



Ministry of  
Environment and  
Climate Change Strategy

# Indigenous Engagement on the Public Interest Bonding Strategy Intentions Paper

April – June 2024

## What We Heard

*Report authored by Mahihkan Management on behalf of  
B.C.'s Ministry of Environment and Climate Change Strategy.*



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*In order to respect the feedback from participants, contributions during the discussions have been written as close to verbatim as possible while protecting the speaker's privacy. Due to this, some comments may seem vague, incomplete, or require interpretation by the reader, but this choice ensures that the voice of participants is honoured and truthfully represented.*



## Executive Summary

Since 2022, the Ministry of Environment and Climate Change Strategy (the Ministry) has hosted multiple rounds of public and Indigenous engagements over the Public Interest Bonding Strategy (PIBS), with feedback helping to shape the regulatory framework. The PIBS aims to put policies in place to ensure industry funds are available for decommissioning and closure of industrial projects, even if the site is abandoned. Over the course of the engagement series, the Ministry gathered feedback that showcased clear themes from Indigenous participants. A consistent theme throughout the sessions was that Indigenous Peoples must be consulted and involved early on and continuously throughout a project's life cycle. Collaboration must be prioritized through meaningful engagement, which will help to incorporate a more holistic, two-eyed seeing approach. The need to consult with more remote individual communities was also raised, as they are often overlooked in the broader engagement process. In addition, participants recommended providing regular updates to First Nations and Indigenous organizations and actively incorporating their feedback into decommissioning and closure plans, and the PIBS project overall.

In addition, participants called for greater transparency from the government moving forward, specifically by making documentation publicly available online and straightforward to access. Participants urged the government to publish decommissioning and closure plans and to ensure that they include details about expectations, responsibilities, and engagement efforts. In addition, participants suggested revising the decommissioning and closure plans every two to five years, or earlier, in order to keep them relevant and adaptable to changing conditions.

Participants also urged the government to consider the long-term environmental and societal impacts of projects on Indigenous communities. When projects occur on Indigenous lands, the associated communities are the ones that may face the consequences of industrial practices when a project ceases operations. It was recommended that the land be restored to its original state or left in a better condition than the company found it. In order to accomplish this, participants asked that all impacted communities are consulted and collaborated with to ensure that the affected land gets restored using appropriate and sustainable practices.

Lastly, the need for holding companies accountable was emphasized by participants, who also highlighted the inconsistent follow-through by the government and companies to date. It was recommended that the government establish robust assurances for cleanup costs, in addition to enforcing substantial non-compliance fines, to ensure that companies take immediate action to mitigate environmental risks and are committed to implementing continuous improvements, such as regular site monitoring and upgrading equipment.

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## 1. Introduction

### 1.1 – Mandate

The Ministry of Environment and Climate Change Strategy (the Ministry) of the Government of British Columbia (the Province) created the Public Interest Bonding Strategy to address the Minister’s 2020 mandate commitment on bonding, which was later updated in 2022:

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*“With support from the Minister of Energy, Mines and Low Carbon Innovation, take steps to ensure owners of large industrial projects are bonded moving forward so that they – not taxpayers – pay the full costs of environmental cleanup if their projects are abandoned.”*

#### *Initial Mandate – 2020*

*“As you continue to make progress on items in your previous mandate letter, over the remaining period of this mandate I expect you to prioritize making progress on the following: ... Deliver the first phase of British Columbia’s new bonding policy toward ensuring owners of large industrial projects are bonded moving forward so that they – not British Columbians – pay the full costs of environmental cleanup if their projects are abandoned.”*

#### *Updated Mandate – 2022*

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Under the *Environmental Management Act*, the new regulatory framework is intended to ensure owners of high-risk industrial projects pay for decommissioning and closure of their sites 100% of the time.

### 1.2 – Objectives

In April 2022, the Province published a [discussion paper](#) on the Public Interest Bonding Strategy, with the specific aim to gain insight and feedback from Indigenous Peoples, industry, non-governmental organizations, and other parties to help inform effective and efficient solutions to deliver on the PIBS mandate commitment. The paper was designed to promote discussion and gain feedback to help inform effective and efficient solutions to deliver on the Ministry’s initial mandate commitment. Public engagements were held, in addition to engagements with First Nations and Indigenous organizations, each of which resulted in their own respective What We Heard report.

In April 2024, the Province then released an [intentions paper](#) on the Public Interest Bonding Strategy’s preliminary considerations with respect to the decommissioning and closure of industrial projects in British Columbia. The paper summarizes policy concepts and was used during the Spring 2024 engagements to gain input from First Nations and Indigenous

organizations. In addition, public engagements were also conducted and summarized in a separate What We Heard report. Feedback received will help shape the regulatory framework for the Public Interest Bonding Strategy.

Over the course of the virtual engagement sessions and through the online feedback form, participants were introduced to the intentions paper and asked to provide feedback on the following six policy areas relating to the decommissioning and closure of industrial projects in British Columbia.

### **1. Risk-Based Determination**

A risk-based approach would consider the environmental liability and the financial risk of industrial projects to identify which projects will be required to prepare decommissioning and closure (D&C) plans and to provide security. D&C plans ensure that responsible parties have plans for closure and cleanup of high-risk sites while financial security, such as a bond, may be required to ensure plan obligations are fulfilled.

This means that not every industrial project in B.C. will be required to prepare a D&C plan or provide security.

The proposed policy concept utilizes a two-step process to approach risk-based determination:

- Step 1 will determine which projects must provide a D&C plan. If the project is determined to require a D&C Plan, then it moves onto Step 2.
- Step 2 will determine which D&C plans require assurance to address site specific liabilities and encourage site owners to fulfill their closure cleanup obligations.

### **2. Decommissioning and Closure Plan Requirements**

The Ministry intends to develop regulatory requirements for responsible persons to prepare and submit a D&C plan for specified facilities captured by Step 1 of the risk-based determination approach. Qualified professionals would be required to prepare some or all parts of D&C plans.

The proposed D&C plan content may include:

- Site details like contact information, site location, description, and list of activities taking place on the site.
- Inventory of substances capable of causing pollution or contamination.
- Actions to decommission and close the site, which would be based on the inventory of substances capable of causing pollution and include procedures and actions to either safeguard or decommission and close the site.
- Summary of cost estimates and risk reduction actions.

### 3. Security Requirements

The proposed policy concept considers assurance as a sum of risk reduction actions and financial security provided for the site. In this context:

- The total amount of assurance required is a function of the financial risk score and the overall environmental liability (cleanup costs) of the site at safeguarding or closure.
- Risk reduction actions are measures that the facility may take to reduce the site's overall liability (i.e., through proactive cleanup).
- Security is a financial instrument provided to government by the project owner to cover remaining liability. Preferred forms of security include irrevocable letters of credit, surety bonds and cash or cash equivalents.

