GHG emissions, and these are more effective than introducing an RPR threshold for GHG emissions.	**Response to What We Heard During the PCP:** The purpose of the GHG emission threshold is to assist in achieving B.C.'s GHG reduction targets. It does not replace, overlap with, or duplicate other policy or provincial programs for reducing GHG emissions. As noted in another comment, above, most projects that meet or exceed this threshold will already require an EA based on their project design, or other, thresholds. However, by targeting major GHG emitters that may not otherwise be required to enter the EA process, the threshold provides yet another tool for meeting Government's climate change goals.	n/a
What We Heard During the PCP: Suggestion that the GHG emission data is conceptual and very hard to determine in the early design stages of a project. This is contrary to the principle that threshold values should be knowable at the design stage of a project.	**Response to What We Heard During the PCP:** The GHG emission threshold is based on direct emissions in accordance with the methodology set out Greenhouse Gas Emission Reporting Regulation. This will make it possible to estimate a value for GHG emissions at the project design stage. Details on making this determination are available on the Climate Action Secretariat's website: *https://www2.gov.bc.ca/gov/content/environment/climate-change/industry/reporting*	n/a
What We Heard During the PCP: Suggestion that the GHG reduction threshold should be based on the life cycle of a proposed project, and consider both upstream and downstream emissions, including those occurring offshore.	**Response to What We Heard During the PCP:** To provide sufficient certainty and predictability for the purpose of determining whether a project is reviewable under this regulation, emissions are to be calculated as direct emissions in accordance with the Greenhouse Gas Emission Reporting Regulation.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggestion that the GHG reduction threshold should be based solely on the direct emissions from the proposed project.	**Response to What We Heard During the PCP:** As noted above, the RPR threshold is based upon direct emissions from project facilities, as determined in accordance with methodology set out in the Greenhouse Gas Emission Reporting Regulation.	n/a
What We Heard During the PCP: Suggestion that the proposed GHG emission threshold fails to contemplate broader global objectives. For example, global benefits can accrue due to the lower carbon intensity LNG that come from B.C. facilities and, due to multiple factors, the much greater reduction in GHG emissions that will occur in have importing nations purchase LNG from B.C. rather than from the U.S. gulf coast.	**Response to What We Heard During the PCP:** The GHG emission threshold is designed to help achieve the GHG reduction targets set out in the Government's 2018 climate action plan (Clean BC). These targets specifically address emissions that occur within B.C. boundaries. The RPR threshold is designed to align with these goals, and, as a result, is focused on emissions that occur within the province.	n/a
What We Heard During the PCP: Suggestion that the GHG reduction threshold does not consider geographic factors; for example, some projects have access to electrification based on their location, others do not.	**Response to What We Heard During the PCP:** There can be any number of reasons for a project reaching or surpassing the GHG emissions threshold. The purpose of the threshold is to require projects that meet or exceed it to undergo an EA, regardless of the reasons.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Prescribed Protected Areas Threshold		
What We Heard During the PCP: Suggestion that detailed study will be required to determine if a project will have "a significant adverse environmental, economic, social or cultural effect" in a prescribed protected area. This is contrary to the principle of having threshold values that are knowable and relatively easy to determine at the design stage.	**Response to What We Heard During the PCP: T**he EAO is frequently asked to provide its views on the application of the RPR to particular projects. While the EAO has no decision-making power in this regard, it may provide assistance to proponents, government agencies and others by providing its position in this regard. Before providing its position, the EAO ordinarily requires that the proponent provide a detailed description of its project so the EAO can understand all of the facts concerning the project. In the context of the protected areas reviewability criteria, the EAO will also typically require that proponents provide information concerning: • whether the project consists of activities that would routinely be carried out in accordance with the enactment that creates the protected area; • the scope and nature of project facilities located in the protected area; • the authorizations that have been granted in respect of the portion of the project in the protected area; and • the nature of the protected area within the proposed overlap Please note that reviewability criteria in relation to protected areas do not apply to a portion of the project that has, as of December 16, 2019, been authorized under an enactment listed in the Protected Areas (Environmental Assessment Act) Regulation.	n/a
What We Heard During the PCP: Request that wording be clarified to ensure that this threshold captures only modifications to projects that extend or expand a project's footprint. Current wording could possibly capture minor works or ongoing maintenance, repairs and replacements.	**Response to What We Heard During the PCP:** The threshold applies to new projects and modifications, inside or overlapping with a prescribed protected area, that have a significant adverse environmental, economic, social or cultural effect. This approach provides for such context to be taken into account when determining reviewability based on this threshold	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Consider adjusting or eliminating this threshold. Any project with this potential is already identified during project scoping by a proponent and vetted by government. There are existing legislative frameworks such as *Heritage Conservation Act* to allow projects in protected areas with appropriate permitting.	**Response to What We Heard During the PCP:** All projects, regardless of whether they require an EA, are subject to the legislative and regulatory frameworks governing the project's activities. This includes any applicable land use and land use planning legislation, policies or plans. Determining whether a project must undergo an EA, including the application of the Prescribed Protected Areas threshold, is a process independent of the other regulatory frameworks and permitting requirements that apply to a project. The EA process is not a replacement for these other reviews and requirements.	n/a
What We Heard During the PCP: Consider expanding the list of prescribed protected areas to include those that are developed for a narrow regional or land use purpose, such as: winter ungulate habitat, areas identified under the Province's Cumulative Effects Framework, and the Agriculture Land Reserve. These protected areas often do not have the regulatory weight to protect their original purpose.	**Response to What We Heard During the PCP:** The RPR will be reviewed on a regular basis, and the Prescribed Protected Areas Threshold will be evaluated in light of experience with the updated EA process and the effectiveness of other legislative, policy and regulatory frameworks governing land use.	n/a
What We Heard During the PCP: Suggestion that if the focus is only on current protected areas, there is risk of isolating these areas and having them surrounded by development. There is also the risk of proponents trying to push through projects before proposed protected areas are established.	**Response to What We Heard During the PCP:** The RPR will be reviewed on a regular basis, and the Prescribed Protected Areas Threshold will be evaluated in light of experience with the updated EA process and the effectiveness of other legislative, policy and regulatory frameworks governing land use.	n/a
What We Heard During the PCP: suggestion that areas important to Indigenous Nations should be included in Protected Areas Regulation.	**Response to What We Heard During the PCP:** This is noted. The new Act and updated RPR, together, provide several mechanisms for allowing Indigenous nations to provide input into the decision around whether a project requires an EA. Please see the "Pathways to addressing Indigenous concerns about project reviewability" slide of the "What we Heard" report for further details.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Notification Requirement Thresholds		
General		
What We Heard During the PCP: The notification provision provides a tool that can potentially help address project splitting and identify projects with potentially significant impacts that may fall just below project design thresholds.	n/a	n/a
What We Heard During the PCP: Consider strengthening the notification thresholds to effectively track the projects that should be considered for designation for an EA.	**Response to What We Heard During the PCP:** The notification thresholds were developed after considerable engagement and consultation with a wide range of stakeholders. The resulting thresholds and values represent a balance of the diverse interests and views expressed during consultations. The RPR will be reviewed on a regular basis going forward. Along with other RPR criteria, the notification thresholds will be carefully evaluated for their effectiveness.	n/a
What We Heard During the PCP: Suggestion that the notification requirement adds regulatory uncertainty and cost, and a timeline burden to projects already operating under increasingly constrained economic margins.	**Response to What We Heard During the PCP:** The EAO is currently developing policies and service standards that will apply to the notification process. These are being developed with full recognition for the importance of reducing uncertainty and minimizing regulatory and timeline burdens.	n/a
What We Heard During the PCP: Suggestion that the RPR should require that all notifications are promptly posted online.	**Response to What We Heard During the PCP:** The EAO is currently developing policies and service standards that will apply to the notification process	n/a
What We Heard During the PCP: Consider a requirement that Indigenous Nations should be properly notified when a notification threshold is met.	**Response to What We Heard During the PCP:** The EAO is currently developing policies and service standards that will apply to the notification process	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: suggestion that the notification requirement should apply to new projects only.	**Response to What We Heard During the PCP:** With one exception, all notification thresholds apply only to new projects. The following notification threshold alone applies to project modifications**:** 125,000 tonnes per year or more GHG emissions as determined in accordance with the Greenhouse Gas Emission Reporting Regulation	n/a
Percentage Below Project Threshold		
What we Heard so Far - IP Appendix II: The act authorizes the minister to designate projects, not automatically reviewable under the RPR, as reviewable; however, there is currently no mechanism for making the EAO aware of project proposals that might require an EA. Consider a threshold that requires subthreshold projects, above a certain level, to notify the EAO.	We propose requiring any new project falling within 15% of the threshold set out for its specific project category, or within 15% of one or more effects thresholds, to notify the EAO.	n/a
What we Heard so Far - IP Appendix II: The proposed requirement for subthreshold projects to notify the EAO creates uncertainty as to which projects will be reviewable and makes project timelines difficult to establish. If it is the EAO 's intention is to have projects falling within 15% below the established threshold to be reviewed, then lower thresholds.	This proposal has been developed, in part, to address the concern that some major projects are being artificially designed subthreshold, and then expanded sequentially without ever undergoing an EA. This approach would balance placing the onus on some projects to notify the EAO against lowering thresholds across the board for all project categories.	n/a
What we Heard so Far - IP Appendix II: The 15 % margin may not be large enough to be meaningful. Consider a larger margin.	As experience is gained through application of the RPR notification thresholds, the effectiveness of the 15% margin can be evaluated, and adjustments proposed accordingly in future RPR reviews.	n/a
What We Heard During the PCP: If a project is scoped into an EA because of the 15 % notification threshold, it would add materially to cost of the project and to the timeline burden. To avoid this, proponents will simply design projects to be below this threshold, thwarting the purpose of the threshold.	**Response to What We Heard During the PCP:** The notification thresholds were developed after considerable engagement and consultation with a wide range of stakeholders. The resulting thresholds and values represent a balance of the diverse interests and views expressed during consultations. The EAO is currently developing policies and service standards that will apply to the notification process. These are being developed with full recognition for the importance of reducing uncertainty and minimizing regulatory and timeline burdens.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Workforce		
What we Heard so Far - IP Appendix II: The EAO has heard that major projects can have significant social effects, especially if they are in or adjacent to smaller communities. While social and economic impacts are assessed during the EA process, there is currently no RPR threshold for reviewing projects, that is clearly linked to social effects. Consider establishing a mechanism that allows the EAO to evaluate the potential for social effects when determining whether a project should require an EA.	The EAO is proposing that any project that has a maximum annual employment of $\geq$ 250 workers during construction or operations, directly employed by the proponent, be required to notify.	n/a
What we Heard so Far - IP Appendix II: The proposed workforce notification requirement poses issues. Employment numbers are difficult to determine. Many employees work part-time or work off site. Many workers are not actual employees but are indirectly servicing the project.	The proposed threshold is based on the annual maximum number of employees that are directly employed by the proponent in relation to the project.	n/a
What We Heard During the PCP: Recognition that, while large projects provide economic opportunities for communities, they can also present and/or exacerbate social challenges.	n/a	n/a
What We Heard During the PCP: Suggestion that clarity is needed on how the threshold will be applied, whether size of workforce means total person years of employment; includes part-time workers; includes internal versus external employees; or, applies to existing projects currently in operation.	**Response to What We Heard During the PCP:** The RPR will be reviewed on a regular basis, and the Workforce Threshold will be evaluated in light of experience with the updated EA process and the effectiveness of other legislative, policy and regulatory frameworks socio-economic impacts	n/a
What We Heard During the PCP: Consider making the size of workforce threshold based only on the permanent ongoing workforce housed onsite during operation of the project, and not including the temporary workforce needed during construction or for other temporary activities.	**Response to What We Heard During the PCP:** A decision was made to base the threshold on both the construction and operations workforces, whichever is larger. Construction workforces are often larger than operational workforces, and many social issues arising from major projects can be linked to the construction phase of the project, which can sometimes last for years.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggested that there needs to be a recognition that the social effects of a workforce can vary significantly depending on where the project is located.	**Response to What We Heard During the PCP**: It is recognized that the effects of a project workforce vary significantly with location. Upon receiving a notification based on the size of a workforce, the EAO will give full weight to a number of factors when considering whether to refer the project for designation, including: whether the project is in a rural or urban setting; its proximity to neighbouring communities; and, workforce size relative to the size of neighbouring communities.	n/a
Subject to Federal Review		
What we Heard so Far - IP Appendix II: Most projects located in B.C. that trigger a federal review, also require an EA under the *Environmental Assessment Act* (the EA Act). However, there may be exceptions, and it would be valuable for the EAO to be aware of such projects. Consider a requirement that these projects notify the EAO.	Proposal that any project that is subject to Canada's *Impact Assessment Act*, and not wholly located on federal land or an Indian Reserve, be required to notify the EAO.	n/a
Modifications to projects		
What we Heard so Far - IP Appendix II: For projects that have never received an Environmental Assessment (EA) Certificate (i.e., they were either initially constructed prior to the first Environmental Assessment Act coming into force in 1995, or below the EA reviewability thresholds), potential about possibility of modification/expansion above new project threshold without exceeding modification, and therefore not being subject to the EA process.	We are considering applying a requirement that when a modified project, as proposed, would exceed the threshold for new projects in that category, it would be subject to a notification requirement, pending feedback from this engagement	n/a
Capital Expenses		
What we Heard so Far - IP Appendix II: The capital expenses of a proposed project may be considered as a proxy for the significance of a project, and therefore the significance of its adverse effects.	A notification threshold based on capital expenses is not recommended. After reviewing the capital expenses of major projects built in BC, it was determined that the current RPR criteria already capture most projects with the largest capital expenses, and that there would be little value in establishing this as a threshold for the notification requirement.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Activities not Subject to the Environmental Assessment Act		
What we Heard so Far - IP Appendix II: Concern that entire industry sectors and that are not subject to an environmental assessment, such as aquaculture, logging and exploratory drill programs. Consider expanding the RPR to include these activities and project types.	It not being proposed that any new industries or project categories be added to the RPR at this time. Almost all land-based activity in British Columbia is already governed by a regulatory framework that includes legislation, regulations, permitting processes and ongoing compliance and enforcement monitoring, specifically tailored to the industry or activity. A goal of the RPR is to target large, single complex projects for the EA review process.	n/a
What We Heard During the PCP: In order to demonstrate that B.C. is serious about meeting its climate targets, there were suggestions that: - All upstream oil and gas projects that meet the GHG reduction threshold should be reviewable, and - Any project, regardless of whether it falls into a prescribed RPR category or not, should be reviewable if it meets the GHG reduction threshold.	**Response to What We Heard During the PCP:** There are a number legislative and regulatory frameworks in place to support the reduction of GHG emissions from upstream oil and gas, and other types of projects that are not included in the RPR. The goal of the GHG emissions threshold is to support the achievement of B.C.'s GHG reduction targets, without expanding the types of activities and project categories that are subject to the EA requirement.	n/a

