

ENVIRONMENTAL ASSESSMENT REVITALIZATION REVIEWABLE PROJECTS REGULATION WHAT WE HEARD REPORT



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Summary of what we heard and how it influenced the final regulation

The EAO has been engaging on the Reviewable Projects Regulation (RPR) since fall 2018 and recently concluded a public comment period on an [Intentions Paper](#). Over 1500 individuals responded to a survey on the proposals in the Intentions Paper and approximately 30 organizations made formal submissions. The EAO reviewed this feedback carefully and has adjusted the final regulation based on what we heard.

WHAT WE HEARD

Based on survey responses and formal submissions, the following themes were identified:

- We heard from industry that their primary concern is to ensure that the environmental assessment (EA) process is applied to projects where an EA adds value, and that B.C.'s competitiveness is maintained.
- We heard from Indigenous groups, that their primary interest is to identify mechanisms to incorporate Indigenous world views into the process of determining whether a project is reviewable.
- We heard from the public and environmental non-governmental organizations that there is a strong desire to bring more projects into the environmental assessment process through additional rigour and lowered thresholds.

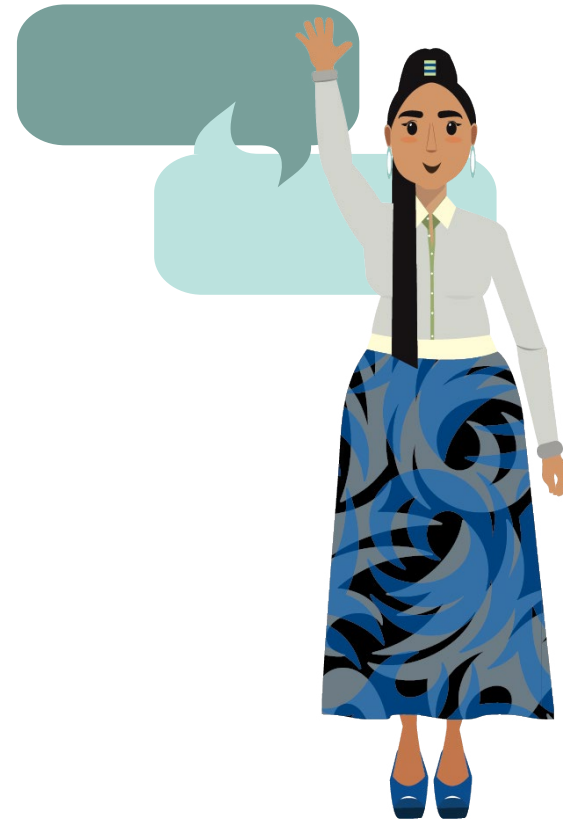
PRINCIPLES FOR FINALIZING THE REGULATION

We recognize that the EA process is a substantial financial and time commitment for all parties. The EA process is part of a larger framework for the regulation of project development in B.C. In the interest of competitiveness, efficiency and avoiding duplication, it is important that the EA process apply only to those large, complex projects that have the potential for significant adverse effects. Smaller and less complex projects undergo sufficient regulatory oversight through sector-specific permitting

processes. Therefore, the final regulation necessarily balances the interests and expectations of those that were consulted with and establish thresholds that capture projects appropriate for EAs.

In the interests of predictability and certainty, current thresholds for new projects and modifications are maintained unless there is a rationale to do otherwise, based on:

- Potential for significant adverse effects;
- Supporting government's strategic policy objectives; or
- Alignment with federal thresholds and supporting opportunity for substitution.



Changes we made in the final regulation

Based on the principles on the previous page, following adjustments and clarifications have been made in the final regulation:

Design thresholds:

- A new threshold of 345 kV for electric transmission lines is established to align with the federal reviewability threshold
- All linear project category thresholds (electric transmission lines, transmission pipelines, public highways, and railways) are aligned with the federal definition of “new right of way”
- Thresholds for resort modifications are established as set out in the [Intentions Paper](#)

Effects thresholds:

- Effects thresholds are established as set out in the Intentions Paper. These thresholds provide a ‘backstop’ to ensure that projects with a small design are still be reviewable if they have disproportionately larger effects

Notifications for new projects:

- Notification requirements are added at lower thresholds for greenhouse gases, area of disturbance, and linear disturbance, reflecting these strategic policy priorities
- A notification requirement is added for electric transmission lines at a lower kilovoltage threshold

Notifications for project modifications:

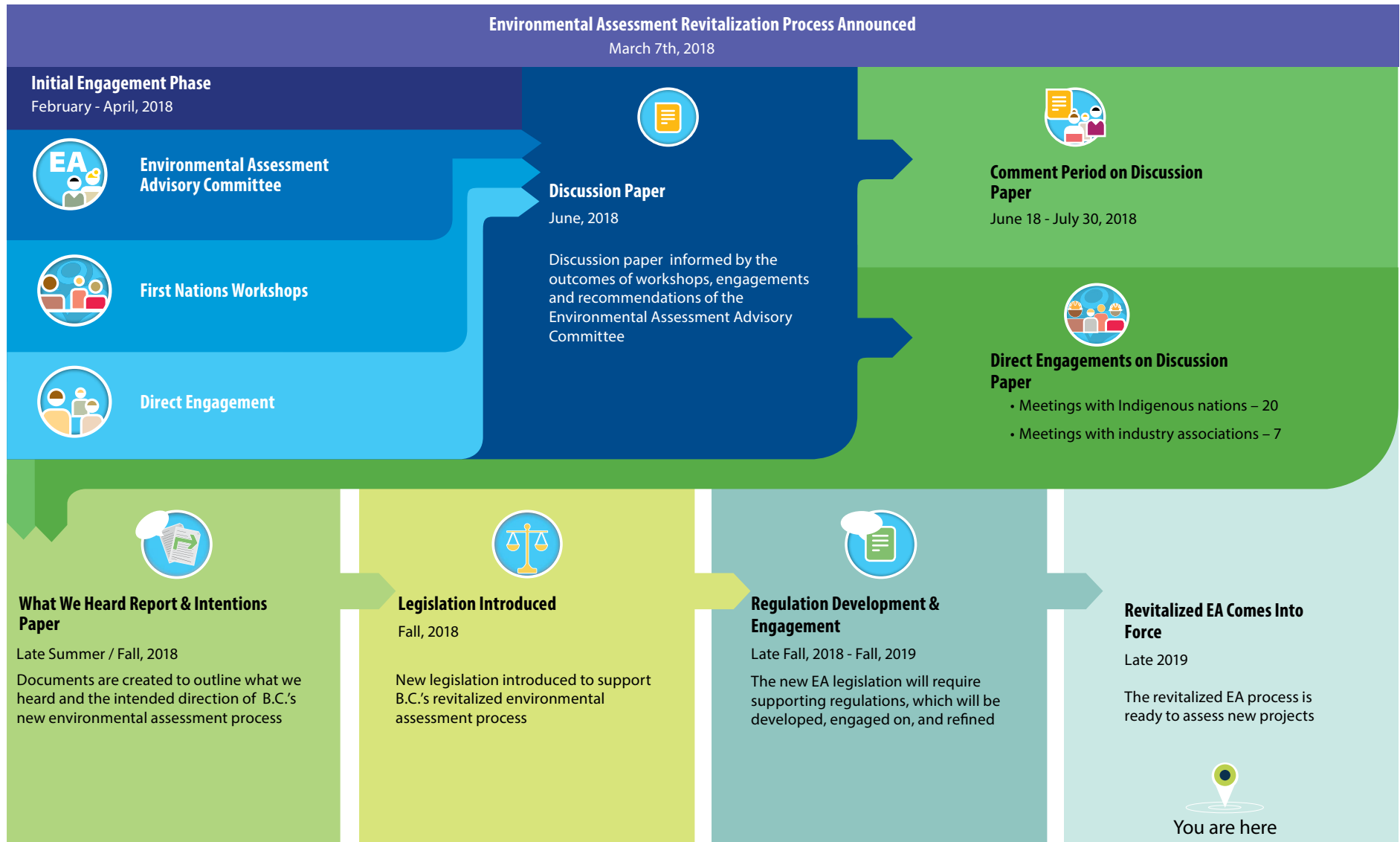
- A single notification requirement is applied for the first time a project modification results in the exceedance of the greenhouse gas emissions notification threshold, reflecting this strategic policy priority