### 4. Cost of Clean-Up Requirements

Cost estimates are important to determine site specific environmental liabilities and allow for planning in advance of closure. To inform planning, the following concepts are being evaluated for cost estimates:

- Direct costs (for cleanup activities proposed in D&C Plans).
- Third party estimates to complete the work (e.g., should a project be abandoned, requiring the Province to implement decommissioning and closure of the works).
- Consideration of future uncertainties (i.e., contingencies) and consistency when assessing liability costs.
- Promoting transparency in cost estimates and financial security decisions.

### 5. Compliance and Enforcement

Compliance with the new regulatory framework will be enforced under the Ministry's existing compliance and enforcement framework. The environmental compliance model uses a consistent, risk-based approach to ensuring compliance and assesses each situation on its own merits. Ministry inspectors verify compliance by conducting inspections to ensure regulated parties are following the requirements designed to protect the environment and human health, and to provide them with the opportunity to improve their environmental business practices. Inspections can be carried out on-site or as an office assessment reviewing information received by the Ministry.

### 6. Cost Recovery Provisions

The Ministry intends to introduce cost recovery regulations to ensure industry pays for decommissioning and closure activities at abandoned sites. If the Ministry determines that an industrial project is abandoned, government may step in and implement decommissioning and closure activities on site, and costs incurred by government will be recovered under the new regulatory framework.

The cost recovery model will ensure all types of activities contributing to the overall cost of cleanup are documented to maximize return of expenses. Cost recovery will consider the use of government employees or contractors, government vehicles, consulting and professional services, government equipment, private goods, research, and analytical services related to D&C plan activities.

## 2. Engagement Structure and Overview

### 2.1 – Methodology: Approach

The Public Interest Bonding Strategy Indigenous engagement process was designed by the Ministry in collaboration with Mahihkan Management. Collation of engagement feedback was conducted by Mahihkan Management and is presented in this report, which will be shared with engagement session participants and directly inform future government policy development.

Engagement on the intentions paper consisted of three elements: an online feedback form, an open call for written submissions and virtual information and workshop engagement sessions. While all three elements were used to promote Indigenous engagement, including encouraging engagement session participants to submit their thoughts online, most of the feedback came from the virtual engagement sessions.

Prior to the engagement sessions, an informational backgrounder ([Appendix I](#)) was e-mailed alongside an event invitation ([Appendix II](#)) to prospective attendees. The backgrounder was intended to provide recipients with an overview of the project in preparation for the engagement sessions, while the event invitation provided necessary event details, including date and time of the virtual sessions.

#### 2.1.1 – Online Feedback

In addition to providing feedback during the information and workshop sessions, participants were invited to share their input online through the [GovTogetherBC](#) platform (<https://engage.gov.bc.ca/govtogetherbc/engagement/public-interest-bonding-strategy/>). The window for submitting online and written feedback was between April 9 and June 9, 2024. Over this time period, a total of eight responses were received through e-mails and the online survey.

### 2.2 – Methodology: Analysis

In order to identify the key themes, Mahihkan Management reviewed the individual session reports from both rounds of engagements, each of which included all the participant responses during discussions. The reports were then compared, and similar types of feedback were grouped together to create key themes in terms of what was mentioned most frequently and flagged as the highest priorities for participants. These key themes were also given related sub-themes when appropriate. Such methods of analysis were also applied to online and written submissions.



### 2.3 – Methodology: Limitations

The main limitation for the engagement series was that not every First Nation, Indigenous organization, or individual was represented. As a result, the feedback that was collected does not represent all Indigenous voices in British Columbia.

### 2.4 – Engagements

The engagement sessions took place between April 16 and May 23, 2024. Three information sessions were held in April, with three workshop sessions following in May. Each engagement session was organized and hosted by Mahihkan Management and an experienced facilitator. In addition, notetakers and a graphic recorder were present to capture participant feedback in the form of written summaries and images ([Appendix IV](#)).

The facilitator began each session with a welcome, land acknowledgement, and the introduction of an Indigenous Elder who provided a prayer, cultural song, or opening remarks to set the tone for the day. Following presentations from Ministry staff about the Public Interest Bonding Strategy and intentions paper, participants were invited to share their feedback during a question-and-answer period and breakout discussions. In order to encourage discussion, facilitators were provided with prompting questions to ask participants during each session. The full list of questions is provided in [Appendix V](#). It is important to note that while the substance of these questions was covered during discussion, there may have been sessions where not every single question was outright asked.

Information Sessions		
April 16, 2024	April 18, 2024	April 23, 2024

Workshops		
Risk-Based Determination (Step 1) and Decommissioning & Closure Plan Requirements	Risk-Based Determination (Step 2) and Security Requirements	Cost of Cleanup, Indigenous Engagement, Compliance and Enforcement, and Cost Recovery Requirements
May 17, 2024	May 21, 2024	May 23, 2024

Table 1 - Virtual Engagement Dates

Following the information sessions held in April, the Ministry held follow-up in-depth workshops with First Nations and Indigenous organizations on policies of interest from the intentions paper.

Over the course of the three information sessions there was a total of 25 participants in attendance, representing 20 First Nations and Indigenous governments. In comparison, the workshops held in May had a total of 20 participants with 10 First Nations and Indigenous

governments being represented. In terms of online submissions, eight were received overall – three via e-mail and five using the online survey.

### 2.4.1 – Information Sessions

The three sessions offered in April provided the same information and summarized the intentions paper while gathering input and feedback from participants. Based on the feedback received from the sessions, follow-up workshops for First Nations and Indigenous organizations were developed that provided more in-depth discussions based on a polling of policies of interest, the results of which can be found in [Appendix V](#).

### 2.4.2 – Workshops

The three sessions provided in May each had a distinct focus, with associated questions ([Appendix V](#)), to help encourage a discussion with participants. Each workshop included a facilitated discussion for First Nations and Indigenous organizations to provide feedback on the following policies:

#### **Workshop 1: Risk-Based Determination (Step 1) and Decommissioning and Closure (D&C) Plan Requirements**

- The risk-based approach to determine if an industrial project requires a D&C plan.
- Requirements for D&C plans including content, engagement with Indigenous peoples, local governments, and implementation once operations cease.
- Alignment with existing ministry compliance and enforcement framework to ensure new D&C plan requirements are fulfilled.
- Interweaving First Nation and Indigenous cultural values, principles, and interests.

#### **Workshop 2: Risk-Based Determination (Step 2) and Security Requirements**

- The risk-based approach to identify high-risk projects that will be ordered to provide assurance.
- Methods to determine assurance amounts and form.
- Alignment with existing ministry compliance and enforcement framework to ensure new security requirements are fulfilled.
- Interweaving First Nation and Indigenous cultural values, principles, and interests.