TABLE 2 – Indigenous Implementation Committee, Indigenous Nations and Indigenous Groups Feedback

- **What we Heard so Far - IP Appendix II: Comments that were heard during the review of the Reviewable Projects Regulation (RPR) and that appear in Appendix II of the Intentions Paper (IP)**
- **What We Heard During the PCP: Comments received during the Public Comment Period in response to the IP.**

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Feedback from Indigenous Implementation Committee and Indigenous Nations		
General		
What we Heard so Far: Suggestion that there be retroactive EAs conducted on projects, to account for the cumulative effects of incremental project expansion over many years. This approach is different from assessing effects of individual projects, and parts of projects, in isolation.	The EAO does not conduct retroactive [forensic] project EAs to determine cumulative effects. However, several initiatives taking place across government will support the assessment of cumulative effects, and inform future permitting processes, project EAs, and project planning. These include the development of land use plans, a Cumulative Effects Framework, and a new *Species at Risk Act*. Furthermore, the new *Environmental Assessment Act* and updated RPR provide provisions that will enable the development of Regional Environmental Assessments (REAs), Strategic Environmental Assessments (SEAs), and government-to government (G2G) agreements that could result in the development of regionally specific RPR thresholds for certain project types. Together, these tools will be more effective in addressing the issue of cumulative effects than project EAs alone.	Regional/Strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete. Policy work is underway to explore connection of regional thresholds to G2G agreements

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggestion that there is a lack of a First Nations perspective in the updated RPR. While the new Act takes steps to incorporate indigenous knowledge and land use, these considerations are absent from the RPR.	**Response to What We Heard During the PCP:** The new Act and updated RPR, together, provide several mechanisms for potential for Indigenous input into decisions around whether a project requires an EA. The new Act enables: • agreements between Indigenous nations and the Province with respect to the EA process • the development of REAs and SEAs, and • a process for Indigenous nations (or any other party) to apply to have a project considered for designation. The updated RPR: • establishes a policy requiring that Indigenous nations be advised when projects meeting the notification thresholds are received by the EAO. If the EAO does refer for designation, a nation can submit designation application on their own initiative. • establishes a prescribed protected areas threshold, enabling Indigenous recognized areas to be added to the list of protected areas. Please see the "Pathways to addressing Indigenous concerns about project Reviewability" slide in the "What we Heard" report (section 4) for more details on these mechanisms. The RPR will be reviewed on a regular basis. Implementation of these mechanisms will be evaluated for their effectiveness in incorporating an Indigenous perspective into decisions around which projects are reviewed, and the outcome of the evaluation will inform future updates to the regulation.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggestion that the "Project list" approach to determining which projects are required to undergo and EA is outdated, and that the RPR should be replaced by a government-to-government (G2G) project designation process that relies on clear and agreed-upon criteria. If a project meets the criteria, it would be automatically referred to the G2G designation process.	**Response to What We Heard During the PCP:** The project list approach provides a basis for predictability and certainty for all parties. The EAO is able to prescribe matters that are eligible for dispute resolution through regulation. This suggestion will be brought forward to the discussion related to development of that regulation. More details on mechanisms for enabling G2G decision making can be found on the "Pathways to Addressing Indigenous Concerns in Project Reviewability" slide in the "What we Heard" paper (section 4).	n/a
Below Threshold Projects		
What we Heard so Far - IP Appendix II: Concern about impacts from below threshold projects. Project impacts can be great or small depending on where a project is located (e.g. exploratory drill programs). Some projects are initially below threshold but then increase production in the future. Concern that project splitting will be used to get in under threshold. Proximity to sacred sites may also increase effects from below threshold projects. Below threshold projects can have socio-economic impacts that should be considered.	The RPR requires that sub-threshold projects that meet one or more of the proposed notification thresholds, notify the EAO, which may result in designation by the Minister of Environment and Climate Change Strategy. The EAO will test whether proposed notification thresholds would address concerns in relation to project splitting. Based on practical experience in implementing the new effects thresholds, the EAO will reconsider in a future RPR review whether the sector specific thresholds should be adjusted. Indigenous nations can request an EA for projects that are sub-threshold (Section 11 of the EA Act). The Minister must consider a request under Section 11 by an Indigenous nation and is required to consider Indigenous interests when making the decision as to whether to designate the project reviewable.	New notification requirements added for projects that do not meet or exceed effects thresholds: <u>Linear Clearance:</u> New projects: ≥ 40km linear clearance (does not apply to linear project categories) <u>Area of Clearance:</u> New projects: ≥ 450 ha area of clearance (does not apply to linear project categories) <u>GHG emissions:</u> New projects: ≥ 125,000 tonnes/yr Modifications: ≥ 125,000 tonnes/yr (applies only for the first time an expansion of a given project exceeds this threshold)