Clarifications for effects thresholds and notifications:

- Greenhouse gas emissions are calculated in accordance with the Greenhouse Gas Emission Reporting Regulation, consistent with existing large industrial emitter reporting
- Clearance of timber in accordance with the Resort Timber Administration Act is excluded from the area of disturbance/linear disturbance effects and notification requirements, reflecting that it is base area development that has the highest potential for significant adverse effects for tourist resort developments.

These adjustments are detailed in [Appendix II](#), an update to [Appendix III](#) of the [Intentions Paper](#).

Environmental Assessment Revitalization Process



Who We Heard From During the Public Comment Period

From September 6th to October 7th, British Columbians were invited to review and comment on proposed changes to B.C.'s Reviewable Projects Regulation (RPR), by reviewing an Intentions Paper and submitting comments through a survey and formal submissions.

Prior to this public comment period, the Environmental Assessment Office (EAO) undertook a year long review of the RPR. This included consultations with partner agencies, Indigenous nations, industry groups, Environmental Non-Governmental Organizations (NGOs), EA Practitioners, and other stakeholders, and the outcome of the review informed the proposals that were summarized in the Intentions Paper.

In the following pages, we've highlighted the most common concerns and suggestions that were received during the public comment period. Many respondents support the changes proposed in the Intentions Paper, while others, whose feedback is captured in the 'We also heard' sections of this report, offer insights or ideas that were not explored within the [Intentions Paper](#).

We've tried to represent the diverse range of opinions and suggestions that were received and reflect ideas that were repeated in both the public comments and formal submissions. The feedback highlighted in this report is not strictly selected by the number of times an idea was repeated, nor does any one suggestion reported here necessarily represent the majority of responses. Comments with only a few supporters have not been included. All comments can be viewed online.

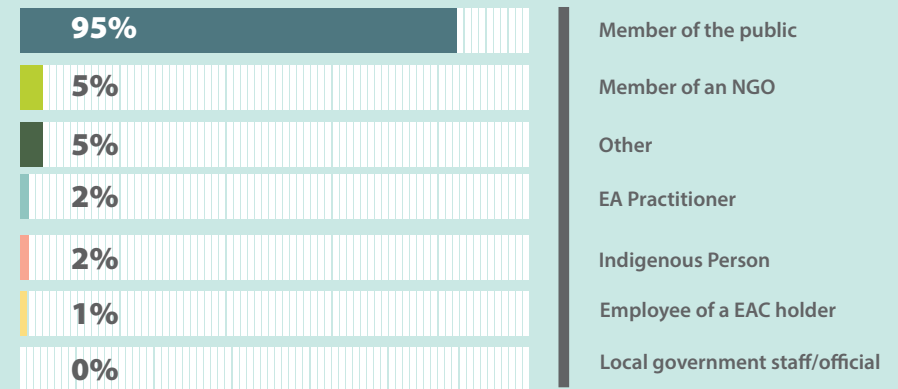
Formal Submissions



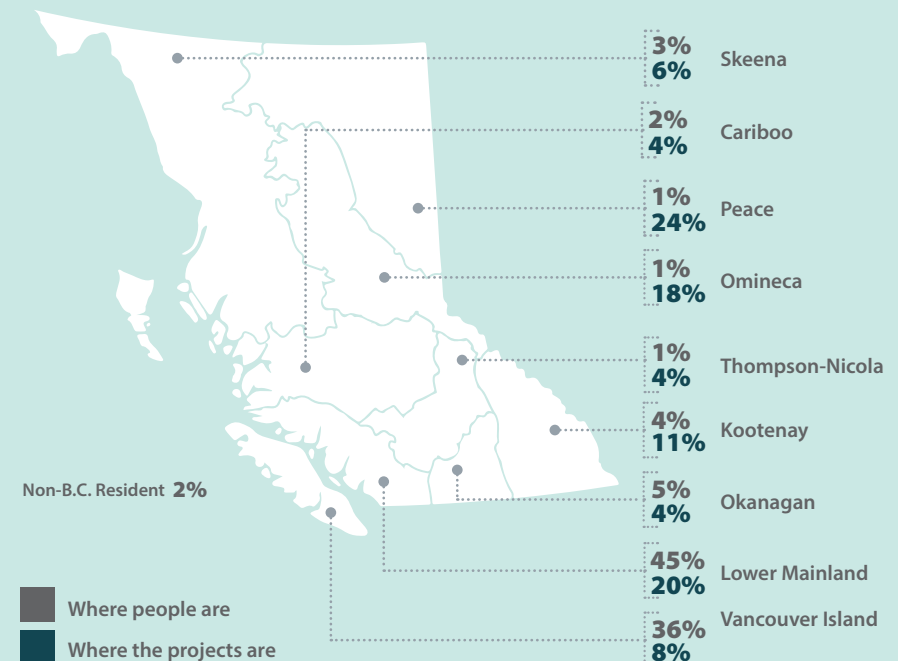
Survey Respondents

1512 people started the survey, 676 surveys were fully completed.

Respondents identified as:

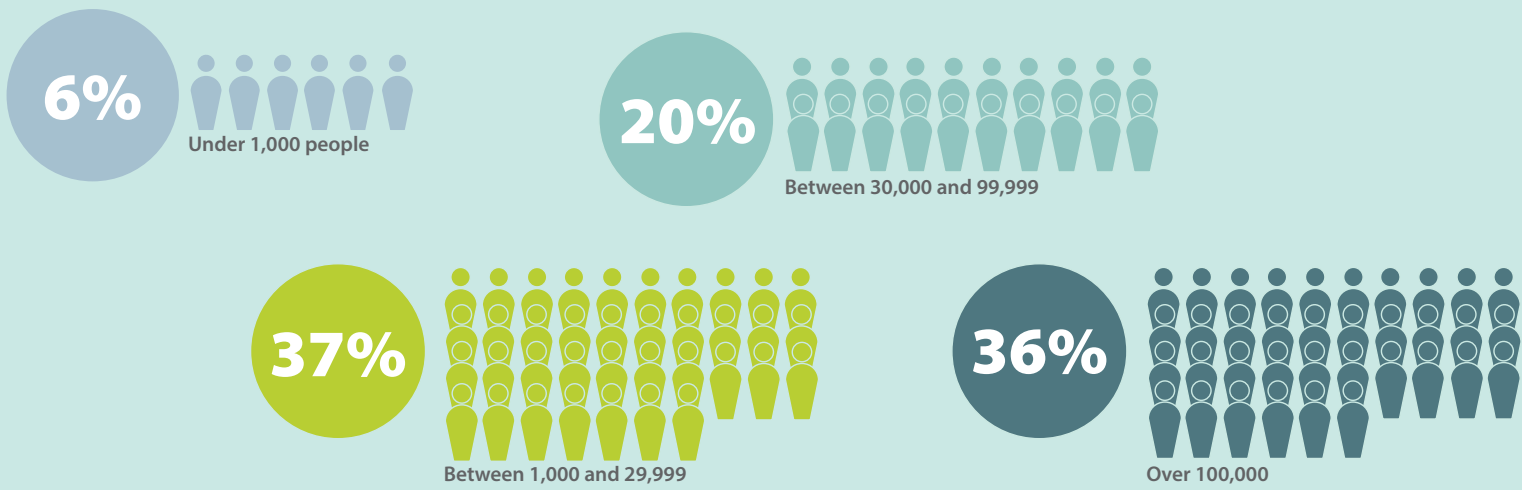


Where are people responding from and where are the projects?

