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# Environmental Assessment Office

## The Environmental Assessment Process

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B.C.'s environmental assessment (EA) process provides a mechanism for reviewing major projects to assess their potential impacts. B.C.'s environmental assessment process is important to ensure that major projects meet the goals of environmental, economic and social sustainability. The assessment process is also needed to ensure that the issues and concerns of the public, First Nations, interested stakeholders and government agencies are considered.

The Environmental Assessment Office (EAO) manages the assessment of proposed major projects in British Columbia as required by the *Environmental Assessment Act* (Act). The assessment process examines major projects for potentially adverse environmental, economic, social, heritage and health effects that may occur during the life cycle of these projects. The process includes:

- opportunities for the involvement of all interested parties;
- consultations with First Nations;
- technical studies to identify and examine potential significant adverse effects;
- strategies to prevent, or reduce, adverse effects; and
- development of comprehensive reports summarizing input and findings.

For more information about the EA Process, please refer to the [EAO User Guide](#).

## What projects are reviewable?

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Projects that may need to go through the environmental assessment process include the following:

- industrial projects: chemical manufacturing, primary metal and forest project industries;
- energy projects: power plants, electric transmission lines, natural gas processing or storage plants and transmission pipelines;
- water management projects: water diversions, dams, dykes, groundwater extraction;
- waste disposal projects: special waste facilities, local government solid and liquid waste management facilities;
- mine projects: coal and mineral mines, sand and gravel pits, placer mineral mines, construction stone and industrial mineral quarries and off-shore mines;
- food processing projects: meat and meat projects manufacturing and fish processing;
- transportation projects: large public highways and railways, large ferry terminals and marine ports; and

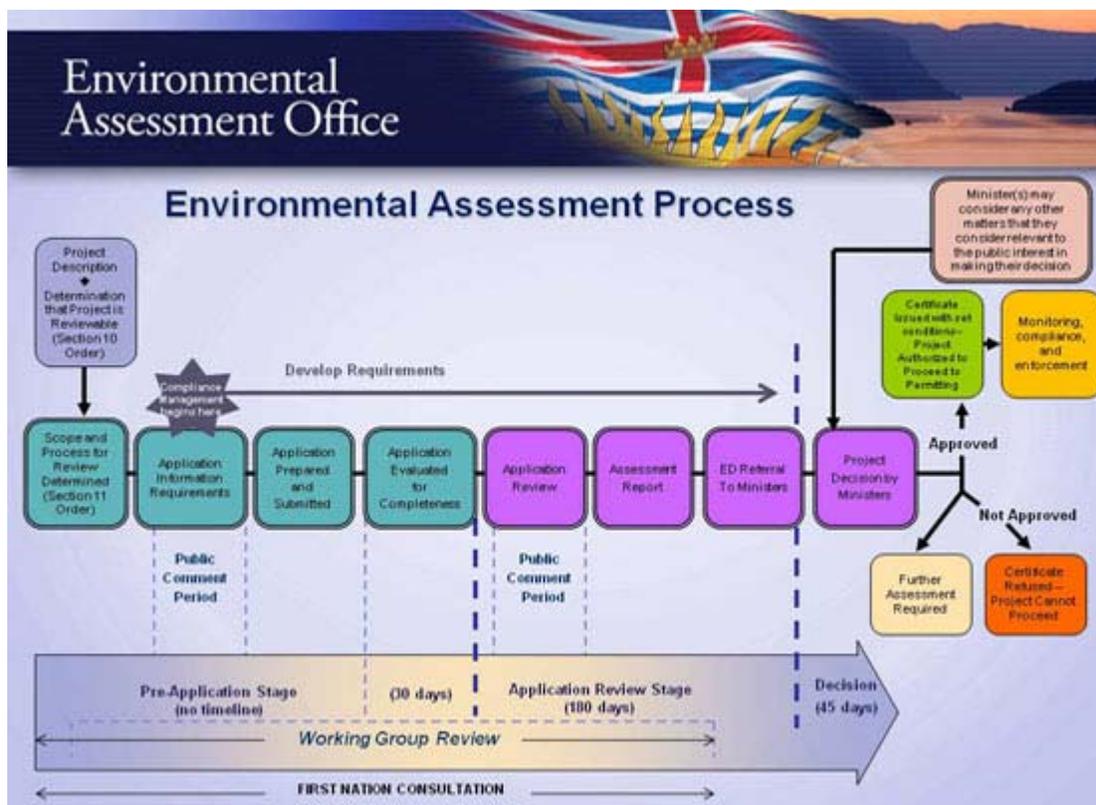
- tourist destination resort projects: large golf, marine, or ski hill destinations.

## Projects become reviewable in three ways:

1. The [Reviewable Projects Regulation](#) provides for a broad range of major projects to be automatically reviewable if they meet certain thresholds; such as, area or production volume. Most major projects are reviewable based on this regulation.
2. Ministerial Designation by the Minister of Environment who has the authority to direct the review of projects which are not automatically reviewable under the Reviewable Projects Regulation.
3. Proponent "opt-in" whereby a proponent may request that the EAO consider designating its project (that otherwise would not be reviewable) as a reviewable project, and the EAO agrees with and orders such a designation.