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Some projects will be proposed as having a smaller footprint area to get under threshold but will pile up materials higher. Consider the height as well as footprint area of a project.	Area of disturbance is only one threshold that may trigger the EA requirement. If a project meets the thresholds, which are generally based on design capacity or production output, set out for its category, it will also trigger an EA. Thresholds based on production capacity or output are strongly linked the amount of material moved, or waste generated, and can be considered a proxy for the quantity of materials being stored or piled.	n/a
What we Heard so Far - IP Appendix II: Many sub-threshold projects contribute to cumulative effects (e.g. many small marine terminals)	Cumulative effects are a consideration of all decision making in the natural resources sector including projects not subject to the EA Act. Operationalizing the new authority to conduct regional assessment under the EA Act is a potential tool to address this issue.	Regional/strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete.
What we Heard so Far: Question around how the new Act and RPR will address project splitting.	The new Act and updated RPR introduce several changes designed to help address project splitting: • Introduction of a notification requirement, and thresholds to trigger the requirement. • Introduction of effects thresholds, designed to be closely linked to project effects, and apply across several project categories. If a project does not require an EA based on its category's project design thresholds alone, it can come into the review process if it meets one or more of the effects thresholds. • Revisions to project design thresholds for specific project categories, such as modification thresholds for coal and mineral mine projects, to address the issue of project splitting. The EAO's experience with these new and revised thresholds will inform future RPR reviews and, where necessary, new or revised thresholds to address project splitting will be considered.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggestion that the biggest issue with RPR criteria to date is project splitting, and it needs to be ensured that all activities and project components are assessed and permitted as a single project, not compartmentalized or artificially split.	**Response to What We Heard During the PCP:** See above.	n/a
What We Heard During the PCP: Consider establishing a mechanism for Indigenous nations to refer sub-threshold projects into the EA process is needed.	**Response to What We Heard During the PCP:** Indigenous nations can request an EA for projects that are sub-threshold (Section 11 of the EA Act). The Minister must consider a request under Section 11 by an Indigenous nation and is required to consider Indigenous interests when making the decision as to whether to designate the project reviewable.	n/a
What We Heard During the PCP: Suggestion that the cumulative effects of multiple subthreshold projects need to be better addressed.	**Response to What We Heard During the PCP:** Several initiatives are taking place across government to support the assessment of cumulative effects, and to inform future project planning, permitting processes, and project EAs. These include the development of land use plans, a Cumulative Effects Framework, and a new *Species at Risk Act*. Under the new EA process proponents must demonstrate that that they have considered these plans and frameworks during the project design and early stages of planning their projects. The new *Environmental Assessment Act* provides provisions that will enable the development of REAs, SEAs and G2G agreements. REAs and SEAs have the potential to be valuable in assessing the cumulative effects of region or an industrial sector. REAs, SEAs and G2G agreements could result in the development of regionally specific RPR thresholds for certain project types. Together, these tools will be more effective in addressing the issue of cumulative effects and regional values, than project EAs alone.	Regional/Strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete.

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Dispute Resolution		
What we Heard so Far - IP Appendix II: The RPR should include ability to trigger Dispute Resolution in cases of disagreement.	The EAO has the ability to prescribe matters that are eligible for dispute resolution through regulation. This suggestion will be brought forward to the discussion related to development of that regulation.	Consider in development of the Dispute Resolution Process/Regulation
Indigenous Processes and Values		
What we Heard so Far - IP Appendix II: RPR should accommodate Indigenous processes that may have different triggers for assessments than provincial processes.	The Province supports Indigenous nations establishing their own laws and policies for land stewardship and the new act provides the space for these processes to occur. RPR triggers pertain to Provincial legislation. Indigenous nations have a mechanism under the Act (Section 11) to apply for a project to be designated as reviewable by the Minister of Environment and Climate Change Strategy. Indigenous nations may set their own policies (topics and areas) when they make a Section 11 request for a project to undergo an EA.	The EAO continues to engage on the development of section 11 application procedures with the Indigenous Implementation Committee.
What we Heard so Far - IP Appendix II: Indigenous led processes should be recognized.	The new act enables the Province to enter into agreements with other jurisdictions, including Indigenous Nations; these can include the option of substitution. The new act also provides that an Indigenous nation may carry out an assessment with respect to the potential effects of the project on the nation and on its rights as set out in the Process Order (Section 19(4)).	n/a
What we Heard so Far - IP Appendix II: Question around whether projects, that have a Treaty nation with its own EA process as a proponent, are subject to the Provincial EA process.	The new Act continues to apply to Treaty nations, subject to the terms of each individual Treaty and the context of any specific proposed project. This includes the potential requirement for consent under section 7 of the Act, a potential exemption under section 17(1)(b), or a potential agreement with respect to an assessment under section 41 of the Act, where appropriate.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Indigenous protected areas are not provincially designated; they should be recognized and carry the same weight as Prescribed Protected Areas (i.e. Class A park). Some protected areas cannot be clearly communicated or placed in a map because only some members of the community are keepers of that knowledge.	The EAO recognizes the significance of Indigenous protected areas. Where agreements exist between a nation and the Province for a protected area to be recognized under provincial law, that protected area could be included in the EAO's regulation.	n/a
What we Heard so Far - IP Appendix II: The EAO should be aware of the proper rights holders.	Noted. The EAO recognizes and respects the importance of engaging with appropriate representatives from Indigenous nations.	n/a
What we Heard so Far - IP Appendix II: Archeological values should be considered. Work with the Indigenous nation when considering archeological effects.	A goal of the RPR review is to ensure that the thresholds for determining whether a project is reviewable are clear, easy to understand, and that it is relatively easy to determine with certainty at the project design stage whether a project is reviewable. Developing a threshold based on effects to archaeological resources would require significant upfront and project specific research and engagement, and the nature of the effects may not be knowable at the time a project is proposed. This concept is noted for consideration in a future iteration of the RPR Indigenous nations have a mechanism under the Act (Section 11) to apply for a project to be designated as reviewable by the Minister of Environment and Climate Change Strategy. Indigenous nations may set their own policies (topics and areas) when they make a Section 11 request for a project to undergo an EA.	The EAO continues to engage on the development of section 11 application procedures with the Indigenous Implementation Committee.
Past Disturbances		
What we Heard so Far - IP Appendix II: Question as to whether EAs apply only for expansion of projects where, historically, no EA was conducted for the original project.	The RPR includes modification thresholds that set out when an EA is required for the expansion of projects. These apply to projects that did not undergo an EA for the original project. Projects with EA certificates that undergo changes will be subject to amendments. We are considering applying a requirement that when a modified project, as proposed, would exceed the threshold for new projects in that category, it would be subject to a notification requirement, pending feedback from this engagement	One notification requirement was added for project modifications: when a project exceeds 125,000 tonnes/yr of GHGs, for the first time only that the threshold applies to an expansion of that project.

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Past projects occurred in areas where there were no land use plans. Now those areas have land use plans and those should be considered for new projects.	The new EA Act requires consideration, in every EA, of consistency with any land-use plan of the government or an Indigenous nation if the plan is relevant to the assessment (section 25(2)(g))	n/a
What we Heard so Far - IP Appendix II: What constitutes as a "new disturbance" under a Provincial viewpoint is different than an Indigenous view. Indigenous nations may look at the original disturbance.	Indigenous nations have a mechanism under the Act (Section 11) to apply for a project to be designated as reviewable by the Minister of Environment and Climate Change Strategy. Indigenous nations may set their own policies (topics and areas) when they make a Section 11 request for a project to undergo an EA.	The EAO continues to engage on the development of section 11 application procedures with the Indigenous Implementation Committee.
Effects Thresholds		
What we Heard so Far - IP Appendix II: Thresholds should consider socio-economic effects and outreach to social ministries should be made when projects are proposed.	The EAO is proposing a notification requirement threshold based on the size of a project's workforce. This is designed to link an RPR threshold to socio-economic effects.	The EAO will continue engagement with social ministries in the implementation of the notification procedures and monitoring the effectiveness of the size of workforce threshold.
What we Heard so Far - IP Appendix II: Interested in understanding how effluent discharge requirements under the *Environmental Management Act* is captured in reviewable projects.	All authorizations pertaining to a reviewable project are issued by the agencies responsible for the specific activity or operations. The Ministry of Environment and Climate Change Strategy (ENV) is responsible for authorization and oversight of waste discharges. The EAO works closely with the NR agencies throughout the EA process, and agency authorizations are not issued until after an EA Certificate is granted, or the project is exempted from the EA process.	n/a
What we Heard so Far - IP Appendix II: Interest in understanding how RPR thresholds are developed.	An explanation is provided in the body of the intentions paper.	n/a
What we Heard so Far - IP Appendix II: Thresholds and any thresholds related to impacts to rights need to be clear and measurable.	It is a goal of the RPR review to develop thresholds that clear, unambiguous, and relatively easy to determine at the project design stage. To achieve this goal, thresholds must be measurable.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Consider criteria in Government-to-Government Agreements to inform triggers of the RPR and the Minister's decision.	One of the ways in which reviewable projects may be categorized is on the basis of geographic location. We have heard from some interested parties that they would like to see this authority used more frequently to modify project design thresholds on a regional basis. This would provide a tool to account for specific context of the human or physical environment in a particular location. These regional variations could be proposed through the following mechanisms: - Regional EA conducted under section 35 of the Act - Signature of agreement with an Indigenous Nation or other jurisdiction under section 41 of the Act Upon proposal of a regional threshold through either of these mechanisms, the Environmental Assessment Office (EAO) would conduct engagement with interested parties, and if satisfied that the regional threshold is appropriate for implementation, bring forward a recommendation to cabinet to amend the Reviewable Projects Regulation (RPR) accordingly.	Policy work is underway to explore connection of regional thresholds to G2G agreements. Regional/Strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete.
What we Heard so Far - IP Appendix II: Current state of development and values is an important consideration in how thresholds are calculated.	Noted.	n/a

What we Heard so Far - IP Appendix II: Consider secondary thresholds such as traffic (Marine, rail, road) or wetland disturbance in determining reviewability. Thresholds could be linked to the destruction of wetland. Given the lack of provincial policy and regulation to minimize wetland destruction, the RPR could provide incentive for its preservation Current model does not consider specific land based or stewardship objectives (i.e. land use planning). Consider land use plans, Indigenous land use, brownfield sites, water sources and volume, Indigenous cultural and heritage sites. Projects should be consistent with these plans and objectives. Current RPR model does not consider how to advance reconciliation and implement United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Consider the following: • a rights-based threshold to scope in projects that may not trigger one of the thresholds of the project categories, or the effects thresholds, but have potential to impact Indigenous Rights • thresholds linked to impacts on Indigenous cultural and heritage sites: for example, proximity to sacred sites, medicine patches, burial grounds, hunting, fishing, spiritual places, and the enjoyment of these sites by future generations. • thresholds that take into consideration the impacts that Indigenous nations are observing on the land and what they are concerned about regarding project impacts • thresholds linked to cumulative effects and multiple effects to communities • thresholds linked to specific stewardship objectives such as land use planning • thresholds linked to the destruction of wetland. Given the lack of provincial policy and regulation to minimize wetland destruction, the RPR could provide incentive for its preservation.	A goal of the RPR review is to ensure that the thresholds for determining whether a project is reviewable are clear, easy to understand, and that it is relatively easy to determine with certainty at the project design stage whether a project is reviewable. The updated RPR introduces effects thresholds directly linked to project effects: land disturbance, linear disturbance, greenhouse gas emissions, and the overlapping of a Prescribed Protected Area. These thresholds are applicable to all RPR project categories and expand the scope of effects that are linked to the current RPR thresholds. Should a project that impacts Indigenous rights and interests not be captured, by either the specific project category thresholds, or the proposed cross-project effects thresholds, the new *Environmental Assessment Act* will continue to have the provision that allows requests for project designation (s. 11 of new act). Indigenous nations may set their own policies (topics and areas) when they make a Section 11 request for a project to undergo an EA. Once it has been determined that a project requires an EA, the new EA process includes an Early Engagement Stage. This includes the requirement for full engagement with Indigenous nations to identify all issues of concern, prior to entering the EA. At the completion of the Early Engagement Stage, proponents must also demonstrate that all relevant government programs and policies, such land use plans, and programs and strategies for reducing and mitigating environmental and cumulative effects have been considered and complied with.	The EAO continues to engage on the development of section 11 application procedures with the Indigenous Implementation Committee.