#### **Workshop 3: Cost of Cleanup, Indigenous Engagement, Compliance and Enforcement, and Cost Recovery Requirements**

- Expectations for estimating the cost of decommissioning and closure.
- Engagement with Indigenous peoples on D&C plans and the Public Interest Bonding Strategy.
- Alignment with existing ministry compliance and enforcement framework to ensure new assurance requirements are fulfilled.

- Cost recovery provisions to strengthen the B.C. government’s ability to recover public funds spent on environmental cleanup if owners fail to meet their obligations.
- Interweaving First Nations and Indigenous cultural values, principles, and interests.

### 3. Key Themes – Policy Areas

The following section showcases the key themes sorted according to the six policy areas in the Public Interest Bonding Strategy Intentions paper. The same key themes often emerge under multiple policy areas.

#### 1. Risk-Based Determination

##### Associated Themes:

- **Effective Risk Assessment and Management and Resource Allocation**
  - Participants recommended implementing a more comprehensive risk assessment framework that includes environmental, financial, and site-specific factors. In addition, they suggested that Indigenous representatives be present during site inspections.
  - Participants also highlighted the importance of ensuring there is sufficient capacity in compliance and enforcement to effectively manage and monitor projects.
- **Regulatory Coordination and Challenges**
  - Participants flagged the importance of investigation before projects can begin, including surveying the site and researching the site’s history.
  - Participants also emphasized a desire for incorporation of abandoned projects, rather than only addressing new and current operations. Suggestions included creating a funding pool to help properly address these abandoned sites.
  - The importance of collaboration between the *Mines Act* and the *Environmental Management Act* was also noted by participants, along with avoiding a siloed approach to creating regulations.

#### 2. Decommissioning and Closure Plan Requirements

##### Associated Themes

- **Transparency and Accountability**
  - In order to ensure greater transparency, participants recommended making D&C plans publicly available, which also show expectations, responsibilities, and engagement efforts.
  - Participants also suggested updating and revising D&C plans regularly.
  - In terms of accountability, participants emphasized the importance of acknowledging inconsistent follow-through in the past by government and

companies, along with focusing on a more extensive engagement approach in the future.

- **Impact and Responsibility**
  - Participants emphasized that when projects close down and industry leaves, any associated impacts are a burden that is placed on Indigenous communities. They strongly recommended that the land is returned to its original state, or better.
  - Participants recommended consultation and collaboration with Indigenous Peoples to ensure sustainable practices are used when it comes to land restoration. Participants suggested looking at the ecosystem before development, including the soil and plants, and factoring that into long-term restoration plans.
  
- **Community Engagement and Integration of Indigenous Knowledge**
  - Across multiple sessions, participants stressed that Indigenous Peoples are included early on and continuously throughout the PIBS project. It must be meaningful participation to support a more holistic, two-eyed seeing approach.
  - Multiple participants also expressed the importance of working collaboratively and ensuring co-development of D&C plans and meaningful engagement.

### 3. Cost of Clean-Up Requirements

#### Associated Themes

- **Effective Risk Assessment and Management and Resource Allocation**
  - In order to ensure that funds are available for cleanup and restoration of sites, participants recommended strengthening bonding and financial assurance mechanisms – especially for abandoned projects.
  - Participants also recommended establishing robust assurances for cleanup costs to help ensure immediate action to mitigate environmental risks, and to implement continuous improvement plans. In addition, participants also suggested implementing substantial fines for non-compliance.
  
- **Transparency and Accountability**
  - Participants stressed the importance of setting clear financial assurance requirements based on environmental liability, in order to ensure that funds are available for D&C activities.

## 4. Security Requirements

### Associated Themes

- **Effective Risk Assessment and Management and Resource Allocation**
  - Participants recommended improving security requirements by collecting financial security and incentivizing progressive cleanup, along with ensuring that funds are available for D&C activities, effectively managing environmental risks.
- **Transparency and Accountability**
  - Participants also suggested incorporating security handling practices that follow existing government policies and ensure transparent and accountable management of financial securities.
- **Impact and Responsibility**
  - Participants recommended ensuring that industrial projects plan decommissioning activities well in advance and incorporate responsible environmental practices.

## 5. Compliance and Enforcement

### Associated Themes

- **Effective Risk Assessment and Management and Resource Allocation**
  - Participants suggested ensuring compliance with regulatory requirements through inspections and assessments, which are crucial for effective risk management.
- **Transparency and Accountability**
  - Participants recommended that inspectors provide opportunities for regulated parties to improve their environmental practices, promoting accountability in meeting environmental standards.
  - It was also suggested that site history, compliance records, and cumulative effects analysis are used to inform risk assessments and project decisions.

## 6. Cost Recovery Provisions

### Associated Themes

- **Effective Risk Assessment and Management and Resource Allocation**
  - Regarding abandoned projects, participants recommended strengthening bonding and financial assurance mechanisms to ensure that funds are available for cleanup and restoration.

- Participants also recommended incorporating more risk reduction actions into project planning, along with taking potential failures, safeguards, and their impact on costs into consideration.

### Summary

Overall, participants throughout both rounds of engagement sessions – information and workshop – provided feedback that weighs certain key themes more heavily than others. According to the volume of comments, the highest priority area is the theme **Community Engagement and Integration of Indigenous Knowledge**. Participants emphasized the need for community engagement and collaboration throughout the PIBS project. Some examples included collaboration on assessment tools, best practices for restoration and cleanup, decommissioning, and closure. Closely following as the next highest priority was the theme **Impact and Responsibility** regarding risk to the environment and having proper D&C plans. Participants wanted to ensure that companies are held accountable for the proper closure and restoration of sites, as it is the Indigenous communities that face the long-term impacts. In terms of the other themes listed below, the volume of participant feedback gave them similar weighting.

## 4. Key Themes – Overall

This section consolidates the key themes and subthemes that emerged during the engagement process, which span across the six policy areas. They are listed in terms of their relative priority.

Information Sessions		
April 16, 2024	April 18, 2024	April 23, 2024
Workshops		
Risk-Based Determination (Step 1) and Decommissioning & Closure Plan Requirements	Risk-Based Determination (Step 2) and Security Requirements	Cost of Cleanup, Indigenous Engagement, Compliance and Enforcement, and Cost Recovery Requirements
May 17, 2024	May 21, 2024	May 23, 2024

Table 1 - Virtual Engagement Dates

### Information Sessions

The three sessions offered in April provided the same information and summarized the intentions paper, while also gathering input and feedback from participants. Based on the feedback received from the sessions, follow-up workshops for First Nations and Indigenous Organizations were developed that provided more in-depth discussions based on a polling of policies of interest, the results of which can be found in [Appendix V](#).

## Workshops

The three sessions provided in May each had a distinct focus, with associated questions ([Appendix V](#)), to help encourage a discussion with participants. Each workshop included a facilitated discussion for First Nations and Indigenous Organizations to provide feedback on the six policies.