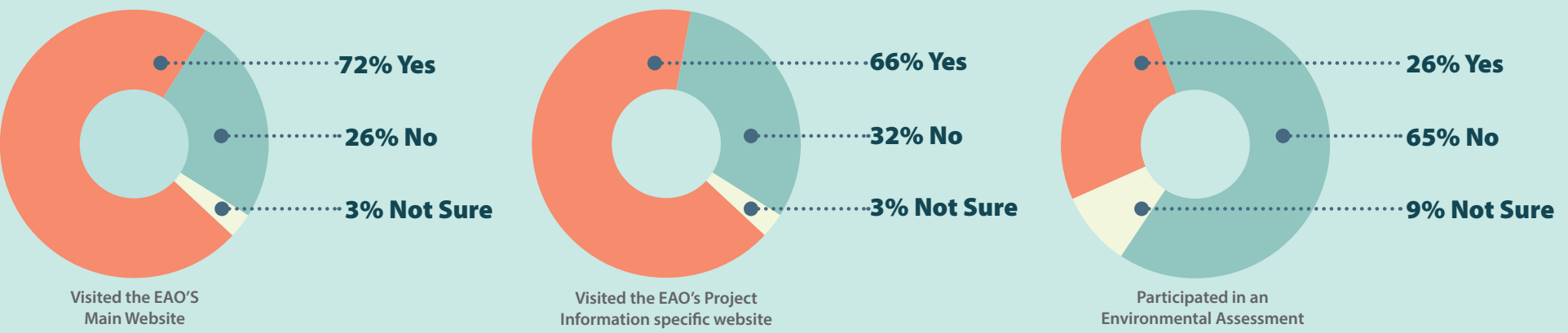


More about the survey respondents:

What size of communities are people responding from?



What are the respondents' experiences with the EAO's websites and the EA process?



Overall Framework

Feedback with respect to the overall changes to the RPR framework reflects the diversity of interests and expectations in identifying projects appropriate for environmental assessments in British Columbia

SUPPORT FOR PROPOSALS IN THE INTENTIONS PAPER:

- The EA process adds value for large, complex projects that have the potential for significant adverse effects.

WE ALSO HEARD:

- Regulatory certainty and competitiveness is of critical importance (Industry)
- More projects should be subject to the EA process (ENGOs, public, Indigenous nations)
- Splitting or phasing of projects to avoid the EA requirement could be better addressed (ENGOs, public, Indigenous nations, local government)
- Cumulative effects should be a factor in when determining whether an EA is required. These parties feel that the proposed RPR fails to address the cumulative effects of multiple sub-threshold projects in a region. (ENGOs, public, Indigenous nations)
- RPR should be re-framed as a project referral system based on government to government decision-making. (Indigenous nations)

"...we appreciate the importance of ensuring that British Columbians have confidence in how projects are reviewed, considered and ultimately decided upon, and we support the EAO's overall intent to achieve this through the RPR... regulatory clarity is critical to ensuring efficiency and expedience in EA processes, and we are encouraged to see this reflected in the Intentions Paper..."

- Teck Resources Limited -

"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."

- Skeena Fisheries Commission -

"We recognize the value of EA for major projects where potential significant adverse effects are not adequately managed through other regulatory processes"

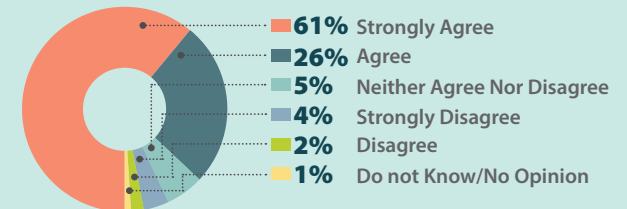
- Canadian Association of Petroleum Producers -

"Many of our organizations have emphasized to BC that a key aspect of meaningful EA reform is to ensure that more EAs occur for activities that stand to impact ecosystems and communities"

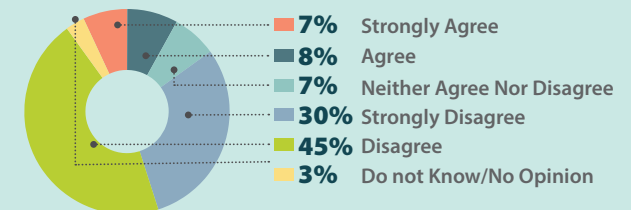
- West Coast Environmental Law -

What We Heard from Survey Respondents

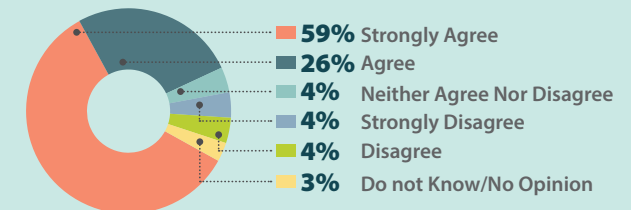
Project design thresholds are an important criterion to determine reviewability (average 4.4 - agree)



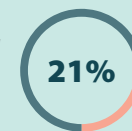
Project design thresholds are enough to determine potential for adverse effects (average 1.9 - disagree)



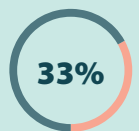
Effects thresholds are an important criterion to determine reviewability (average 4.2 - agree)



Cumulative effects should be better addressed



Project-splitting and project-phasing should be better addressed)



Project Categories

A project or an activity that does not fall into a prescribed RPR category is not subject to the EA requirement, unless it is designated as reviewable by the Minister under the Environmental Assessment Act (the Act). Many respondents from the public and NGOs want to see the RPR categories expanded to include a broader range of projects and activities.

SUPPORT FOR PROPOSALS IN THE INTENTIONS PAPER:

- Recognition of regulatory oversight through sector-specific permitting processes.

WE ALSO HEARD:

- The EA process is preferred over other sector-specific permitting processes (ENGOs, public, Indigenous nations)
- Adverse impacts of activities such as upstream oil and gas extraction, aquaculture, agriculture and forestry should be subject to the EA process (ENGOs, public, Indigenous nations)
- The addition of the greenhouse gas effects threshold should be applied more broadly to project categories not listed in the RPR (ENGOs, public)

"CCL urges that the thresholds apply to upstream oil and gas projects. The GHG emissions from these upstream activities contribute to the overall oil and gas activities/projects and must be taken into account if BC is to meet its emission reduction goals."

- Citizens' Climate Lobby -

"Upstream oil and gas activities are closely regulated by the British Columbia Oil and Gas Commission so any changes to the EA process should promote regulatory clarity, efficiency, predictable outcomes, and alignment with the "one project, one assessment" approach"

- Canadian Association of Petroleum Producers -

"Demonstrating that BC is serious about meeting its legislated climate targets requires that projects with implications for those targets are assessed [regardless of whether they fall into a prescribed category]."