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
• thresholds based on upstream, downstream, migratory routes, and effects on community. • a threshold that considers a proponent's compliance history.		
What we Heard so Far: Suggestion that the Prescribed Protected Areas Regulation include recreation areas authorized under the *Forest Act*, the *Land Act*, and authorized BC Hydro recreation sites, with areas under part 13 of the *Forest Act* clearly excluded, since they are temporary.	Suggestion noted. The RPR and the Prescribed Protected Areas Regulation will be reviewed on a regular basis. This will include reviewing the current list of prescribed protected areas for effectiveness and, if appropriate, considering revisions.	n/a
What we Heard so Far: Suggestion that the effects thresholds should reflect specific Valued Ecosystem Components (VECs) used during the EA process.	A goal of the RPR Review is to continue with a system for determining reviewability that is clear, certain and efficient. To support this, the effects thresholds, like other RPR thresholds, have been designed to be relatively easy to determine at the project design stage of a project. They have also been selected to, as much as possible, reflect the values that that are determined within the EA process, involving more research, analysis and time. This suggestion is noted. Future reviews of the RPR will assess the effectiveness of the thresholds, including an evaluation of how well they link to VECs.	n/a
What We Heard During the PCP: Support expressed for the introduction of a tiered approach to determining reviewability. However, request for more information on certain proposed effects thresholds.	**Response to What We Heard During the PCP:** See adjacent column.	The EAO is developing guidance on the implementation of the new EA process, including the new Act and supporting regulations. This includes guidance on the new effects and notification thresholds.

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Suggestion that there is a lack of a First Nations perspective in updated RPR. While the new Act takes steps to incorporate indigenous knowledge and land use, these considerations completely absent from the RPR.	**Response to What We Heard During the PCP:** The new Act and updated RPR, together, provides several mechanisms for potential for Indigenous input into decisions around whether a project requires an EA. The new Act: • enables agreements between Indigenous nations and the Province with respect to the EA process • enables the development of Regional Environmental Assessments (REAs)and Strategic Environmental Assessments (SEAs) and • provides authorization to Indigenous nations (or any other party) to apply to have a project considered for designation. The updated RPR: • establishes a policy requiring that Indigenous nations be advised when projects meeting notification thresholds are received by the EAO. If the EAO does refer for designation, a nation can submit designation application on their own initiative. • establishes a prescribed protected areas threshold, enabling Indigenous recognized areas to be added to the list of protected areas. Please see the "Pathways to addressing Indigenous concerns about project Reviewability" slide in the "What we Heard" report (section 4) for more details on these mechanisms. The RPR will be reviewed on a regular basis. Implementation of these mechanisms will be evaluated for their effectiveness. If it is determined that more needs to be done to incorporate an Indigenous perspective, steps will be taken to do so..	n/a
What We Heard During the PCP: Suggestion that the *Water Sustainability Act* framework, alone, is not enough for managing impacts to water and that an Effects threshold that is linked to effects to aquatic environments are needed.	**Response to What We Heard During the PCP:** This is noted. The RPR will be reviewed on a regular basis, and the need for a threshold that links to effects on aquatic resources will be considered.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Effects thresholds reflect local (municipalities and Indigenous nations) planning are needed.	**Response to What We Heard During the PCP:** Noted. The need for an effects threshold that links to local (municipalities and Indigenous nations) will be considered in future RPR reviews.	n/a
What We Heard During the PCP: Suggestion that there is a lack of any threshold that links to regional values and cumulative effects.	**Response to What We Heard During the PCP:** Several initiatives taking place across government will support the assessment of cumulative effects, and inform future project planning, permitting processes, and project EAs. These include the development of land use plans, a Cumulative Effects Framework, and a new *Species at Risk Act*. Furthermore, the new *Environmental Assessment Act* and updated RPR provide provisions that will enable the development of REAs, SEAs and G2G agreements, that could result in the development of regionally specific RPR thresholds for certain project types. Together, these tools will be more effective in addressing the issue of cumulative effects and regional values, than project EAs alone. The RPR will be reviewed on a regular basis and based on experience gained with the new Act and other government programs, a need for RPR thresholds that link to regional values and cumulative effects will be evaluated.	Regional/Strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete.
What We Heard During the PCP: Suggestion that thresholds for linear and area of disturbance are too high.	**Response to What We Heard During the PCP:** Suggestion is noted. Based on feedback suggesting that thresholds should be strengthened, new notification thresholds have been added to RPR.	New notification requirements added for projects that do not meet or exceed effects thresholds: <u>Linear Clearance:</u> New projects: <u>≥</u> 40km linear clearance (does not apply to linear project categories) <u>Area of Clearance:</u> New projects: <u>≥</u> 450 ha area of clearance (does not apply to linear project categories)

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Question of why a railway or road projects would trigger at 20 km in their own categories but must reach 60 km to trigger if they are ancillary to another project.	**Response to What We Heard During the PCP:** Project design thresholds for linear projects such as public highways, railways, transmission lines, and pipelines are designed to target the major projects that fall into these categories and are specifically designed around the characteristics of these projects. The effects thresholds, including the clearance of land threshold, are supplementary criteria that apply across project categories and are, consequently, more generic in their design. The linear clearance threshold value is based on the longest linear project design threshold currently in the RPR (pipelines with a diameter of ≤ 114.3 mm). The intent is to ensure projects exceeding this linear disturbance are considered for review.	n/a
What We Heard During the PCP: Broaden the definition of protected areas to better use protected area designations to flag potential high value or sensitive areas. Should include areas that are projected for a narrow purpose, such as winter ungulate range.	**Response to What We Heard During the PCP:** Suggestion is noted.	n/a
Notification Criteria		
What we Heard so Far - IP Appendix II: Context related to workforce needs to be considered in notifications (e.g. rural workforce vs. urban workforce).	Noted. Development of the process for notification is still underway, and this suggestion will be carried forward.	n/a
What we Heard so Far - IP Appendix II: Notifications should be provided to the proper rights holders.	Noted. Development of the process for notification is still underway, and this suggestion will be carried forward.	n/a
What we Heard so Far - IP Appendix II: Some nations do not have capacity to review all the referrals that come into their offices. A "no response" does not mean there is no interest. Consider community events and cultural activities in notification schedules.	Noted. Development of the process for notification is still underway, and this suggestion will be carried forward.	n/a
What we Heard so Far - IP Appendix II: Assumption is that nations don't need to be proactive in notifications from the EAO – that the EAO will be notifying the proper nations. Conversely, understand that nations have to self-identify to be notified.	Noted. Development of the process for notification is still underway, and this suggestion will be carried forward.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: 15% below threshold is not low enough to ensure Indigenous nations are aware of potentially high impact projects. Recommend that 25% be the threshold to trigger notification – allows nations to take a closer look at whether there is project splitting, or if there isn't a cumulative effects framework in place.	As experience is gained through application of the RPR notification thresholds, the effectiveness of the 15% margin can be evaluated, and adjustments proposed accordingly.	n/a
What we Heard so Far: Question around whether the EAO can require notification for any subthreshold project in a reviewable category, not just those within 15%.	There are several thresholds, beyond the "below 15 % of project design threshold', that trigger the notification requirement. If a project does meet any one of the notification thresholds, the EAO cannot require the project proponent to enter the notification process. However, the new Act continues to enable interested parties, including Indigenous nations and groups, to apply for a project to be considered for designation by the minister.	n/a
What we Heard so Far: A request that there be more front-end notice for Indigenous nations regarding activities in areas that they care about.	Suggestion is noted. As experience is gained with the current mechanisms for notifying nations of proposed projects, and incorporating Indigenous input into decisions around whether projects require EAs, the need for more extensive notification will be evaluated.	n/a
What We Heard During the PCP: Suggestion that there is a need for a notification threshold that is linked to effects on aquatic environments.	Suggestion is noted. Future reviews of the RPR will consider the need for both a notification and an effects threshold (discussed above) that links to effects on aquatic environments.	n/a
What We Heard During the PCP: Suggestion that there is a need for notification threshold that reflects local (municipalities and FNs) planning.	**Response to What We Heard During the PCP:** Suggestion is noted. As discussed above, there are several mechanisms currently provided by the new Act and updated RPR for providing Indigenous input into the decision around whether a project requires a review. The RPR will be reviewed on a regular basis and if it is determined appropriate, a notification threshold that reflects local planning will be considered.	n/a
Designation		

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Concern that Indigenous Nations do not have a specific mechanism to request a Project, or multiple sub-threshold projects in a specific location, to be reviewable.	Indigenous nations have a mechanism under the Act (Section 11) to apply for a project to be designated as reviewable by the Minister of Environment and Climate Change Strategy. Indigenous nations may set their own policies (topics and areas) when they make a Section 11 request for a project to undergo an EA. The EAO is engaging on development of section 11 application procedures.	Please see "Pathways to Addressing Indigenous Concerns in Project Reviewability slide" diagram, in the "What We Heard" paper (Section 4), for details on how Indigenous perspectives can be incorporated into decisions around reviewability.
What we Heard so Far - IP Appendix II: Section 11 requests by an Indigenous nation may see little success if there is no specific requirement in the RPR related to impacts to rights.	The EA Act requires that, on receiving an application under section 11, the minister must consider (among other criteria) whether the applicant is an Indigenous nation, and whether the eligible project could have effects on an Indigenous nation and the rights recognized and affirmed by section 35 of the Constitution Act, 1982; The EAO is engaging on development of section 11 application procedures.	Please see "Pathways to Addressing Indigenous Concerns in Project Reviewability slide" diagram, in the "What We Heard" paper (Section 4), for details on how Indigenous perspectives can be incorporated into decisions around reviewability.
What we Heard so Far - IP Appendix II: Interested in created a separate regulation that would speak to meeting section 2 of the Act and how designation will occur under Section 11.	There are a several approaches available that could speak to meeting section 2 of the Act and how Section 11 designations will occur. Interest in a separate regulation noted. The EAO will further consider whether a separate regulation is the most suitable approach for this purpose, or whether another approach would be more suitable.	Please see "Pathways to Addressing Indigenous Concerns in Project Reviewability slide" diagram, in the "What We Heard" paper (Section 4), for details on how Indigenous perspectives can be incorporated into decisions around reviewability.