### 4.1 Community Engagement and Integration of Indigenous Knowledge

- **Continuous and Meaningful Engagement**
  - Participants stressed the importance of involving Indigenous Peoples early on and continuously throughout an industrial operation captured by PIBS. This would not only ensure meaningful participation and build trust, but incorporate a more wholistic, two-eyed seeing approach.
    - However, participants stressed the issue of capacity and a need for additional funding to address this issue, as First Nations and Indigenous organizations are currently stretched by the volume of requests they receive for engagement and consultation.
  - Multiple participants expressed the need to shift towards collaborative work rather than a checklist approach, ensuring co-development of plans and meaningful engagement. In addition, proper consultation with individual communities should be prioritized, especially in remote territories, along with providing regular updates and being receptive to feedback.
    - This individual engagement is also crucial because each First Nation and Indigenous organization will have its own differing views, but they all deserve a chance to speak when their land is being impacted.
- **Cultural Knowledge Incorporation**
  - The Indigenous perspectives on stewardship and the relationship to the land were emphasized by participants, especially in comparison to the Western worldview. They stated that this traditional and cultural knowledge should be incorporated into the decision-making processes for environmental management and project planning, along with land impact, risk reduction plans, and any archaeological work happening on their lands. A wholistic, life-cycle approach should be utilized.

### 4.2 – Impact and Responsibility

- **Long-Term Impact on Nations**
  - Participants emphasized the importance of recognizing the impacts of projects are borne by the Indigenous communities that remain long after industries leave. They advocated the land being returned to its original state, or better than it was found.

- **Restoration and Sustainability**
  - Participants recommended collaborating with Indigenous Peoples to restore the land and ensure sustainable practices. They suggested looking at the ecosystem before development, including the soil and plants, and factoring that into long-term restoration plans.
- **Trust and Accountability**
  - Participants emphasized the need for accountability, acknowledgement of past inconsistent follow-through by government and companies, and for a more extensive engagement approach moving forward.

#### 4.3 – Regulatory Coordination and Challenges

- **Focus/Concern on PIBS Scope & Unified Regulation Approach**
  - Participants noted that this strategy seems to be aimed at new and current operations, rather than considering the unique challenges of abandoned projects – such as how they still act as sources of contamination.
  - Participants emphasized the need to prevent dual regulation and ensure collaboration between the *Mines Act* and the *Environmental Management Act*.
- **Defining Qualified Professionals**
  - Participants asked for clarification on what specific requirements would be in place for “qualified professionals or persons,” and who will decide what the requirements are. It was also noted that being an expert in one field does not mean someone is qualified to make statements about another field.
- **Site Investigations**
  - Another inquiry from participants related to what investigation occurs before a project can begin on a site, which may prevent some of the issues that other participants raised. It was suggested that there be consideration of the history of the site, its current state, and who was responsible for it.

#### 4.4 – Transparency and Accountability

- **Public Availability and Transparency**
  - Participants suggested ensuring that D&C plans are made publicly available, show expectations and responsibilities, and also document engagement efforts.
- **Historical Context and Compliance**
  - It was suggested by participants that site history, compliance records, and cumulative effects analysis are used to inform risk assessments and project decisions.



- **Regular Updates and Revisions**
  - Another suggestion involved updating and revising D&C plans regularly (every 2 to 5 years, or sooner if major changes occur) to maintain relevance and adaptability.
- **Real-World Examples**
  - Participants also recommended providing real-world examples to illustrate the effectiveness of plans and or show adaptation from past experiences to improve future frameworks.
- **Financial Assurance Requirements**
  - The importance of setting clear financial assurance requirements based on environmental liability was raised by participants, in order to ensure that funds are available for D&C activities.
- **Safeguarding Actions**
  - Participants stressed ensuring safeguard actions are informed by Indigenous cultural values and principles, with timely notification and implementation.
- **Flexible Yet Directive Language**
  - Participants recommended developing flexible yet clear language in policies and D&C plans to better accommodate diverse needs and feedback.
- **Adapting Processes Based on Feedback**
  - It was recommended the Ministry prioritize flexibility and adaptability when developing guidelines and timelines, and incorporate feedback from engagement sessions with Indigenous communities.

#### 4.5 – Effective Risk Assessment, Management, and Resource Allocation

- **Comprehensive Risk Assessment**
  - Participants suggested that risk assessments include environmental, financial, site-specific factors, and a company’s background in risk assessments, ensuring qualified professionals are involved.
- **Ensuring Cleanup and Cost Recovery**
  - Participants recommended strengthening bonding and financial assurance mechanisms to ensure that funds are available for cleanup and restoration.
- **Enhanced Compliance and Enforcement**
  - Participants suggested Indigenous representatives accompany site inspections.

- Participants also emphasized the importance of ensuring sufficient capacity in compliance and enforcement to effectively manage and monitor projects.
- **Risk Reduction and Safeguards**
  - Participants recommended integrating risk reduction actions into project planning, along with taking potential failures, safeguards, and their impact on security and costs into consideration.
- **Environmental Liability and Cleanup Assurance**
  - Participants recommended establishing robust assurances for cleanup costs to help ensure immediate action to mitigate environmental risks, and to implement continuous improvement plans. They recommended imposing substantial fines for non-compliance.
- **Monitoring and Improvement**
  - Participants also recommended that site owners begin utilizing site monitoring, upgrade equipment, and implement continuous improvement to reduce the environmental impacts of their sites.

## 5. Conclusion

Through the three information sessions, three workshops, and online submission platform, Indigenous participants provided feedback with clear themes that can be tied to the six policy areas of the Intentions Paper. Participants emphasized the need for collaboration and consultation with Indigenous communities before, during, and after a project. If their lands have the potential to be impacted by industrial activity, then they want to be involved in any processes related to regulations, bonding, and plans concerning site decommissioning, closure, and restoration. In addition, participants noted the importance of greater transparency from the government and companies for the development and implementation of D&C plans. They asked that documentation be made publicly available, and updated regularly, so that the details of D&C plans are current and can be easily reviewed by the public. The possible environmental and community impacts from projects were also raised, and participants recommended that sites be restored to their original states, using sustainable methods, so that nearby Indigenous communities would not have the burden of dealing with the aftermath of industrial projects. Lastly, in order to keep companies accountable and ensure they properly restore the lands, participants urged the government to implement a robust assurance plan for cleanup costs and substantial non-compliance fines.

## Appendix I: Backgrounder



**PUBLIC INTEREST BONDING STRATEGY INTENTIONS PAPER:**

# Information Sessions for First Nations and Indigenous Organizations

 BRITISH COLUMBIA  
Ministry of Environment and Climate Change Strategy

### WHAT WE ARE DOING

The Ministry of Environment and Climate Change Strategy (the ministry) is developing a new regulatory framework for decommissioning and closure of industrial projects in British Columbia. The framework aims to ensure that industrial projects, not British Columbians, plan and pay the full costs of decommissioning and closure, even if projects are abandoned.