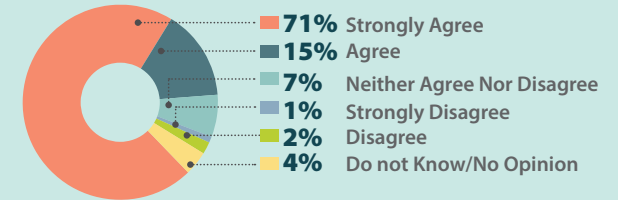
- West Coast Environmental Law -

"Simply suggesting that the EA process duplicates ... [other] agency permitting processes fundamentally fails to recognize the different authority and legal responsibility of the [respective] agencies. They are not interchangeable."

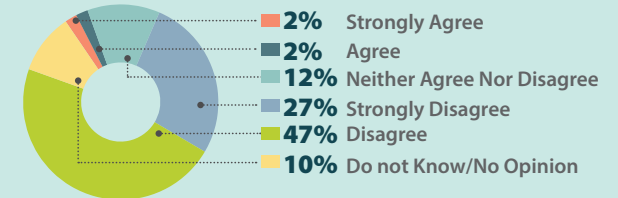
- District of Squamish -

What We Heard From Survey Respondents

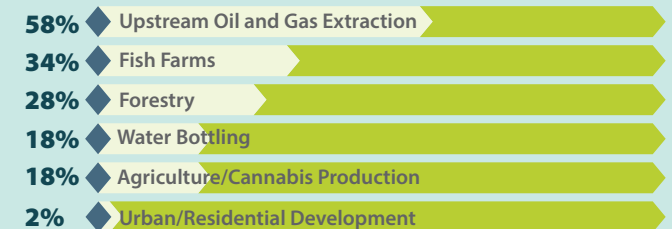
Categories should be added to the RPR (average = 4.4 - agree)



Categories should be removed from the RPR (average = 1.5 - disagree)



Which project categories should be added?



Project Design Thresholds

We heard strong support for continuing to use project design thresholds as a starting point to determine whether projects within specific prescribed RPR categories would require an environmental assessment (EA).

SUPPORT FOR PROPOSALS IN THE INTENTIONS PAPER:

- Starting from the project list perspective supports clarity and predictability with respect to reviewability, especially with project design thresholds that are clear, measurable and relatively easy to determine at the project design stage.
- Consistency, where appropriate, between the B.C. and federal regimes is important to support the opportunity for substitution

WHAT WE ALSO HEARD:

- Project Design thresholds should be set at lower, more precautionary levels (ENGOS, public, Indigenous nations)
- Mechanisms should be introduced for other jurisdictions (including Indigenous nations and local governments) to request that one or more project design thresholds be lowered for a region, to account for regional cumulative impacts or particularly sensitive receiving environments. (ENGOS, public, Indigenous nations)
- Thresholds should not be limited only those that are easily knowable and at the design stage. Instead develop thresholds that are more clearly linked to the potential adverse effects of proposed projects. (ENGOS, public, Indigenous nations)

"Overall, we support the clarifications on production capacity with regard to LNG facilities and revised thresholds for power plant facilities... this will allow for the opportunity to coordinate or substitute assessments between BC and Canada, which we are highly supportive of."
- Fortis BC-

"if the 'project list' approach is to be maintained, project design thresholds should be set across all RPR categories at lower, more precautionary limits"
- First Nations Major Projects Coalition -

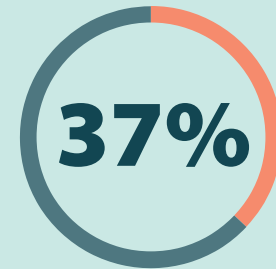
"Thresholds should vary in relation to the vulnerability of surrounding ecosystems and the potential for causing impacts. If the region is already historically degraded, the threshold should be set lower or else the cumulative impacts of the project in combination with existing impacts could cause far greater damage than a single project alone."

- Member of Public, Lower Mainland-

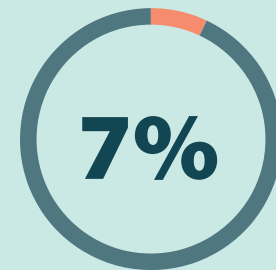
"Accurately capturing cumulative effects has always been a priority for Musqueam and many other First Nations. Musqueam is in favour of this (future) change to include regional thresholds to capture cumulative effects in Musqueam traditional territory..."
-Musqueam Indian Band-

What We Heard from Survey Respondents

Design thresholds should be lower



Thresholds should be varied on a geographic basis



Effects Thresholds

There is general support for the concept of effects-based thresholds, but a range of views with respect to the way they are proposed to be implemented

WE ALSO HEARD:

- Effects thresholds should be lower to bring in more projects (ENGOs, public, Indigenous nations)
- Effects thresholds introduce uncertainty as to which projects are reviewable (Industry)
- Additional effects thresholds should be added - for example, a threshold based on effects to aquatic resources (ENGOs, public, Indigenous nations)
- Effects thresholds should be linked to cumulative effects and land use plans. (ENGOs, public, Indigenous nations)
- The introduction of the effects thresholds does not align with the federal model, which is based on project design thresholds alone. (Industry)

"British Columbians value water, and yet there is no impact-based threshold for watershed or groundwater impacts."

- Northern Confluence Initiative; Mining Watch Canada; Fair Mining Collaborative -

"We...appreciate the clarity that the additional secondary effects criteria can have in determining what's in and what's out. However, we are concerned about the characterization and use of these effects thresholds when separated from production capacity definitions. These must be linked (i.e., included directly in definitions), otherwise they will operate as "screening" criteria."

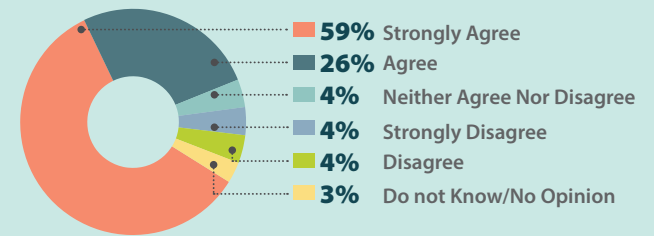
- BC Business Council -

"The introduction of supplementary thresholds for designated project categories is inconsistent with the direction taken by Canada with the inclusion of the Project List mechanism as part of Impact Assessment."

- BC LNG Alliance -

What We Heard From Survey Respondents

Effects thresholds are an important criterion to determine reviewability (average 4.2 – agree)



Effects thresholds should be lower

43%

Thresholds should be based on land use plans, location, cumulative effects

5%

Thresholds should be added that are linked to water quality & quantity

5%

Thresholds should be added to address non-environmental effects (social, health, cultural, economic)

2%

Greenhouse Gas Effects Threshold

There is general recognition of B.C.'s policy priority of reducing greenhouse gas emissions, but a range of views with respect to how this policy should be reflected within the RPR.

WE ALSO HEARD:

- There are existing legislative and regulatory frameworks to achieve the province's greenhouse gas reduction targets that are more effective for addressing greenhouse gas emissions (Industry).
- The introduction of a greenhouse gas threshold does not consider the global benefits that accrue from the lower carbon intensity of B.C.'s traded goods (Industry).
- The threshold should be lower (ENGOs, public, Indigenous nations, local government)
- The thresholds should be set as proposed in the intentions paper (Industry)

We requested feedback on whether greenhouse gas calculations should be based on the direct emissions of a project, or whether other sources should be considered. Most responding to this said the calculations should be based on direct emissions alone.

- Direct emissions are readily known and measurable at the planning stage. Counting only direct emissions will avoid the potential for double counting direct emissions in other greenhouse calculations. (Industry)
- It is difficult to determine and calculate emissions that may be indirectly associated with the project. (Industry)

"Strengthening the GHG threshold is critical to the credibility of BC's revitalization of EA and the RPR, as well as ensuring that BC meets its climate targets."