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Project Design Thresholds - General		
What we Heard so Far: Question around whether the updated modification thresholds are strong enough to capture significant expansions of projects without certificates.	The modification thresholds for coal mines and mineral mines have been revised to remove the requirement that expansions must meet or exceed 750 hectares of land disturbance, before projects are considered reviewable. In the past, this requirement excluded some modification projects that would have triggered on the increase to production capacity alone, from requiring an EA. The updated RPR also introduces effects thresholds which apply to both new projects and modifications for most project categories, including mine projects. Any expansion that does not meet modification thresholds, but meets or exceeds one or more of the effects thresholds, requires an EA. Future RPR reviews will evaluate revisions to modification thresholds, and the new effects thresholds for, among other things, their combined effectiveness in targeting appropriate expansions to projects without certificates for EA.	n/a
What We Heard During the PCP: Suggestion that project design thresholds that are linked to effects to aquatic environment are required.	**Response to What We Heard During the PCP:** Suggestion is noted. As with the suggestions that there be notification and effects thresholds linked to effects on aquatic environments, this will be considered in future reviews of the RPR.	n/a
What We Heard During the PCP: Suggestion that the cumulative effects of multiple subthreshold projects need to be better addressed.	**Response to What We Heard During the PCP:** Cumulative effects are a consideration of all decision making in the natural resources sector including projects not subject to the EA Act. Operationalizing the new authorities under the EA Act to conduct regional assessments, and enter into G2G agreements with Indigenous nations, are potential tools to address this issue.	Regional/Strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete.
Mines		
What we Heard so Far - IP Appendix II: Exploratory mining can have greater effects on indigenous nations' interests than actual mine projects. Core samples can be left which impact wildlife, water, local community (e.g. children). Wildlife especially are attracted to these sites and ingest what's left from a sampling program, which impacts the health of wildlife and community well being.	Mining exploration is an activity regulated by EMPR under the *Mines Act.* As well as meeting the conditions of their *Mines Act* permits, mining exploration proponents must also meet requirements set out in the Health, Safety and Reclamation Code for Health, Safety and Reclamation Code for Mines in British Columbia (the Code). Part 9 of the Code specifically addresses exploration and includes requirements for the proper cleaning of a drilling site (9.11.1 (6)), and for ensuring the protection of community watersheds (s. 9.4.1).	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: Interest in understanding the relationship between permits for drilling programs and what triggers an EA.	To automatically trigger an EA, a project proposal must fall into prescribed RPR project category, and either meet the thresholds set out in the RPR for its specific category, or one or more of the effects thresholds. If the project does not meet EA threshold, then it is still subject to other permitting processes under the applicable regulatory regime	n/a
What we Heard so Far - IP Appendix II: Placer mine pay dirt data should be collected to accurately capture current disturbance.	The EMPR collects and analyzes placer mining data. The EAO is working with the EMPR to determine the effectiveness of the RPR thresholds for this project category.	The EAO will continue to work with EMPR during the implementation of the new Act and regulations, to ensure that the appropriate data is being collected.
What We Heard During the PCP: The proposed definition of production capacity does not include waste material. If this is to be the case, it becomes important that the effects of waste generated be captured in some other threshold or indicator.	**Response to What We Heard During the PCP:** The clarification that production capacity for mines does not include waste material was made to bring the RPR in line with case law. The effects associated with waste materials from mines are, to a large extent, linked to the area of disturbance threshold. The larger the volume of waste materials, the larger the area of disturbance. The new requirement that any project within 15 % below the project design threshold must notify the EAO, will bring some projects whose waste materials pose a significant risk to the attention of the EAO, at which point they can be considered for designation.	n/a
Electricity Projects		
What we Heard so Far - IP Appendix II: Some transmission lines are not continuous and therefore would not trigger the RPR, but cumulatively would create issues of fragmentation, cumulative effects, etc. with other projects in the area.	Cumulative effects is a consideration of all decision making in the natural resources sector including projects not subject to the EA Act. Operationalizing the new authority to conduct regional assessment under the EA Act is a potential tool to address this issue. Development of policy/regulation for regional EA is still underway.	Regional/Strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete. Policy work is underway to explore the connection of regional thresholds to G2G agreements.
Petroleum and Natural Gas Projects		
What we Heard so Far - IP Appendix II: GHG threshold should be set at 1% of 2050 Climate Action targets.	The EAO has worked with the Climate Action Secretariat to reach the suggest threshold based on 2030 targets. As the RPR is reviewed on an ongoing basis in the future, shifts to the 2040 or 2050 targets can be considered.	New notification thresholds, representing 1% of the 2050 target, been added: • New projects: $\geq$ 125,000 tonnes/yr • Modifications: $\geq$ 125,000 tonnes/yr (applies to first modification only)

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What We Heard During the PCP: Concern about removing the production capacity threshold and limiting the trigger for natural gas processing facilities to the sulphur emissions threshold alone.	**Response to What We Heard During the PCP:** To date, any natural gas processing facility that did not met the sulphur emissions threshold (sweet gas facilities) but required an EA based on the production capacity threshold alone, has been exempted from the EA process based on findings that the project does not have significant adverse effects. By basing the project design threshold only on sulphur emissions, the intention is to target those facilities producing significant amounts of H2S, or sour gas. Under the updated RPR, natural gas processing plants will also be subject to the new effects thresholds - including the greenhouse gas emissions threshold - and notification thresholds.	n/a
Water Management Projects		
What We Heard During the PCP: Concerns about proposed exemption of deep groundwater extraction by the oil and gas industry from being subject to an EA	**Response to What We Heard During the PCP:** The EAO notes that deep groundwater extraction projects are currently limited in their size and scope. Their physical footprint on the landbase is typically smaller than that of a natural gas wellsite. A deep groundwater extraction project is specific in scope and supports natural gas drilling and production in general. In this sense, deep groundwater extraction projects are not presently representative of major projects that have the potential for complex, interrelated and significant adverse effects. The one deep groundwater extraction project that has entered the EA process was exempted from requiring an EA Certificate, based on the finding that it would not have significant adverse effects. It is proposed that deep groundwater extraction for the oil and gas industry not be subject to the EA requirement, subject to conditions that are consistent with those set out in Part 5 of the Water Sustainability regulation under the WSA, for exempting deep groundwater extraction from requiring an authorization under the WSA. This proposed approach supports the objective of limiting the EA requirement to major projects. It would also supports a key principle of the RPR review, not to duplicate reviews between provincial agencies, and it would provide incentive for industry to use deep groundwater.	n/a

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
Transportation Projects		
What we Heard so Far - IP Appendix II: Highway development can be incremental, meaning activities are sub-threshold while the sum of all activities would be above threshold (e.g. Trans-Canada Highway).	The EAO will test whether proposed notification thresholds would address concerns in relation to project splitting. Based on practical experience in implementing the new effects thresholds, reconsider in a future RPR review whether the sector specific thresholds should be adjusted.	n/a
Sectors Not Included in the RPR		
What we Heard so Far - IP Appendix II: Concern that certain sectors have been excluded (i.e. fish farms and forestry)	The EAO has heard that certain activities and types of projects, currently not subject to the Environmental Assessment Act, should be. Such projects are not being proposed as new RPR project categories, as they are already governed by regulatory frameworks that include legislation, regulations, permitting processes and ongoing compliance and enforcement monitoring that are specifically tailored to that industry or activity.	n/a
Relationship to Strategic or Regional EAs		
What we Heard so Far - IP Appendix II: Concern that triggers under RPR are not linked to strategic or regional Environmental Assessments. Consider how triggers in the RPR may lead to a regional or strategic EA.	One of the ways in which reviewable projects may be categorized is on the basis of geographic location. We have heard from some interested parties that they would like to see this authority used more frequently to modify project design thresholds on a regional basis. This would provide a tool to account for specific context of the human or physical environment in a particular location. These regional variations could be proposed through the following mechanisms: - Regional EA conducted under section 35 of the Act - Signature of agreement with an Indigenous Nation or other jurisdiction under section 41 of the Act Upon proposal of a regional threshold through either of these mechanisms, the Environmental Assessment Office (EAO) would conduct engagement with interested parties, and if satisfied that the regional threshold is appropriate for implementation, bring forward a recommendation to cabinet to amend the Reviewable Projects Regulation (RPR) accordingly.	Policy work is underway to explore the connection of regional thresholds to G2G agreements. Regional/Strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete).
What we Heard so Far - IP Appendix II: Indigenous processes and considerations don't seem to be captured in Regional and Strategic EAs.	Noted. Development of the process for regional/strategic EA is still underway, and this suggestion will be carried forward.	Regional/Strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete.

COMMENT	RESPONSE TO "WHAT WE HEARD"	FURTHER ACTION SINCE PUBLIC COMMENT PERIOD
What we Heard so Far - IP Appendix II: What is the mechanism to request a regional EA and what assurances can be provided that other regulatory bodies are adhering to the EA Act?	Noted. Development of the process for regional/strategic EA is still underway, and this suggestion will be carried forward.	Regional/Strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete.
Compliance and Enforcement		
What we Heard so Far - IP Appendix II: Past sub-threshold projects have been exceeding permit levels. Issue of certain proponents repeatedly failing to comply with the EA conditions or permitting conditions.	The EAO has an active compliance and enforcement program that will have enhanced authorities under the new EA Act to address such instances of non-compliance.	n/a
What we Heard so Far - IP Appendix II: Issue of projects, that meet reviewable thresholds, not being declared by proponents and permitting agencies not making the EAO aware of these projects.	The EAO continues to work with its partner agencies to develop guidelines and procedures for ensuring that it is made aware of all projects that are either automatically reviewable under the RPR, or should be considered for designation. The combination of continued agency engagement and the introduction proposed thresholds for the notification requirement will help ensure the EAO is aware of all reviewable projects. The new EA Act continues the provisions that: • Reviewable projects must obtain an EA Certificate or Exemption Order prior to construction (Section 6), and • Other agencies must not issue authorizations for reviewable projects until an EA Certificate or Exemption Order has been issued. If authorizations are issued under other statutes prior to issuance of an EA Certificate or Exemption Order, those authorizations are without effect (Section 8).	n/a
Relationship to other legislation		
What we Heard so Far - IP Appendix II: Reviewable Projects Regulation will need to align with provincial legislation that will implement UNDRIP and address consent in that legislation.		The framework set out in Please see "Pathways to Addressing Indigenous Concerns in Project Reviewability slide" diagram, in the "What We Heard" paper (Section 4), details on how Indigenous perspectives can be incorporated into decisions around reviewability, consistent with the Declaration on the Rights of Indigenous Peoples Act.