The ministry recognizes that meaningful engagement and consultation with First Nations and Indigenous organizations is essential to developing a robust regulatory framework for the Public Interest Bonding Strategy.

### WHY IS THE PUBLIC INTEREST BONDING STRATEGY IMPORTANT

The Public Interest Bonding Strategy aims to put effective and efficient policies in place to ensure industry funds are available for decommissioning and closure, while supporting responsible industry production and investment. To achieve this objective, the strategy is driven by the following guiding principles:

- Polluter pays;
- Uphold the Declaration on the Rights of Indigenous Peoples Act;
- Risk-based approach;
- Maintain industry competitiveness and financial viability;
- Reduce and mitigate environmental risk;
- Transparent and accountable decisions; and,
- Consistent, compatible, and fair decision-making.

These principles define success and act as key criteria in the regulatory framework's development.

### INTENTIONS PAPER ON THE PUBLIC INTEREST BONDING STRATEGY

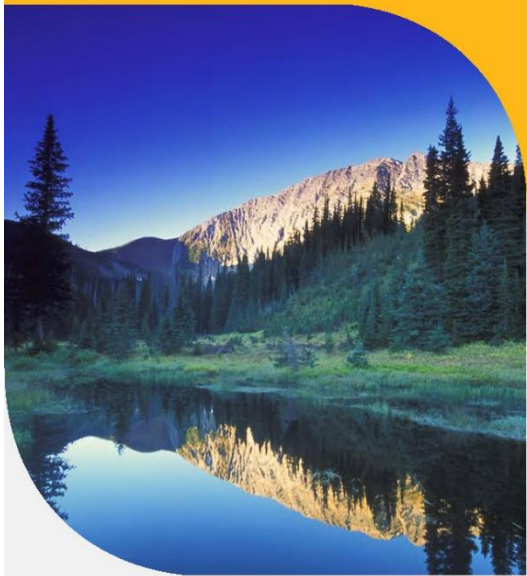
This intentions paper supports open and informed dialogue with First Nations and Indigenous organizations on the proposed regulatory framework. Presented concepts incorporate this approach and propose ways in which First Nations can be involved in the lifecycle of an industrial site through decommissioning and closure. The intentions paper is available to review [here](#).

Figure 1 - Backgrounder (Page 1)



## INVITATION TO PARTICIPATE

B.C. First Nations, including governments, communities, youth and Elders are invited to participate in a group virtual session with an experienced Indigenous facilitator. The Ministry is working with Mahihkan Management to facilitate these 2-hour sessions that will be documented by a graphic recorder.



## ABOUT MAHIHKAN MANAGEMENT

Mahihkan Management is an Indigenous owned business that specializes in designing and delivering Indigenous engagements and events. Culturally and ethnically diverse, Mahihkan works with contractors representing many cultures, including Indigenous Peoples, and has worked in collaboration with the government and Indigenous led organizations to deliver engagements within B.C. and across Canada. For more information, visit [mahihkan.ca](http://mahihkan.ca).

## GOALS OF INFORMATION SESSIONS

The three sessions offered in April will provide the same information and will summarize the intentions paper and gather input and feedback.

Based on the feedback received from these sessions, follow-up workshops for First Nations and Indigenous Organizations will be developed that will provide more in-depth discussions on policies of interest. These sessions are anticipated to take place in May and invitations will be sent to all participants from the April sessions, and to all B.C. First Nations. All sessions will be summarized in the What We Heard report that will be released following engagement.

## THE FOLLOWING SESSIONS ARE PLANNED

The ministry is offering three identical information sessions, as well as three workshops, for First Nations to learn and ask questions about the information included in the intentions paper. Attendees of the information sessions are encouraged to review the intentions paper in advance to maximize input.

Tuesday, April 16	1pm – 3pm
Thursday, April 18	1pm – 3pm
Tuesday, April 23	1pm – 3pm
Feedback received from these webinars will inform workshop sessions, scheduled for:	
Friday, May 17	9am-12pm
Tuesday, May 21	9am – 12pm
Thursday, May 23	9am – 12pm

[Click here to register!](#)

## OTHER WAYS TO PROVIDE FEEDBACK

If you are unable to join a session, the ministry welcomes comments on the proposals outlined in the intentions paper in alternate ways:

- 1. Written:** Complete the online feedback form. The deadline to complete the survey is June 9, 2024. Participate by clicking [here](#). Email feedback is also accepted at [PIBS@gov.bc.ca](mailto:PIBS@gov.bc.ca).
- 2. One-on-One:** Schedule a private meeting to provide input. Please contact Christa Zacharias-Homer, Director, Public Interest Bonding Strategy at [PIBS@gov.bc.ca](mailto:PIBS@gov.bc.ca).

Figure 2 - Backgrounder (Page 2)

## Appendix II: E-mail Invitations

### You're Invited – Public Interest Bonding Strategy Intentions Paper Information Session for First Nations and Indigenous Organizations | April 16, 18 & 23, 2024 (Virtual)

Mahihkan Mgmt (on behalf of Ministry of Environment & Climate Change Strategy)

<events2@mahihkan.ca>

Tue 2024-04-09 3:58 PM

To:Mahihkan Mgmt (on behalf of Ministry of Environment & Climate Change Strategy) <events2@mahihkan.ca>

1 attachments (640 KB)

MM\_PIBS\_Backgrounder\_040924.pdf;



Greetings,

In follow-up to the early notification letter sent by the Ministry of Environment and Climate Change Strategy (the ministry) on April 4<sup>th</sup>, Mahihkan Management is pleased to invite you to an upcoming information and awareness session on the Public Interest Bonding Strategy Intentions Paper. If you did not receive the letter please email [PIBS@gov.bc.ca](mailto:PIBS@gov.bc.ca).

The ministry is offering three information sessions for First Nations to ask questions about, and discuss, the information included in the intentions paper. Attendees of the information sessions are encouraged to review the intentions paper in advance to maximize input.

#### Session Dates and Times

Each session will cover the same content, so please register for whichever session works best for you.

Date	Time	Location
Tuesday, April 16, 2024	1:00 pm – 4:00 pm (PT)	Virtual (via Zoom)
Thursday, April 18, 2024	1:00 pm – 4: pm (PT)	Virtual (via Zoom)
Tuesday, April 23, 2024	1:00 pm – 4:00 pm (PT)	Virtual (via Zoom)



If you are interested in participating in the session, please register via the link above.