- My Sea to Sky -

"The proposed effects threshold could fail to contemplate broader societal objectives when considered one dimensionally. For example: LNG from LNG Canada's export facility, when used to displace coal for electricity generation will reduce global emissions by 60 to 90 million tonnes each year."

-BC LNG Alliance -

"BC's proposed RPR threshold for GHGs, namely emitting 1% of BC's 2030 climate target or 382,000 tonnes of direct annual GHG emissions (CO2 equivalent), is so high that it would only capture a handful of projects, effectively all of which would be subject to assessment anyway by virtue of existing project design thresholds."

- West Coast Environmental Law -

"Appendix IV should include the same specific numeric values for effects thresholds that are described in the Intentions Paper"

- Teck -

HOW WE ARE RESPONDING TO WHAT WE HEARD:

- The Greenhouse Gas Effects thresholds is established as set out in the Intentions Paper at 380,000 tonnes per year (1% of 2030 CleanBC target).
- A notification requirement has been added for new projects at 125,000 tonnes per year (1% of 2050 CleanBC target) reflecting the importance of this strategic policy priorities
- A notification requirement has been added for the first time a project modification results in the exceedance of 125,000 tonnes per year (1% of 2050 CleanBC target)
- Greenhouse gas emissions will be calculated in accordance with the Greenhouse Gas Emission Reporting Regulation, consistent with existing large industrial emitter reporting.



Linear and Area of Disturbance Effects Thresholds

As with the greenhouse gas emission threshold, there is recognition of B.C.'s policy priority of moving away from strictly production capacity-based criteria through the linear/area of disturbance thresholds, but a range of views with respect to how this policy should be reflected within the RPR.

WE ALSO HEARD:

- The thresholds should be lower (ENGOs, public, Indigenous nations, local government)
- Concerns were raised with respect to the interaction of these thresholds with Ski Resorts, which by nature are somewhat different than the heavy industries represented in most other project categories (Industry – tourist resort sector)

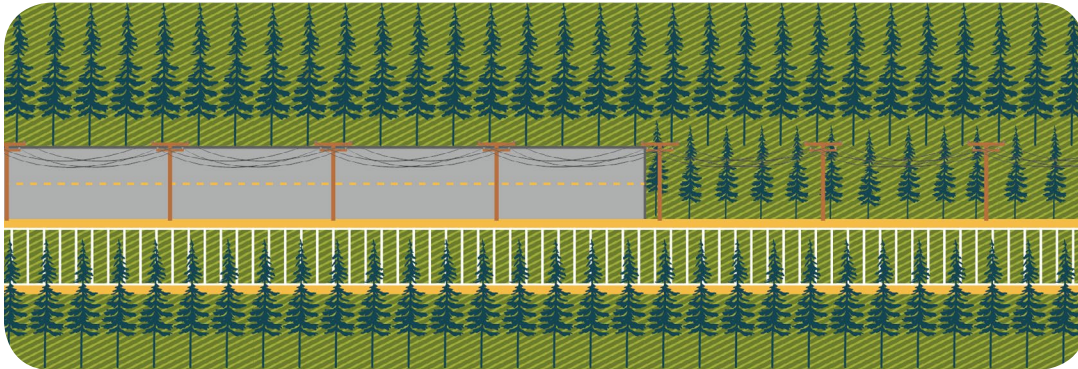
"The proposed disturbance-based threshold of 600 hectares is so high that it can only provide a useful tool to address project-splitting, and capture projects with significant impacts that slip through the cracks of project design thresholds, if it is low enough to apply to such projects."

- West Coast Environmental Law -

"Appendix IV should include the same specific numeric values for effects thresholds that are described in the Intentions Paper" - Teck

"...the proposed threshold for new linear disturbances is inadequate... 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."

- Musqueam Indian Band -



HOW WE ARE RESPONDING TO WHAT WE HEARD:

- The linear and area of disturbance thresholds are established as set out in the Intentions Paper, at 60km and 600 ha, respectively. These thresholds provide a 'backstop' to ensure that projects with a small design will still be reviewable if they have disproportionately large greenhouse gas emissions
- Notification requirements for new projects are added at 40km and 450ha, respectively, reflecting the importance of this strategic policy priority
- Clearance of timber in accordance with the Resort Timber Administration Act is excluded from the area of disturbance/ linear disturbance effects and notification requirements, reflecting that it is base area development that has the highest potential for significant adverse effects for tourist resort developments
- Linear disturbance is defined as rights of way for electric transmission lines, transmission pipelines, public highways, railways and resource roads, in alignment with the federal project list definition of "new right of way"

Protected Areas Effects Threshold

As with the other effects thresholds, there is recognition of B.C.'s policy priority of moving away from strictly production capacity-based criteria through consideration of protected areas, but a range of views with respect to how this policy should be reflected within the RPR.

WE ALSO HEARD :

- Determination of whether a project will have “a significant adverse environmental, economic, social or cultural effect” in a prescribed protected area introduces uncertainty (Industry)
- Additional protected areas were suggested for inclusion in the list: for example, winter ungulate habitat, areas identified under the Province's Cumulative Effects Framework, and the Agriculture Land Reserve (ENGos, public, Indigenous nations)
- Areas important to Indigenous Nations should be included in Protected Areas Regulation (Indigenous nations)

“Remove the requirement to determine significant adverse effects from the threshold that would require EA for prescribed projects that overlap with a listed protected area.”

- Member of Public, Kootenays -

“We should have hard absolute hands-off areas rather than ones where interactions need to be debated with proponents. We should be considering proximity to protected areas and not just incursion into protected areas.”

- Member of Public, Lower Mainland -

“One of the “effects” - overlap with prescribed protected areas - seems redundant and of little value, since any project with this potential is identified during project scoping by a proponent and vetted by government.”

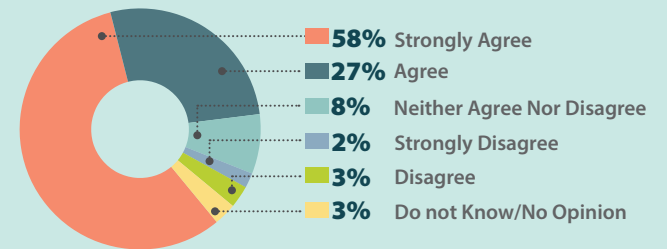
- BC Business Council -

“It is critical that areas important to Musqueam and other First Nations also be included in the Protected Areas threshold.”

- Musqueam Indian Band -

What We Heard from Survey Respondents

Making environmental assessments mandatory for projects within the Prescribed Category of Projects that are proposed within a Prescribed Protected Area, is a good way to get proponents to consider how their proposed projects could interact with protected areas from the earliest stages of project design, providing an opportunity for proponents to adjust their design to avoid overlaps with prescribed areas and therefore minimizing adverse effects (average 4.2 – agree)



Notification Requirements

We heard a range of views with respect to how this policy should be reflected within the RPR.

WE ALSO HEARD:

- The notification requirement adds regulatory uncertainty and cost, and a timeline burden to projects already operating under increasingly constrained economic margins (Industry)
- The notification thresholds should be strengthened to effectively track the projects that should be considered for designation for an EA (ENGOS, public, Indigenous nations)
- The RPR should require that all notifications are promptly posted online (ENGOS, public, Indigenous nations)
- There is lack of confidence that the designation authority will be used (ENGOS, public, Indigenous nations)

We sought feedback on whether notifications should be required when a project modification results in exceedance of the new project threshold. The responses varied:

- Notifications should be required for any modification resulting in exceedance of the new project threshold (ENGOS, public, indigenous nations)
- The notification requirement should apply to new projects only. (Industry)

We have significant concerns with the proposed new notification requirements...In our view, all the criteria will add unnecessary costs and risks for new investment, including new process and time requirements."