TABLE 3 – Indigenous Nations and Indigenous Organizations - Formal Submissions Received During the PCP

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
Musqueam Indian Band	<u>Lack of First Nations-Specific Thresholds:</u> Currently, there are no proposed effects thresholds in relation to Musqueam's title and rights, cultural and heritage sites, or other Musqueam Valued Components (MVCs). These MVCs include, but are not limited to, tangible or biophysical resources like particular places and species, and less tangible social, economic, cultural, health, and knowledge-based values such as place names, the hən̓q̓əmin̓əm̓ language, or traditional knowledge. Although some proposed effects thresholds may indirectly or inadvertently capture some of the impacts to MVCs, in Musqueam's experience, impacts to what Musqueam deems critically important are not meaningfully taken into account by the BCEAO. It is likely that Section 11 of the *Act*, where First Nations or any person can that request a project be subject to review is BCEAO's answer to this issue, as it was referenced multiple times in relation to this issue in the *Appendix Two: What We Heard So Far* document. It cannot be overstated that Section 11 is an inadequate response to capturing the potential First Nations and Musqueam-specific effects. To be more meaningful, First Nations must be able to evaluate these projects and their potential impacts before the projects move forward. It is essential to ensure the process allows First Nations adequate time and capacity to evaluate projects before making the decision to request a project as reviewable. Additionally, a s. 11 request to review a project is still determined by the Minister and by its nature continues to be discretionary with no ability for Musqueam to appeal the decision.	The new Act and updated RPR, together, provides several mechanisms for potential for Indigenous input into decisions around whether a project requires an EA. Some of these mechanisms could include The new Act: • enables agreements between Indigenous nations and the Province with respect to the EA process. These agreements could result in regional thresholds specific to nations' interests. • enables the development of Regional Environmental Assessments (REAs)and Strategic Environmental Assessments (SEAs). REAs/SEAs may result in regionally specific thresholds. • provides authorization to Indigenous nations (or any other party) to apply to have a project considered for designation. The updated RPR: • establishes a policy requiring that Indigenous nations be advised when projects meeting notification thresholds are received by the EAO. If the EAO does refer for designation, a nation can submit designation application on their own initiative. • establishes a prescribed protected areas threshold, enabling Indigenous recognized areas to be added to the list of protected areas. Please see "Pathways to Addressing Indigenous Concerns in Project Reviewability slide" diagram, in "What We Heard" paper (section 4) for more details.

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
Musqueam Indian Band	Lack of First Nations Perspective: There are noted important steps being taken in the EA Revitalization to incorporate Indigenous Knowledge (IK) and Traditional Land Use (TLU) when a project is designated as reviewable in the new *Act*. However, the proposed RPR lacks specific ways in which IK and TLU can be used to measure the significant effects (i.e. thresholds) of a project which determine eligibility for review by the BCEAO. Additionally, there is a lack of First Nations perspective in overseeing the BCEAO process, with no mandated First Nations representation in the BCEAO to ensure accountability. Specifically, this lack of First Nations representation in determining and measuring the significance of potential effects of a project, associated with lack of IK and TLU, poses a threat to the goals of reconciliation in the EA process.	Please see "Pathways to Addressing Indigenous Concerns in Project Reviewability slide" diagram, in the "What We Heard" paper (Section 4), for details on how Indigenous perspectives can be incorporated into decisions around reviewability.
Musqueam Indian Band	Lack of Regional Threshold (Cumulative Effects): Accurately capturing cumulative effects has always been a priority for Musqueam and many other First Nations. Musqueam is in favour of this (future) change to include regional thresholds to capture cumulative effects in Musqueam traditional territory detailed on page 27 of the Intentions Paper. The current proposed project thresholds do not take into consideration cumulative effects. These cumulative effects have not only changed the nature of Musqueam's territory, but have eroded proven Aboriginal rights (e.g. Musqueam fishing rights) by impacts of diffuse activity across the landscape. Regional Assessments (s. 35) are required to be considered where data is known, but no regional assessment has been conducted in Musqueam traditional territory and there is no mechanism to formally request one. Before project thresholds are considered, a regional assessment of Musqueam traditional territory is to be conducted with Musqueam (as s.35(2) states), but before proceeding with any projects in the EA process on Musqueam traditional territory. Considering the existing cumulative impacts already endured by Musqueam, it is an absolute priority.	Please see "Pathways to Addressing Indigenous Concerns in Project Reviewability slide" diagram, in the "What We Heard" paper (Section 4) for details on how regional thresholds, based on cumulative effects and other factors, can be developed under the new Act and the updated RPR. Regional/Strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete).

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
Musqueam Indian Band	Lack of Proponent Compliance History Threshold: Historically, proponent compliance has been an issue in and around Musqueam traditional territory. This has resulted in many detrimental effects to Musqueam title and rights, cultural and heritage sites, and MVCs. Accordingly, it is key that a proponent's compliance history be considered in the evaluation of the requirement of an EA.	The EAO has an active compliance and enforcement program that will have enhanced authorities under the new EA Act to address instances of non-compliance. A compliance history threshold does not lend itself to the predictability or certainty required for reviewability thresholds.
Musqueam Indian Band	Definition of Production Capacity for Mines: The definition of production capacity to not include waste materials generated. If this indicator does not include waste materials, it is important that it be captured in another indicator. The amount of waste materials generated by a project is directly linked to potential adverse effects	This clarification was added to bring the RPR in line with case law.
Musqueam Indian Band	Greenhouse Gases (GHG): ≥1% of BC's 2030 legislated target (382,000 tonnes annually, a 40% reduction from 2007): It is critical that this legislated target threshold be lower now, and not at a later time when the Act is updated. First, as stated in the conclusion of the Intentions Paper, it has been 15 years since the last update. Although there are commitments to be updated more frequently in the future, the nature of climate change requires much more than an incremental approach. Second, it is important that the threshold amount be lowered based on the fact that the current history of almost all governments achieving GHG targets has been unfavourable. For example, BC failed to meet its 2020 targets and is not on track to meet its 2030 targets. According to 2017 data, BC has achieved a mere 0.5% reduction in GHGs since 20071. Lastly, Musqueam and MVCs have and will be heavily impacted by the effects of climate change, including but not limited to, sea level rise and warmer temperatures affecting fish and fish habitat. Rather than update the Act every few years to incorporate these moving targets, Musqueam recommends the lifespan of the project is captured through thresholds that decline over time in order to increase the chances of achieving legislated targets. As such, Musqueam recommends that the declining threshold apply for projects releasing more than: i. 50,000 tonnes of GHG emissions annually prior to 2030; ii. 25,000 tonnes of GHG emissions annually from 2030 to 2040; or iii. 5,000 tonnes of GHG emissions annually after 2040.	New notification requirements for GHG have been added to the RPR for projects that do not meet or exceed the effects thresholds. GHG emissions: New projects: ≥ 125,000 tonnes/yr Modifications: ≥ 125,000 tonnes/yr (applies to first modification only)

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
Musqueam Indian Band	Greenhouse Gases (GHG): Calculation of threshold based on direct emissions: A life cycle analysis of emissions which includes both upstream and downstream from the entire project is necessary to fully capture effects. As to the previous proposed Effects Threshold change (No.1) Musqueam will be heavily impacted by the effects of climate change. As such, it is important that emissions are based on a life cycle analysis of the entire project. Musqueam requests emissions calculations to include not only Scope 1 (direct emissions, as proposed) but Scope 2 and 3. Scope 2 to include indirect emissions from consumption of purchased energy and materials, and Scope 3 to capture the remaining indirect emissions such as extraction, transport related vehicles, waste disposal, and outsourced activities.	To provide sufficient certainty and predictability for the purpose of this regulation, emissions are to be calculated for direct emissions in accordance with the Greenhouse Gas Emission Reporting Regulation.
Musqueam Indian Band	Prescribed Protected Areas threshold: Inclusion of projects if in a protected area It is critical that areas important to Musqueam and other First Nations also be included in the Protected Areas threshold. As some of these culturally significant areas are confidential, it is important that the BCEAO work closely with Musqueam with respect to cultural or other significant areas in the region in which projects would be required to undergo an EA. Specific details of these areas, unless necessary in justification, are to be kept confidential from proponents and public. Additionally, it is key that areas be designated as protected in relation to established Aboriginal rights under s. 35 of the 1982 Constitution Act. For example, the Musqueam Indian Band has established Aboriginal fishing rights in specific areas, including but not limited to, the lower Fraser River as per the R. v. Sparrow [1990] Supreme Court decision. Thus, if a project is proposed within these protected areas, it must undergo an EA to avoid adverse effects to important areas that are critical to protect Aboriginal rights and ensure the ongoing meaningful exercise of those rights.	The EAO recognizes the significance of Indigenous protected areas. Where agreements exist between a nation and the Province for a protected area to be recognized under provincial law, that protected area could be included in the EAO's Protected Areas Regulation.