You can also copy and paste this link into your browser:

<https://feedback.engage.gov.bc.ca/467723?lang=en>

Figure 3 - April E-mail Invitation (Page 1)

**More Information**

More information about the sessions can be found in the attached backgrounder and by visiting <https://engage.gov.bc.ca/govtogetherbc/engagement/public-interest-bonding-strategy>.

**Who Should Attend**

These sessions are open to all community members, technical staff, leadership, First Nations organizations, youth, and Elders.

**Other Ways to Provide Feedback**

If you are unable to join a session, the ministry welcomes comments on the proposals outlined in the intentions paper in alternate ways:

- **Written:** Complete the online feedback form. The deadline to complete the survey is **June 9, 2024**. Participate by visiting <https://engage.gov.bc.ca/govtogetherbc/engagement/public-interest-bonding-strategy>. Email feedback is also accepted at [PIBS@gov.bc.ca](mailto:PIBS@gov.bc.ca).
- **One-on-One:** Schedule a private meeting to provide input. Please contact Christa Zacharias-Homer, Director, Public Interest Bonding Strategy at [PIBS@gov.bc.ca](mailto:PIBS@gov.bc.ca).

**Declaration Act Engagement Fund**

The Declaration Act Engagement Fund (DAEF) is available to support consultation on this project. The DAEF provides multi-year (four year) non-repayable funding contributions to First Nations to support their capacity to engage with the Province of B.C. on the implementation of the Declaration Act Action Plan and alignment of Provincial laws with the *United Nations Declaration on the Rights of Indigenous Peoples*. For more information and to apply for funding visit <https://newrelationshiptrust.ca/apply-for-funding/declaration-act-engagement-grant/declaration-act-engagement-fund-daef>

Mahihkan Management is pleased to be supporting the Province of B.C. with event management and facilitation services for this upcoming session.

Any questions? Please email [events2@mahihkan.ca](mailto:events2@mahihkan.ca)

Thank you,

Mahihkan Management  
on behalf of the Ministry of Environment and Climate Change Strategy



Email [events2@mahihkan.ca](mailto:events2@mahihkan.ca)  
Website [www.mahihkan.ca](http://www.mahihkan.ca)  
1466 Enderby Ave, Delta, BC V4L 1S5

*Mahihkan Management acknowledge and express gratitude to the keepers of the lands of the ancestral and unceded territory of the Coast Salish Peoples, specifically sc̓aw̓aθ̓an (Tsawwassen), x̓məθk̓əy̓əm (Musqueam) where our main office is located. We also recognize the Métis Chartered Communities, Inuit and urban Indigenous peoples living across on various traditional territories.*

Figure 4 - April E-mail Invitation (Page 2)



You're Invited – Public Interest Bonding Strategy Intentions Paper Workshops for First Nations and Indigenous Organizations | May 17, 21 & 23, 2024 (Virtual)

Mahihkan Mgmt (on behalf of Ministry of Environment & Climate Change Strategy)  
<events2@mahihkan.ca>

Tue 2024-05-07 10:40 AM

To:Mahihkan Mgmt (on behalf of Ministry of Environment & Climate Change Strategy) <events2@mahihkan.ca>

📎 1 attachments (632 KB)

MM\_PIBS\_Backgrounder\_050624.pdf



Greetings,

In follow-up to the early notification letter sent by the Ministry of Environment and Climate Change Strategy (the ministry) on April 4<sup>th</sup>, and the information sessions held in April, Mahihkan Management is pleased to invite you to upcoming workshops on the Public Interest Bonding Strategy Intentions Paper.

The ministry is offering three different workshops for First Nations on key policies in the intentions paper. Each workshop will include a facilitated discussion for First Nations and Indigenous Organizations to provide feedback on these policies. They are:

**Workshop 1:** Risk-based determination (Step 1) and decommissioning and closure (D&C) plan requirements  
This workshop will include a facilitated discussion to seek input from First Nations and Indigenous organizations on:

- The risk-based approach to determine if an industrial project requires a D&C plan.
- Requirements for D&C plans including content, engagement with Indigenous peoples, local governments, and implementation once operations cease.
- Alignment with existing ministry compliance and enforcement framework to ensure new D&C plan requirements are fulfilled.
- Interweaving First Nations cultural values, principles, and interests.

**Workshop 2:** Risk-based determination (Step 2) and security requirements

This workshop will include a facilitated discussion on to seek input from First Nations and Indigenous organizations on:

- The risk-based approach to identify high-risk projects that will be ordered to provide assurance.
- Methods to determine assurance amounts and form.
- Alignment with existing ministry compliance and enforcement framework to ensure new security requirements are fulfilled.
- Interweaving First Nations cultural values, principles, and interests.

Figure 5 - May E-mail Invitation (Page 1)

**Workshop 3: Cost of cleanup, Indigenous engagement, compliance and enforcement, and cost recovery requirements**

This workshop will include a facilitated discussion to seek input from First Nations and Indigenous organizations on:

- Expectations for estimating the cost of decommissioning and closure.
- Engagement with Indigenous peoples on decommissioning and closure plans and the Public Interest Bonding Strategy.
- Alignment with existing ministry compliance and enforcement framework to ensure new assurance requirements are fulfilled.
- Cost recovery provisions to strengthen the B.C. government’s ability to recover public funds spent on environmental cleanup if owners fail to meet their obligations.
- Interweaving First Nations cultural values, principles, and interests.

Attendees of the workshops are encouraged to review the [intentions paper](#) in advance to maximize input.

**Session Dates and Times**

Each workshop will be unique and will cover different content. Please register for the workshops of interest.

Session	Date	Time	Location
Workshop 1	Friday, May 17, 2024	9:00 am – 12:00 pm (PT)	Virtual (via Zoom)
Workshop 2	Tuesday, May 21, 2024	9:00 am – 12:00 pm (PT)	Virtual (via Zoom)
Workshop 3	Thursday, May 23, 2024	9:00 am – 12:00 pm (PT)	Virtual (via Zoom)

If you are interested in participating in the sessions, please register via the link above.

You can also copy and paste this link into your browser:

<https://feedback.engage.gov.bc.ca/467723?lang=en>

**More Information**

More information about the sessions can be found in the attached backgrounder and by visiting <https://engage.gov.bc.ca/govtogetherbc/engagement/public-interest-bonding-strategy>.

**Who Should Attend**

These sessions are open to all community members, technical staff, leadership, First Nations organizations, youth, and Elders.

**Other Ways to Provide Feedback**

If you are unable to join a session, the ministry welcomes comments on the proposals outlined in the intentions paper in alternate ways:

- **Written:** Complete the online feedback form. The deadline to complete the survey is **June 9, 2024**. Participate by visiting <https://engage.gov.bc.ca/govtogetherbc/engagement/public-interest-bonding-strategy>. Email feedback is also accepted at [PIBS@gov.bc.ca](mailto:PIBS@gov.bc.ca).
- **One-on-One:** Schedule a private meeting to provide input. Please contact Christa Zacharias-Homer, Director, Public Interest Bonding Strategy at [PIBS@gov.bc.ca](mailto:PIBS@gov.bc.ca).