- BC Business Council -

"...while we are supportive of notifications, they provide little comfort...given that..., to our knowledge, no Minister has ever used the discretionary public interest power to designate a project for EA."

- West Coast Environmental Law-

"TC Energy is concerned about the introduction of such broad ranging notification thresholds and associated discretion, with the risk that they will lead to numerous recommendations for a Ministerial designation...Proponents need to know, up front, what process applies to effectively plan their projects to meet the in-service needs of their customers. To ensure process certainty and predictability, proponents should be able to rely upon the thresholds established in the RPR."

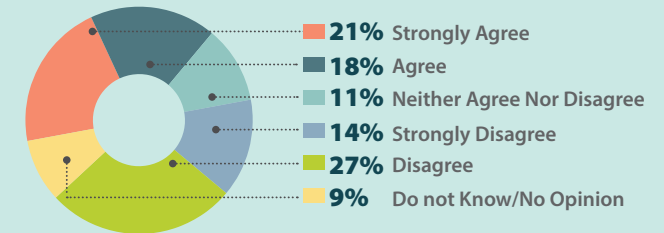
- TC Energy Corporation-

How We Are Responding to What We heard

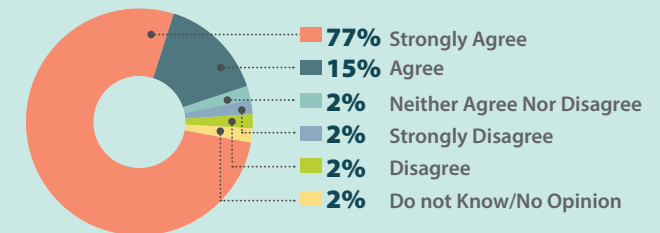
- Notification requirements will apply to new projects only, except in one single circumstance: A notification requirement has been added for project modifications that exceed 125,000 tonnes per year (1% of the 2050 Clean BC Target), the first time this threshold is exceeded, reflecting the importance of this strategic policy.

What We Heard from Survey Respondents:

Proposed notification criteria are enough to track projects that do not meet RPR (average 2.65 – disagree)



Proponents without an EA Certificate should notify EAO if they intend to modify project that exceeds new project threshold (average 4.5 – strongly agree)



15% Sub-threshold Notification Requirement

We heard a range of views with respect to how this policy should be reflected within the RPR.

WE ALSO HEARD:

- The 15% notification requirement introduces regulatory uncertainty and has the effect of reducing the project design thresholds by 15 % (Industry)
- The proposal is an effective way to track projects that potentially should be considered for designation, but the thresholds for notification requirements should be higher than 15% in order to be effective (ENGOS, public, Indigenous nations, Local government)

"These [notification thresholds] are welcome additions, in particular when projects are within 15% of the production threshold."

- Northern Confluence Initiative, Mining Watch Canada, Fair Mining Collaborative -

"While BCSSGA understands that projects may have been designed in the past to be subthreshold, the addition of the proposed 15% Notification threshold will have adverse effects by simply lowering the project design threshold further in order to avoid the cost and regulatory associated with this Notification provision - thereby rendering it ineffective."

- BC Stone, Sand and Gravel Association -

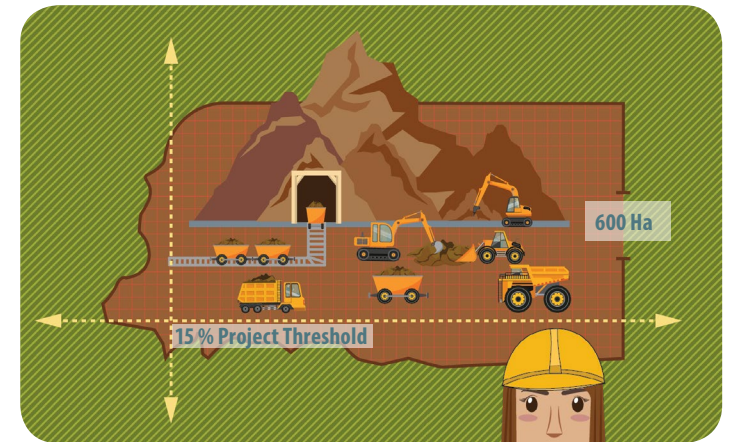
"Introducing a notification requirement for projects within 15% of the threshold would increase business risk and regulatory uncertainty, effectively promoting project splitting and proliferation. This is especially challenging to apply to projects within 15% of the GHG threshold, given it is based on an already conservative early forecasted emissions estimate."

-Canadian Association of Petroleum Producers -
"15% is within a margin error for planning purposes. We understand the purpose is to help avoid deliberate under-sizing of projects. We recommend this provision be removed or, if kept, that it be raised to 50% and included in the specific project type definitions or main category of project types."

- BC Business Council -

"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..."

- First Nations Major Projects Coalition -



Workforce Notification Requirement

In response to an identified need for an RPR threshold that is linked to the socio-economic effects of projects, the EAO is introducing a notification threshold based on the size of a project's workforce.

SUPPORT FOR THIS PROPOSAL:

- Recognition that, while large projects provide economic opportunities for communities, they can also present and/or exacerbate social challenges.

WE ALSO HEARD 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. (Industry)
- There is a need to recognize that the social effects of a workforce can vary significantly depending on where the project is located. (Industry, Local government)

"Our industry's projects generate employment that benefit local economies; however, we recognize that benefit carries an associated risk of social impacts where a major project is anticipated."

- Canadian Association of Petroleum Producers-

"... employment not only benefits the local economy but can be an indicator of social impacts in certain situations."

- ConocoPhillips Canada -

"The workforce threshold of 250 employment numbers seems arbitrary and should instead vary in relation to the job market size or population size being impacted by the proposed project."

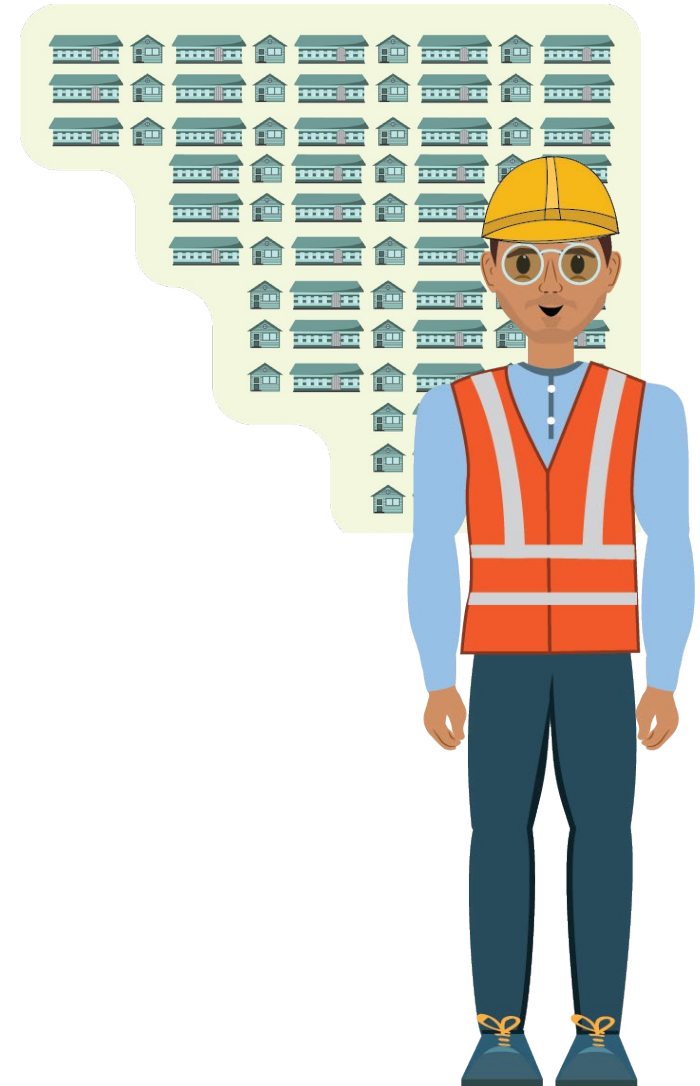
- The District of Squamish -

"... threshold is far too high, and has little /no relation to the environmental footprint of different projects, some of which have a high degree of automation, others much less so."