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
Musqueam Indian Band	Linear Disturbance ≥60 km: Musqueam are of the opinion the proposed threshold for new linear disturbances is inadequate for projects within Musqueam traditional territory. Today, there are countless linear disturbances across Musqueam territory including roads, trails, train lines, power lines, pipelines and more which are a major contributor to habitat fragmentation and ecosystem division. This leads to species isolation and in some cases, extrapolation or extinction. Many species within Musqueam's territory have already been extrapolated and as a result, MVCs have been severely impacted. Further linear disturbances within Musqueam territory risk negative impacts to MVCs. The density of linear disturbances within Musqueam's territory is far greater than the province overall. As such, Musqueam recommend the threshold of more than 60 km of new linear disturbance be revised downwards to ≥20km or less. This revision is essential to avoid further fragmentation and the associated negative impacts to MVCs.	A new notification threshold has been added to trigger the notification requirement for projects that do not meet or exceed the linear clearance effects threshold: New projects meeting or exceeding 40km linear disturbance

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
Musqueam Indian Band	Area of Disturbance ≥600 ha: Land use change from natural and semi-natural lands to urban and artificial land developments has emerged as a leading environmental concern. Land change can result in the permanent erosion of natural capital through systemic environmental changes. Musqueam traditional territory has be severely impacted as a result of land use change – with huge swathes of natural forests, woodlands, wetlands and grassland ecosystems lost to industrialization and urbanization. Remaining natural ecosystems in Musqueam territory have been subject to devastating impacts from fragmentation and degradation. This has resulted in significant effects to Musqueam community members well-being, quality of life and Aboriginal rights. Musqueam have lost their ability to carry out many of their traditional terrestrial based practices such as hunting, trapping and medicinal plant harvesting in the vast majority of their traditional territory. Musqueam are of the opinion the proposed Effects Thresholds for new land disturbance is inadequate for projects within their territorial boundaries. Musqueam's traditional territory is far smaller in area, more land scarce and has experienced a far greater level of degradation and loss of natural capital compared to the rest of the province. Even the smallest project with the potential to convert or otherwise disturb natural or semi-natural land within Musqueam's territory represents a potential crisis and tipping point to Musqueam's proven rights and MVCs. It is recommended the threshold of ≥600 ha be revised downwards to ≥50 ha.	A new notification requirement has been added for projects that do not meet or exceed the "area of clearance" effects threshold: New projects that require ≥ 450 ha area of land clearance

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
Musqueam Indian Band	<u>Project within 15% of RPR Thresholds:</u> To address 'project splitting' and collect data, a requirement to notify the BCEAO and to publicly post them on the BCEAO's website To be a more meaningful revitalization and to properly address project splitting, it is essential that the notification requirement be set at the subthreshold of at least 25%. This is especially important as stated in the key issues, that other impacts %to Musqueam and other nations that are not captured in the proposed thresholds. This feedback has been noted by others in Appendix Two: What We Heard So Far with the response that "…the effectiveness of the 15% margin can be evaluated, and adjustments proposed accordingly". However, collecting more data could be critical in properly addressing the project splitting issue. And, increasing the margin further can be done with little to no cost to proponents or the BCEAO. Additionally, Musqueam requests that the BCEAO properly notify First Nations when this subthreshold is met. Although the notifications will be posted on the BCEAO's website publicly, sharing this information directly with First Nations is important in strengthening the relationship with the BCEAO and to be able to more adequately and timely assess specific impacts, and to put to proper use Section 11 if necessary.	As experience is gained through application of the RPR notification thresholds, the effectiveness of the 15% margin can be evaluated, and adjustments proposed accordingly.

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
Musqueam Indian Band	<u>Modifications to Existing Projects:</u> Notification required when the modified project, as proposed, would exceed the threshold for new projects in that category (only for projects that have never received an EA). Musqueam is in favour of this notification requirement. Once the BCEAO is notified, it will also be important to notify Musqueam and other First Nations for the reason stated in the previous proposed change (No. 4). Further, modification thresholds and subsequent notification should be applicable to all project modifications, not only those who did not have an original EA. Musqueam also requests clarification whether projects that have never received an EA that exceed new project thresholds will be subject to a notification requirement, or instead, an EA. There is some confusion in Appendix II.	The RPR has only one notification threshold for modifications, as follows: • Project modification that meets or exceeds125,000 tonnes/yr of GHGs. This applies to the first modification only. The EAO is in the process of developing policies and service standards around notification.

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
First Nations Major Projects Coalition	Sub-threshold notification should trigger a joint Government-to-Government project designation process that relies on clear and agreed-upon criteria: The proposal to create a notification threshold for projects that fall 15% the RPR trigger thresholds is a good idea, however, the lack of any discrete criteria to be considered by the Minister when such projects are evaluated for designation fails to realize the important potential of the notification system. In particularly, where sub-thresholds projects are recognized by Indigenous Nations as requiring designation as a reviewable project, a criteria-based system should automatically be applied to major projects to determine whether sub-threshold projects that pose a high risk of serious to adversely impact Aboriginal or treaty rights, and/or the biophysical and human environment. Therefore, it is recommended that sub-threshold projects be immediately referred to a G2G designation process if they fit the following criteria: 1) The project is proposed for a sensitive location (e.g., sensitive human health, Indigenous culture or exercise of rights context, or an area deemed sensitive in a First Nation's land use plan); 2) The project is proposed for a regions where regional cumulative effects have already exceeded or are close to exceeding acceptable levels of change; 3) The project has a high potential for serious adverse environment, health or social effects; 4) The project is viewed by a potentially-affected First Nations as posing a high risk of adverse effects on Aboriginal and treaty rights, and/or the human and/or biophysical environment; or 5) The project has a high potential for expanding beyond project design threshold at a later date.	The EAO is in the process of developing policies and service standards around notification.

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
First Nations Major Projects Coalition	The RPR should include a mechanism for First Nations to refer sub-threshold projects into the EA process: The Intensions Paper does not require potentially impacted First Nations to be included in the determination of whether sub-threshold projects should be designated as reviewable. To address this this gap, we recommend adopting a clear process for joint review of "sub-threshold" projects by Indigenous authorities and the BC EAO, aligned with the approach adopted for the "Readiness Gate", i.e., where the BC EAO seeks consensus with Indigenous Nations on whether or not a proposed project gets the green light to proceed to an EA review. In cases where the Minister and a First Nation do not agree on the ultimate designation decision, some form of dispute resolution mechanism should be built into the system. Further, consistent and adequate funding is required to support the meaningfully involvement of First Nation in decisions related to the designation of sub-threshold projects. Without these funds, the spirit and intent of the IAA cannot be accomplished. The Coalition supports the Intention Paper's proposed adoption of effects and geographic thresholds when designating projects as a move in the right direction, as well as a mechanism under Section 41 of the legislation for enabling First Nations to participate in modifying design (or effects thresholds) on a regional basis. However, by removing the determination of regional thresholds to a process that sits outside the current RPR, there stands a high risk that the development regional thresholds could be delayed by many year into the future, if it is occurs at all. There needs to be a mechanism made available to First Nations, at the time the new Act comes into effect, to refer candidate projects directly to the Minister or Cabinet for the purposes of designation to ensure that potentially seriously-impactful projects are not excluded from a provincial EA. The RPR should include a formal, open process by which First Nations' may submit recommendations to the Minister (or Cabinet) to lower project design and/or effects thresholds in regions of the province identified in this manner as being at high risk of adverse effects to Aboriginal and treaty rights, and/or the human and biophysical environment.	The EAO is in the process of developing policies and service standards around designation. Policy work is underway exploring connection of regional thresholds to G2G agreements. Regional/Strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete).

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
First Nations Major Projects Coalition	The RPR should include automatic notification for sub-threshold projects that fall within 50% of a project design or effects threshold and are proposed for an area that is classified as "high risk" by provincial and First Nations' regional cumulative effects assessment processes: Although the Intentions Paper proposes an effects threshold for projects that overlap with prescribed protected areas, it omits any reference to effects thresholds that should be established for areas identified for protection by provincial regional cumulative effect and regional strategic environmental assessment processes, already underway for the past 4 years, that are dedicated to identifying regional effects thresholds. The work in question is that being conducted through the Cumulative Effects Framework ("CEF"), led by FLNRORD, and the Environmental Stewardship Initiative ("ESI"), led by FLNRORD, OGC and MEMPR and regional BC First Nations. In these processes, thresholds are being developed collaboratively with First Nations and industry stakeholders at a regional level for the purposes of generating management tools to guide decision-makers when contemplating approval of new industrial activities, including major projects, in highly impacted regions. If such linkages are not included in the RPR, this would be a missed opportunity to leverage thousands of hours and millions of dollars of work that has already been undertaken in the province since 2015. To address these gaps, for regions classified by the BC CEF and ESI (RSEA processes) as "high risk" (i.e., highly sensitive context due to a high level of legacy and cumulative effects), the RPR should require the "notification threshold" category to be lowered from being within 15% of the RPR thresholds to 50% of the RPR thresholds.	As experience is gained through application of the RPR notification thresholds, the effectiveness of the 15% margin can be evaluated, and adjustments proposed accordingly.

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
First Nations Major Projects Coalition	The RPR should substitute a project referral system, based on government-to-government decision-making, for the out-dated "project list" system relied upon in the current, 15-year-old RPR: The Intentions Paper has reinforced the concept of a "Project List" as the primary determinant of whether a proposed project goes to an EA. In our view, this approach is less helpful today than in the past for the purposes of project designation in light of the need for a more precautionary approach to impact assessment in the present day and future context. For example, in sensitive, already-highly-impacted locations, a smaller project may create large and even unacceptable impacts. The RPR needs to be designed to ensure the consideration of these factors very carefully; over reliance on an artificial Project List will not accomplish this task. Further, we note that there are few regions left in the province where substantial regional levels of cumulative effects do not place species at risk of complete extirpation and, by extension, place future opportunities for our member-Nations to meaningful exercise their Aboriginal and treaty rights at an equal level of risk. In place of relying upon the project design thresholds as the primary determinant of an EA trigger, we recommend a project referral management system based on government-to-government decision-making that relies upon jointly developed criteria grounded in the current conditions faced by First Nations in their own territories. Further, such a system should be subject to the same dispute resolution process that currently applies to the Readiness Gate in the main BC EA process. Both recommendations are consistent with the BC EAO's stated intention of implementing the UNDRIP.	The project list approach provides a basis for predictability and certainty for all parties. The EAO has the ability to prescribe matters that are eligible for dispute resolution through regulation. This suggestion will be brought forward to the discussion related to development of that regulation. More details on mechanisms for enabling G2G decision making can be found on the "Pathways to Addressing Indigenous Concerns in Project Reviewability" slide in the "What we Heard" paper (section 4).
First Nations Major Projects Coalition	If the "Project List" approach is to be maintained, project design thresholds should be set across all RPR threshold categories at lower, more precautionary, limits, to ensure that more, rather than fewer, proposed projects are designated for the Early Engagement Phase, keeping in mind that this does not mean they are automatically referred to an EA. We recommend this more precautionary bar should be set at 50% to 75% of the current quantitative parameters in the existing RPR. This is especially important in the post-2012 context where smaller projects that were formerly reviewed by federal departments under the Canadian Environmental Assessment Agency are no longer subject to federal or provincial environmental assessment.	The EA process is designed to assess large, complex projects. The thresholds in the RPR are established to identify those major projects that benefit from the added value of the EA process in addition to the necessary sector-specific permitting process.