**Declaration Act Engagement Fund**

Figure 6 - May E-mail Invitation (Page 2)



The Declaration Act Engagement Fund (DAEF) is available to support consultation on this project. The DAEF provides multi-year (four year) non-repayable funding contributions to First Nations to support their capacity to engage with the Province of B.C. on the implementation of the Declaration Act Action Plan and alignment of Provincial laws with the *United Nations Declaration on the Rights of Indigenous Peoples*. For more information and to apply for funding visit <https://newrelationshiptrust.ca/apply-for-funding/declaration-act-engagement-grant/declaration-act-engagement-fund-daef>

Mahihkan Management is pleased to be supporting the Province of B.C. with event management and facilitation services for this upcoming session.

Any questions? Please email [events2@mahihkan.ca](mailto:events2@mahihkan.ca)

Thank you,

Mahihkan Management  
on behalf of the Ministry of Environment and Climate Change Strategy



Email [events2@mahihkan.ca](mailto:events2@mahihkan.ca)

Website [www.mahihkan.ca](http://www.mahihkan.ca)

1466 Enderby Ave, Delta, BC V4L 1S5

*Mahihkan Management acknowledge and express gratitude to the keepers of the lands of the ancestral and unceded territory of the Coast Salish Peoples, specifically sc̓aw̓iəθən (Tsawwassen), x̓məθk̓'əyəm (Musqueam) where our main office is located. We also recognize the Métis Chartered Communities, Inuit and urban Indigenous peoples living across on various traditional territories,*

Figure 7 - May E-mail Invitation (Page 3)

## Appendix III: Participating Nations & Organizations

The names listed below are not representative of all who attended and gave feedback, but rather show the communities and organizations that consented to being identified in the report.

### Attendance List – Information Sessions

#### April 16, 2024

'Namgis First Nation  
Squamish Nation  
Takla Nation  
Tl'azt'en First Nation  
Tla'amin First Nation

#### April 18, 2024

Acho Dene Koe First Nation  
Ktunaxa Nation Council  
Nisga'a Lisims Government  
Tla'amin First Nation  
Tsay Keh Dene Band  
Upper Similkameen Indian Band

#### April 23, 2024

Huu-ay-aht First Nation  
Ktunaxa Nation Consultant  
Ktunaxa Nation Council  
Kwikwasut'inuxw Haxwa'mis First Nation  
Lyackson First Nation  
Mowachaht/Muchalaht First Nation  
N'Quatqua First Nation  
Nak'azdli Whut'en First Nation  
Skatin First Nation  
Songhees Nation  
Ucluelet First Nation –  
Yuułuʔiłʔatḥ Government

### Attendance List – Workshop Sessions

#### May 17, 2024

Kanaka Bar Indian Band  
Kitsumkalum First Nation  
Ktunaxa Nation Council  
Kwikwasut'inuxw Haxwa'mis First Nation  
Squamish Nation  
Takla Nation  
Tsay Keh Dene First Nation  
Upper Similkameen Indian Band

#### May 21, 2024

Ktunaxa Nation Council  
Tla'amin First Nation  
Squamish Nation  
Kwikwasut'inuxw Haxwa'mis First Nation  
Homalco First Nation  
Takla Nation  
Haida Nation

#### May 23, 2024

Ktunaxa Nation Council  
Haida Nation  
Tla'amin First Nation  
Squamish Nation  
Upper Similkameen Indian Band

Appendix IV: Graphic Recordings



Figure 8 - Graphic Recording for April 2024 Information Sessions



# Public Interest Bonding Strategy Intentions Paper:

May 17, 2024

## Risk-Based Approach & Decommissioning and Closure Plan Requirements



Figure 9 - Graphic Recording for May 17, 2024 Workshop



# Public Interest Bonding Strategy Intentions Paper: Risk-Based Determination and Security Requirements

May 21, 2024

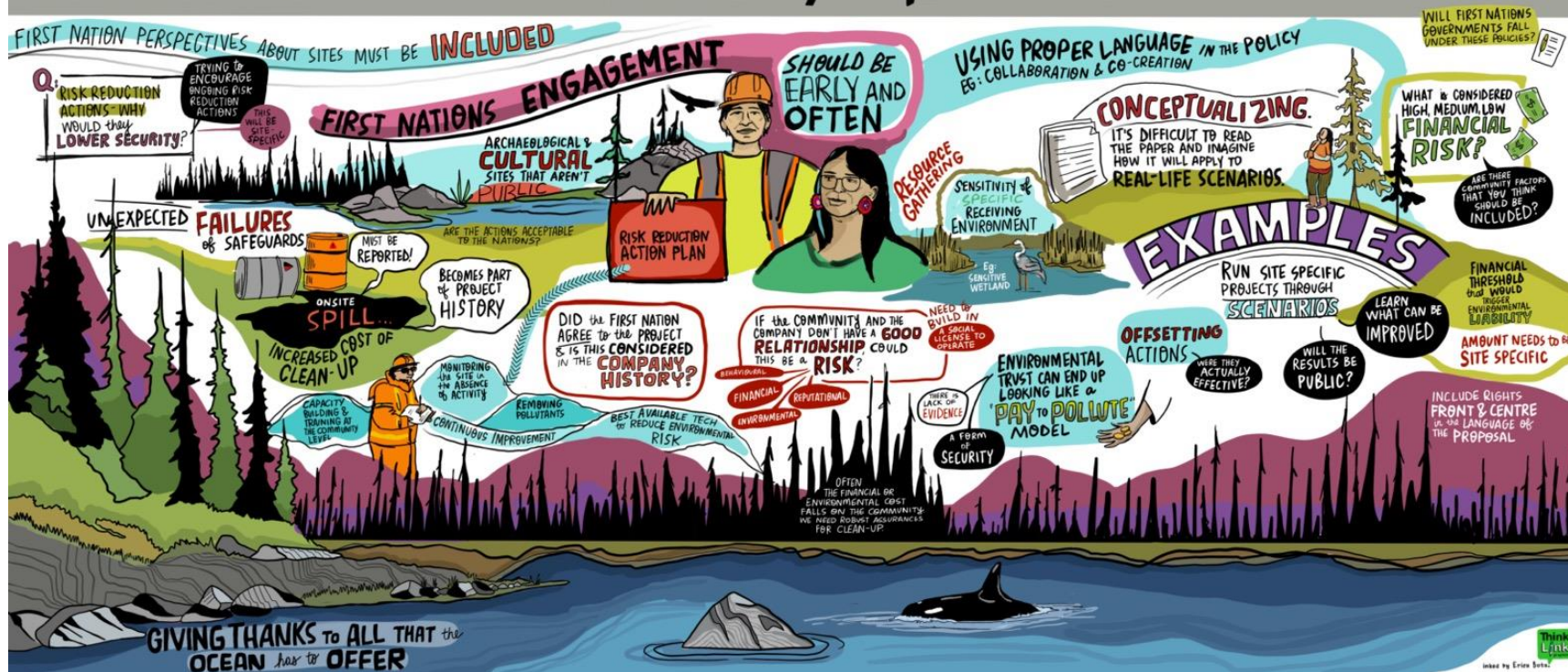


Figure 10 - Graphic Recording for May 21, 2024 Workshop



# Public Interest Bonding Strategy Intentions Paper:

May 23, 2024

Cost of Clean-Up, Indigenous Engagement, Compliance and Enforcement, and Cost Recovery Requirements



Figure 11 - Graphic Recording for May 23, 2024 Workshop

## Appendix V: Questions Asked

The following questions were presented to participants during the information and workshop sessions, along with the online feedback form.