- My Sea to Sky -

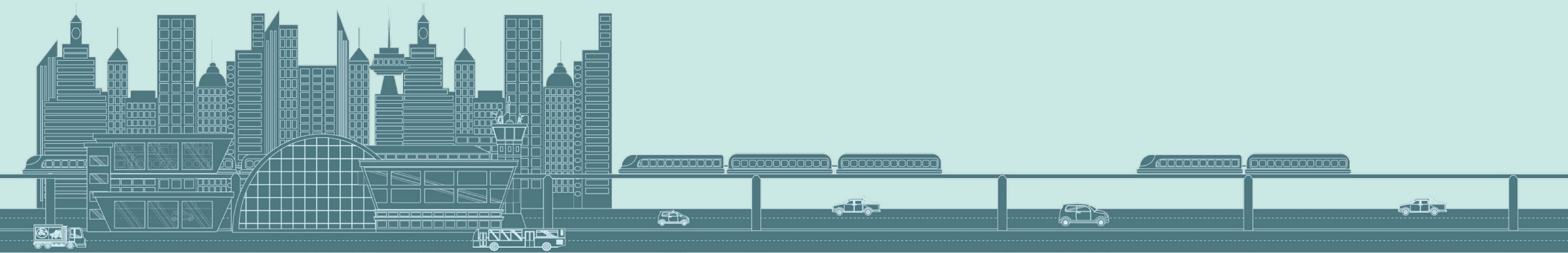
"We would ... recommend that the province recognize the differences that a project employing more than 250 people would have in a rural environment versus an urban environment such as Metro Vancouver, where the project size relative to the regional population would be much smaller."

- Fortis BC-



Sector Specific Feedback

We also heard new ideas in respect of specific sectors during the public engagement period



Mining Projects:

We heard the following:

- Mine production capacity should be based on what is extracted, including waste rock, rather than what is intended for sale. (ENGOs, public, Indigenous nations)
- Thresholds for coal and mineral mines should be revised to their pre-2002 values (100,000 tonnes/year for coal mines and 25,000 tonnes/year for mineral metal mines) (ENGOs, public)
- Thresholds should be revised to align with the new federal project list (Industry)
- Effectiveness of proposed revision to placer mining threshold is unknown due to current data limitations (ENGOs).
- Suggested to add threshold that reflects potential for transboundary effects of mines (ENGOs)

"Restore original" thresholds (i.e. those enacted in 1995 under the first Environmental Assessment Act) for mineral mines and coal mines... These two thresholds were weakened in 2002... The original, stronger thresholds should be reinstated."

- Member of Public, Thompson Nicola Region -

"...all mines in the transboundary region... regardless of size, need to be subject to the full B.C. EAO environmental assessment process."

- Rivers Without Borders -

Energy Projects: Electricity

We generally heard support for our proposals related to electricity projects

"On specific prescribed category definitions, we support keeping the 50 MW threshold for hydro, thermal and "other" electric generating facilities and including new categories for wind and tidal projects." - BC Business Council -

"Without scientific or a policy objective to support our members are not supportive an adjustment of transmission line thresholds. The expansion of the threshold may create new costs and delays which further fetters an already challenging economic case for upstream electrification."

- Canadian Association of Petroleum Producers -

"Overall, we support the clarifications on production capacity with regard to LNG facilities and revised thresholds for power plant facilities... this will allow for the opportunity to coordinate or substitute assessments between BC and Canada, which we are highly supportive of."

- Fortis BC -

"Overall, we support the clarifications on production capacity with regard to LNG facilities and revised thresholds for power plant facilities... this will allow for the opportunity to coordinate or substitute assessments between BC and Canada, which we are highly supportive of."

- Fortis BC -

How We Are Responding to What We Heard:

We specifically sought feedback in the Intentions Paper regarding our proposal to adjust the thresholds for electric transmission lines. Some adjustments to our initial proposal are reflected in the final RPR:

- New electric transmission lines are automatically reviewable if longer than 40 km and more than 345 KV. New electric transmission lines are required to submit a notification if they are longer than 40 km and more than 230 KV.
- In response to what we heard in respect of consistency with federal thresholds, the length threshold is based on new right of way that is not contiguous and alongside an existing right of way for an electric transmission line, transmission pipeline, public highway, or railway, in alignment with the federal project list definition of "new right of way."

Energy Projects: Petroleum and Natural Gas

- For natural gas plants, we heard concerns regarding removal of the production capacity threshold and limiting the EA trigger for to the sulphur emissions threshold alone. (Indigenous nations, Local government)
- We heard that the pipeline transmission threshold should be based on length of new disturbance, as opposed to length of pipeline. Many pipeline projects are extensions within existing right of way corridors. (Industry)
- We also heard that it would increase regulatory efficiency and decrease regulatory complexity to have consistent thresholds and triggers between BC and federal regimes. (Industry)

"Where practical, it would increase regulatory efficiency and decrease regulatory complexity to have thresholds or triggers for pipeline projects that are consistent between the federal and provincial regimes." - Canadian Energy Pipeline Association -

How We Are Responding to What We Heard:

- In response to what we heard in respect of consistency with federal thresholds, the length threshold for transmission pipelines is based on new right of way that is not contiguous and alongside an existing right of way for an electric transmission line, transmission pipeline, public highway, or railway, in alignment with the federal project list definition of "new right of way"

Water Management Projects

- In respect of exempting deep groundwater extraction for oil and gas purposes from the EA requirement, we heard concerns that the non-EA permitting and regulatory requirements are insufficient (ENGOS, public, Indigenous nations)
- We also heard a suggestion that approvals under section 10 of the Water Sustainability Act should not be exempted from the EA requirement (ENGOS)

"Do not exempt O&G [oil and gas] using deep saline GW [groundwater from the EA requirement]...While deep, saline GW is not potable, it can be used for other purposes (e.g., geoechange), and in the future...[other] industries may choose to access it." - Groundwater Consultant, Vancouver Island -

Waste Disposal Projects

- Some parties did not support excluding disposal of produced water in deep wells from EA requirement (ENGOS, Indigenous nations, local government).
- We also heard support for using the class assessment approach for reviewing mobile treatment of drilling mud, rather than excluding this activity from the EA requirement (ENGOS)

"We propose a class assessment of mobile thermal treatment of drilling mud, rather than exempting it from assessment... In our view a detailed assessment, with the ability to impose conditions, would be important to ensure [that the activity is beneficial]. At minimum, a class assessment (in full or in part) could be a way to address this." - West Coast Environmental Law-

Food Processing Projects

No concerns were raised in respect of removing the food processing project category from the RPR.