Skeena Fisheries Commission	While we support the concept of Project Design Thresholds, we believe the RPR fails to recognize and address a major issue with the current EA process regarding thresholds: the scope of the EA must include a consideration of all the activities and components contributing to the project, without allowing for individual components or activities to be permitted separately from the main project. This issue has come up with several of the EAs SFC has been involved with in the past, where proponents have split their project into multiple smaller projects in order to either avoid triggering an EA threshold, or to avoid "significant impacts" being attributed to their project. For example, Telkwa Coal, a currently proposed coal mine near Telkwa BC, originally intended to permit each of the three open pits included in the mine design as a separate project, despite all three pits being adjacent and intending to use the same processing plants, access roads and other related infrastructure. While all three pits together would have triggered an EA, each pit separately would have been below the production threshold so by permitting the pits as separate projects the proponent could avoid an EA. While the company eventually decided to increase production of the individual pits to the point where avoiding the thresholds through this loophole was no longer possible and the project design triggered an EA process, the original permitting plan clearly demonstrated the existence of a concerning regulatory loophole. Similarly, the Pacific Northwest LNG project out of Prince Edward, BC, was not only large enough to trigger an EA, it was also likely to result in several different types of significant impacts. As a large project requiring a large number of workers, social impacts from the proposed work camp were considered likely in Working Group discussions. A few months before the provincial EA was completed, the proponent submitted a modified project design that no longer included a work camp of any sort. The proponent had decided to contract the construction and operation of the work camp to another company, so despite the work camp being created solely for the purpose of serving the PNW LNG project, and being materially identical to the work camp predicted to cause significant impacts in the original project design, the proponent successfully argued that it was no longer part of the PNW LNG project, and therefore PNW LNG would have no negative social impacts. As the camp in and of itself did not trigger any project design thresholds, the impacts from the work camp were not captured by any review process and some of the impacts of the PNW LNG were functionally "hidden". These two projects provide very recent examples of how creatively scoping a project design by splitting a project into artificially separate components can be used to circumvent the EA process and hide significant impacts from regulators. That both of	- Design thresholds are a starting point - The new effects and notification thresholds are intended to mitigate the potential of project splitting - One of the new notification thresholds relates to number of workers, recognizing the potential for significant adverse socio-economic effects flowing from large numbers of workers associated with a project

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	these have occurred in the last five years illustrates how common an occurrence this is and how important it is that the new EA process and the RPR address these loopholes by requiring project design descriptions to include all necessary components of a project, regardless if they are being administered by a contracted third party.	
Skeena Fisheries Commission	<u>Missing Effects Thresholds:</u> The currently proposed Effects Thresholds lack thresholds related to the aquatic environment. Aquatic impacts are one of the most common significant impacts from industrial projects and as a shared, vital, sensitive, and dynamic resource, water is a component of the environment that needs to be managed through project-level assessments rather than blanket regulations. The *Water Sustainability Act* alone is not sufficient for managing impacts to aquatic environments due to its focus on water withdrawals and user groups rather than broader uses and impacts and environmental health. By the time a project has produced an official project design, many factors that could be used as thresholds for aquatic impacts are known, such a proximity to potential fish habitat, riparian disturbance, water withdrawal needs, impoundment design, acid rock drainage potential, and wastewater and effluent production, processing, and storage. Effects thresholds based on these criteria are practical, measurable, and feasible and should be added to the RPR. Additionally, there is a lack of consideration within the proposed RPR for local land use planning. Many municipalities, First Nations groups, or other bodies have spent considerable time and resources collecting data and engaging with stakeholders and other groups to develop land use plans, often with funding and support from the provincial government. It is unclear why the regulations do not include any thresholds related to these plans, given that the entire purpose of these plans are to collect the necessary data to determine the potential of future projects to negatively impact the environment or other user groups when compared to basic project design elements. These plans often identify key habitats, sensitive ecological components, or industrial development types that may be particularly harmful to the area, and developments that may impact one of these identified sensitivities should be assessed through an EA. One of the most common items of feedback the province received during public engagement was the importance of regional impact assessments and planning for managing project impacts, so it is a major oversight for the RPR to not include thresholds based on land use plans and other regional planning activities.	Effects thresholds are a new tool and we need time to learn from implementation of the thresholds proposed in the Intentions Paper. Consideration of an aquatic environment threshold could be incorporated as part of the ongoing review of the RPR. One of the ways in which reviewable projects may be categorized is on the basis of geographic location. We have heard from some interested parties that they would like to see this authority used more frequently to modify project design thresholds on a regional basis. This would provide a tool to account for specific context of the human or physical environment in a particular location. These regional variations could be proposed through the following mechanisms: - Regional EA conducted under section 35 of the Act - Signature of agreement with an Indigenous Nation or other jurisdiction under section 41 of the Act Upon proposal of a regional threshold through either of these mechanisms, the Environmental Assessment Office (EAO) would conduct engagement with interested parties, and if satisfied that the regional threshold is appropriate for implementation, bring forward a recommendation to cabinet to amend the Reviewable Projects Regulation (RPR) accordingly. Policy work underway to explore connection of regional thresholds to GtG agreements. Regional/Strategic EA regulations are planned for Phase 3 (fall 2020) and engagement will take place once phase 1 and 2 regulations are complete).

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Skeena Fisheries Commission	The Effects Thresholds as currently outlined are unacceptably high. For the linear disturbance threshold, the effects threshold has been set at the maximum threshold for any linear disturbance type, and for some types of disturbance that is a 300% more than the threshold for project design effects (20 km to 60 km for several categories such as railways). Likewise, under previous RPR many projects are reviewable under a 200 ha land disturbance threshold, which is now proposed to be raised 300% to 600 ha. As a result, a 20 km section of railway constructed on its own would require an EA, but a 20 km section of railway constructed as part of a small mining project proposal would not. As it cannot be argued that the railway constructed as part of a mining project would have less impact than a railway on its own, this creates an additional, exploitable loophole for avoiding regulatory control of certain types of projects.	The EAO heard concerns about the strength of the effects thresholds during the PCP. In response to this, the following notification thresholds, for projects that do not exceed the effects thresholds, have been added to the RPR: Linear Clearance: New projects: ≥ 40km linear clearance Area of Clearance: New projects: ≥ 450 ha area of clearance GHG emissions: New projects: ≥ 125,000 tonnes/yr Modifications: ≥ 125,000 tonnes/yr (applies to first modification only)
Skeena Fisheries Commission	Additionally, the narrow definition of "prescribed protected area" is a continuation of the concerning lack of thresholds related to regional and land use planning discussed above. The definition excludes protected areas developed for a particular narrow purpose (such as protecting a winter ungulate habitat), but that exclusion is not warranted. Such protected areas often have no regulatory weight to prevent projects from impacting the purpose of their creation, and therefore cannot be relied on as a substitute for an EA. Protected area designations identify an unusually high value or sensitive critical habitat characteristic as a "flag" for future regulators, and this is exactly the type of flag that should be captured by an effects threshold, not excluded. Overlap with protected areas should be included as an effect threshold with a broader definition of a prescribed protected area.	The EAO recognizes the significance of Indigenous protected areas. Where agreements exist between a nation and the Province for a protected area to be recognized under provincial law, that protected area could be included in the EAO's regulation.
Skeena Fisheries Commission	And finally, the notification thresholds reference the Project Design Thresholds, but not Project Effects Thresholds. As both the Project Design and Project Effects Thresholds are otherwise considered equally valid and important Thresholds for the RPR, and the same concerns about projects deliberately being designed to skirt Design Thresholds are present for Effects Thresholds, projects within 15% of Project Effects Thresholds should also trigger a notification.	The notification thresholds are intended apply to the effects thresholds, for new projects. This will be clarified in the final regulation.

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
Maa-Nulth Treaty Society	**Issues:** • the proposed linear disturbance threshold of 60km • the proposed greenhouse gas emission threshold of 1% of 2030 targets	The EAO heard concerns about the strength of the effects thresholds during the PCP. In response to this, the following notification thresholds, for projects that do not exceed the effects thresholds, have been added to the RPR: Linear Clearance: New projects: ≥ 40km linear clearance GHG emissions: New projects: ≥ 125,000 tonnes/yr Modifications: ≥ 125,000 tonnes/yr (applies to first modification only)
Maa-Nulth Treaty Society	**Issue:** proposed notification within 15% of project design and effects threshold	As experience is gained through application of the RPR notification thresholds, the effectiveness of the 15% margin can be evaluated, and adjustments proposed accordingly.

NATION/ ORGANIZATION	COMMENT	EAO RESPONSE FOR FINAL "WHAT WE HEARD"
Maa-Nulth Treaty Society	**Issue:** Project design thresholds for wind and tidal power projects	The revised thresholds for power plants are: • Land-based wind generating facility: ≥ 15 turbines • Marine or freshwater wind generating facility ≥ 10 turbines • Any new tidal (excluding in-stream tidal) power generating facility • In-stream tidal power facility: rated nameplate capacity of > 15 MW The rationale for the land based wind generating facility speaks to the scenario that projects using more efficient technology could meet or exceed the current 50 MW threshold with fewer turbines, and consequently less land disturbance, than projects using less efficient technology and more turbines, meaning the EA requirement may be a disincentive to using, or upgrading to, more efficient technology. The other thresholds are based on alignment with the federal Act.
Maa-Nulth Treaty Society	**Issue:** limiting natural gas processing facilities to sulfur emissions thresholds	• Projects in this category are currently reviewable based on either production capacity or sulphur emissions thresholds. • Our view is that the new effects threshold for greenhouse gas emissions is a better indicator of the potential for significant adverse effects • than the current processing threshold, • We propose to retain only the sulfur emissions threshold for this category going forward. • We also propose to clarify the definition of sulphur for the sulphur emission threshold to ensure clarity and consistency in application.

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Maa-Nulth Treaty Society	**Issue:** proposed exemption of deep groundwater extraction from the EA requirement	• The EA process duplicates the OGC permitting process; • Deep groundwater is generally non-potable, and unusable for other purposes; • Removing the requirement will provide incentive to the oil and gas industry to use deep groundwater, relieving pressure on more accessible water sources that have other uses; and, • The proposal aligns with changes made to the water management regime under the *Water Sustainability Act*, which created an exemption from requiring an authorization for the extraction of deep groundwater, subject to conditions.
Maa-Nulth Treaty Society	**Issue:** cumulative effects planning and management of smaller projects that do not trigger EA	Under the new EA process, proponents are required to show they have fully considered cumulative effects and land use plans during the project design and the Early Engagement phases of the process. Going forward, they will be supported in meeting this requirement by programs such as land use planning, the Cumulative Effects Framework, and the new Species at Risk legislative framework currently being developed and/or expanded upon by government. As with other recommendations, this will be revisited in future reviews of the RPR, and evaluated in light of the experience that has been gained with the updated EA process and government programs to support planning around cumulative effects and land use.
Maa-Nulth Treaty Society	**Issue**: Guidance documents for indigenous groups requesting designation	The EAO is in the process of developing policies and service standards around notification.