### VI. Information Sessions

During the information engagement sessions, participants were asked what the top three policy areas were that their Nation or organization would like to hear more about during the May workshops (Table 2). Compliance and Enforcement received the most votes, followed by D&C Plan Requirements.

Policy Area	Priority	Total Respondents	Percentage
Compliance and Enforcement	14	17	82%
D&C Plan Requirements	10	17	59%
Risk-Based Determination	9	17	53%
Security Requirements	7	17	41%
Cost Recovery Provisions	6	17	35%
Cost of Cleanup Requirements	5	17	29%

Table 2 - Overview of Poll Results during Information Sessions

### VII. First Nations and Indigenous Organizations Workshops

The following questions were created for use by the facilitator to prompt discussion from participants. However, not all questions were asked in every session, but the substance of the questions were covered throughout the various discussions.

#### Workshop 1 (May 17): Risk-based Determination (Step 1) and Decommissioning and Closure Plan Requirements

1. What recommendations do you have specific to the overall risk-based determination approach? (i.e., a company and site specific, risk-based approach to assessing an industrial project to determine D&C plan and assurance requirements).
  - a. Where do you see considerations for First Nations and Indigenous cultural values and interests embedded in this approach?
2. How can First Nation and Indigenous cultural values, perspectives, and interests inform step one of the risk-based determination approach? (i.e., the screening tool and whether exceptional circumstances apply).
3. What recommendations do you have specific to requirements for contents of D&C plans? Appendix 1 of the intentions paper is a D&C plan template – is it missing anything?

- a. How can First Nation and Indigenous cultural values, and traditional sites be captured in Project Specific Information of the contents of D&C plans?
4. What circumstances would warrant including safeguarding actions in D&C plans? Safeguarding actions are an optional component of the D&C plan and will require engagement with Indigenous Peoples. Can First Nation and Indigenous cultural values and principles inform safeguarding actions?
5. What recommendations do you have specific to the process for consultation and co-operation with Indigenous Peoples during the preparation of a D&C plan? What are your expectations regarding meaningful opportunities for participation, inclusion, and collaboration in this process?
6. How should D&C plans incorporate engagement with First Nations and Indigenous Organizations?

### **Workshop 2 (May 21): Risk-Based Determination (Step 2) and Security Requirements**

1. What recommendations do you have specific to the overall risk-based determination approach? (i.e., a company and site specific, risk-based approach to assessing an industrial project to determine decommissioning and closure (D&C) plan and assurance requirements).
  - a. How should First Nations and Indigenous values, principles, and interests be considered in an overall risk-based determination approach?
2. How can First Nations cultural values, perspectives, and interests inform step two of the risk-based determination approach (i.e., financial risk assessment and environmental liability threshold)?
3. What recommendations do you have specific to risk reduction action plans? Risk reduction action plans are an optional appendix to the D&C plan and will require engagement with Indigenous Peoples. Can First Nation's cultural values and principles inform risk reduction actions?
4. Do you have any concerns about section 35 rights or potential economic impacts associated with the policy proposal?
5. Please share your experience and feedback about qualifying environmental trusts to inform future adjustments to the Bonding Framework.



### **Workshop 3 (May 23): Cost of Cleanup, Indigenous Engagement, Compliance and Enforcement, and Cost Recovery Requirements**

1. What recommendations do you have specific to the process for consultation and co-operation with Indigenous Peoples during the preparation of a D&C plan? What are your expectations regarding meaningful opportunities for participation, inclusion, and collaboration in this process?
  - a. How can First Nation's cultural values, principles, and interests inform this process?
2. How should D&C plans incorporate engagement with Indigenous Peoples?
3. What can be done to promote compliance and support enforcement?
4. How can First Nations cultural values, perspectives, and interests inform:
  - Cost of cleanup estimates
  - Cost recovery requirements
  - The process for engaging with Indigenous Peoples during the preparation of a D&C plan?
5. In the context of supporting reconciliation and Indigenous perspectives, how you would like to engage on the development of the new bonding regulations? (i.e., what happens after the intentions paper engagement process ends on June 9<sup>th</sup>?).

### **VIII. Online Feedback Form**

1. What best describes your connection to/interest in the Public Interest Bonding Strategy?
2. Do you support the policy concepts presented in Section 6, Risk-Based Determination?
3. Thinking about the specific policy concepts in Sections 6, do you have any specific recommendations on the proposed policies (e.g., risk-based determination approach, which projects will require a D&C plan, definition of responsible and accountable persons)?
4. Do you support the policy concepts presented in Section 7, Decommissioning and closure (D&C) plan requirements?
5. Thinking about the specific policy concepts in Sections 7.1 to 7.4, do you have any specific recommendations for any of the policy topics presented? E.g., content of the D&C plans, timelines for updating plans, safeguarding, and cost estimates.
6. Thinking about the ministry intentions for engagement on D&C plans (Section 7.5), do you have any recommendations specific to the process for consultation and cooperation and how to incorporate engagement into a plan?
7. Do you support the policy concepts presented in Section 8, Security form and amount determination?

8. Thinking about the specific policy concepts presented in Section 8, do you have any specific recommendations on the proposed policies (e.g., process for determining financial assurance amount, risk reduction actions, forms of security, etc.)?
9. Do you support the policy concepts presented in Section 9, ceasing operations, pausing operations, and closing a site?
10. Thinking about the specific policy concepts presented in Section 9, do you have any specific recommendations on the proposed policies?
11. Do you support the policy concepts presented in Section 10, Compliance and Enforcement?
12. Thinking about the specific policy concepts presented in Section 10, do you have any specific recommendations on the proposed policies?
13. Do you support the policy concepts presented in Section 11, Cost Recovery?
14. Thinking about the specific policy concepts presented in Section 11 Cost Recovery, do you have any specific recommendations on the proposed policies?
15. Do you have any additional feedback on the new regulatory framework?