Transportation Projects

- We heard some concerns raised in respect of project phasing and splitting for the linear projects in the transportation sector

How We Are Responding to What We Heard:

- In response to what we heard in respect of consistency with federal thresholds, the length threshold for highways and railways are based on new right of way that is not contiguous and alongside an existing right of way for an electric transmission line, transmission pipeline, public highway, or railway, in alignment with the federal project list definition of "new right of way."

"The need to quantify...[effects thresholds]...at the outset of a new resort or existing resort expansion will require a level of planning detail not realistically feasible in resort planning and design. In contrast to most large infrastructure projects, resorts develop over decades, expanding only if visitation, resort priorities, and market trends indicate that it is appropriate to do so." - Brent Harley and Associates Inc. (Consultant)-

"BC ski areas are supportive of the change under consideration regarding... existing resorts, and trusts that the EAO will articulate this in the regulation. The reality is that most of the existing resorts have evolved successfully with strong regulation under the master planning process"
-Canada West Ski Areas Association-

Tourist Destination Resorts

- We heard concerns from the tourist resort sector around how the effects and notification thresholds would apply to these projects, which was noted in the section on linear/area of disturbance, along with adjustments in response to the concerns (see page 13)
- We heard the perspective that tourist resorts are more like communities than heavy industry, and the suggestion that if communities are not subject to EA, tourist resorts should not be subject to EA either (Industry)
- We heard about the importance of ensuring alignment and efficiency between the different regulators in this sector, and a desire to reduce duplication (Industry)

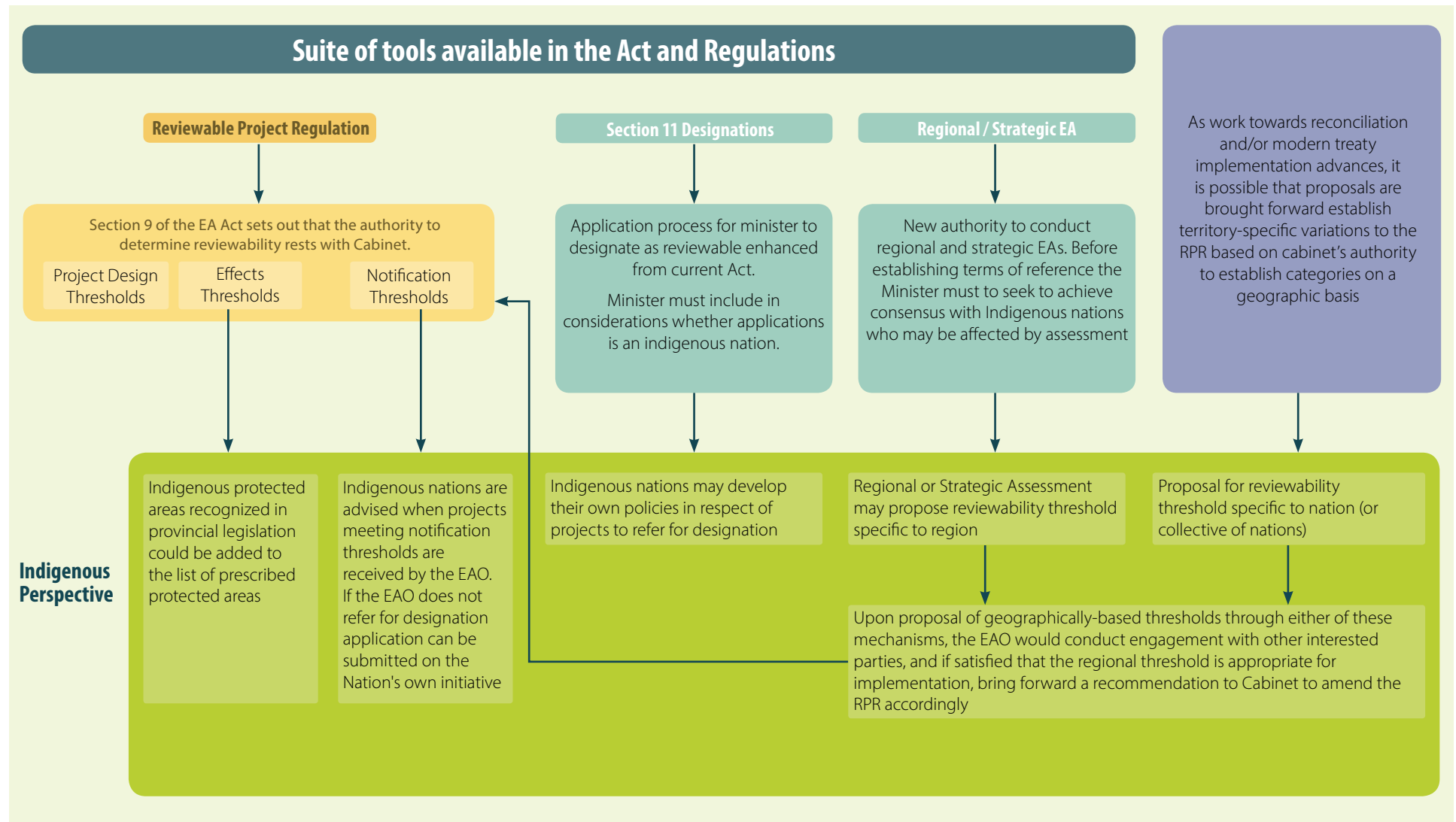
"Ski areas are by their nature are carefully phased community developments... many ski areas already play the role of a municipality. They provide housing, security, fire departments, recreation, social, and medical services for residents. If a municipal development is not a trigger under EA, there is a question why a similar functioning resort would be" - Canada West Ski Areas Association-

How We Are Responding to What We Heard:

- We specifically sought feedback in the Intentions Paper respect of our proposal for a revised threshold for resort modifications: An EA is only required if the modification results in an increase of at least 2000 new bed units; OR the total number of bed units increased by at least 50% from what is already approved in the resort master-plan, whichever is greater.
- While we did hear a range views on this proposal, the change is implemented in the final RPR as set out in the [Intentions Paper](#).

Pathways to address Indigenous concerns about project reviewability

We heard from Indigenous nations a strong desire to identify mechanisms to incorporate Indigenous world views into the process of determining whether a project is reviewable. This diagram seeks to show the different tools available to achieve this objective.



FORMAL SUBMISSIONS

Non-Governmental Organizations

- [Citizens Climate Lobby](#)
- [Clean Energy Canada](#)
- [Joint Submission – Northern Confluence Initiative](#)
- [Joint Submission – West Coast Environmental Law](#)
- [Kamloops Area Preservation Society](#)
- [My Sea to Sky](#)
- [Rivers Without Borders](#)

Industry

- [Association for Mineral Exploration](#)
- [BC Business Council](#)
- [BC LNG Alliance](#)
- [BC Stone Sand and Gravel Association](#)
- [Canada West Ski Areas Association](#)
- [Canadian Association of Petroleum Producers](#)
- [Canadian Energy Pipeline Association](#)
- [Canadian Geothermal Energy Association](#)

- [Coal Association of Canada](#)
- [Conoco Phillips](#)
- [Evolugen](#)
- [Fortis BC](#)
- [TC Energy Corporation](#)
- [Teck](#)

Indigenous Nations

- [First Nations Major Projects Coalition](#)
- [Maa-Nulth Treaty Society](#)
- [Musqueam Band Association](#)
- [Skeena Fisheries Commission](#)

Other

- [Brent Harley and Associates](#)
- [District of Squamish](#)

APPENDICES

- [I. Interim “What We Heard” including updated detailed threshold comparison](#)
- [II. What We Heard tracking tables](#)
- [III. Final Reviewable Projects Regulation \(BC Laws\)](#)