## Process in a Review

There are three stages in an environmental assessment - Pre-application, application review and the Decision stage. After the application review stage, the Minister may issue an environmental assessment certificate, allowing the proposed project to proceed. ([PDF Version click here](#))



## Pre-Application Phase

The purpose of the pre-application stage is to ensure that when an application for an environmental assessment certificate is reviewed it contains the necessary information to allow

the EAO to undertake its assessment and make recommendations to the Ministers making the decision. The pre-application phase includes the following key steps:

- review of project description to determine whether the project is reviewable;
- issuance of a section 10 order confirming that a proposed project is reviewable;
- issuance of a section 11 order specifying the scope, procedures, and methods by which a review must be conducted;
- establishment of a working group composed of representatives of First Nations and various government agencies;
- preparation of draft terms of reference that specify the matters that must be studied and information that must be included in an application;
- review and comment on the draft terms of reference by the working group, First Nations and the public. This stage typically includes an open house where the terms of reference (and the project generally) are discussed;
- finalization of the Application Information Requirements;
- Completion by the proponent of studies and information gathering as specified in the terms of reference;
- submission of the application by the proponent; and
- evaluation by the EAO within 30 days to determine whether the application provides information on all matters required by the application information requirements (including proposed commitments by the proponent to address any potential adverse effects).

Other than the 30-day evaluation period, neither the *Act* nor the regulations impose time limits on the EAO during the pre-application phase.

## Project Enters the EA Process

Once it has been determined a project must complete the environmental assessment process, an order under [section 10](#) of the *Environmental Assessment Act* is sent to the projects proponent. The [section 10 order](#) states that the project is reviewable and may not proceed without an environmental assessment.

As soon as the order accepting the project into the process is issued, government agencies, First Nations and local governments are notified, and the order and project description are posted and made available on [ePIC](#).

The project lead will also begin to form a working group. The working group is comprised of representatives of CEAA, government agencies, First Nations and local governments. When appropriate, officials from neighbouring jurisdictions will also be invited to participate. The working group advises EAO about issues related to the assessment of the proposed project and plays a key role later in the process by helping to assess the adequacy of any proposed mitigation measures.

For most proposed projects, the EAO project lead will establish the scope, procedures, and methods of the environmental assessment by issuing a procedural order under [section 11](#) of the *Act*. The [section 11 order](#) forms the direction to the proponent on the scope of the project, what

parts of their proposed project will be assessed, what effects will be considered in the assessment and what actions and activities the proponent is responsible for in the assessment. It also sets out required consultation activities and time frames.

## Application Information Requirements (AIR)

The next step in the environmental assessment process is to specify the information that must be included in the application for an EA certificate. The EAO does this by issuing a document referred to as the "*Application Information Requirements*" (formerly referred to as the terms of reference). This is an important document because it lays out both what issues will be addressed in the assessment and what information must be included in the final application (e.g. baseline studies, approach to assessing cumulative impacts etc.).

Proponents must pay particular attention to the [application information requirements](#) because the *Act* does not allow EAO to accept an incomplete application.

The process for developing the application information requirements as follows:

- The proponent prepares a draft;
- EAO seeks feedback from the working group, First Nations and the public. Public input is obtained through posting the draft application information requirements on the ePic web site, issuing an RSS feed to interested parties, specifying a period and process for public written input, and directing the proponent to hold a public open house in one or more locations near the project; and
- EAO approves and formally issues the application information requirements document when it is satisfied that the document is complete and appropriate for the assessment to be undertaken.

The draft application information requirements is the first formal stage in the environmental assessment process where the public provides input on the project.

## 1st Public Comment Period

A key part of the EA process is to seek public input respecting a proposed project. This ensures that public concerns relevant to the assessment are identified so they may be examined and addressed where required. This input is also important because it contributes to the preparation by all affected parties in managing the predicted impacts of a project and to the overall understanding of the project by the public.

Public comments must be received within the time limits established for the formal public comment period. EAO does not post public comments received outside public comment periods. However, it is at the discretion of the EAO Project Lead to determine if the project proponent will be required to address any comments received outside the formal public comment period.

Public comment periods are announced a minimum of 7 days prior to their commencement through a variety of means. [Advertisements](#) in local newspapers, radio announcements, posting information on our [web site](#) and the most recent method, having the information available in an [RSS](#) news feed.

A public comment period is a minimum of 30 days and a maximum of 75 days on the draft application information requirements and is typically a requirement of the section 11 order. Additional information regarding public consultation can be found in the [Public Consultation Policy Regulation](#) and in the [Environmental Assessment Office's policy](#) regarding public comments.

Input on the draft application information requirements should focus on the issues that should be included in the assessment and what information is required to address those issues.

All issues raised by government agencies, First Nations, local governments, stakeholders and the public are tracked and the proponent must [respond](#) to them. These are posted on ePIC. EAO assesses the adequacy or acceptability of responses.

## **Application Prepared and Submitted**

After the approved application information requirements have been issued by EAO, the proponent then proceeds with completing the studies and compiling the information outlined in the application information requirements. The application must address all the issues outlined in the application information requirements. Once the application is complete, it is submitted to EAO for screening.

## **Application is Evaluated**

Upon receiving an [application](#) from a proponent, EAO screens the application to ensure it contains all the information outlined in the application information requirements. The adequacy of the proponent's plans for engaging with First Nations and for public consultation is also assessed at this time. If the application does not contain all the information set out in application information requirements, it cannot be accepted by EAO. EAO has a maximum of 30 days to complete its screening, and will involve the working group and First Nations.

If any deficiencies in the application are identified, the proponent must address them and then revise and resubmit the application. In those situations where there are small errors of omission, these changes can often be completed within the 30 day period, while in other cases the proponent may have to collect additional information and resubmit the application for evaluation.

## **Application Review Phase**

Once an application is accepted, EAO has a maximum of 180 days to complete its review. This time limit begins when EAO has notified the proponent that the application has been accepted for review and the proponent has provided all the copies of the application that it has requested. EAO

will also require the proponent to distribute copies to other review participants, including the working group and First Nations.

During the application review stage, the public is provided a second opportunity to provide input on the project. Specifically:

- Once the application is accepted, it is immediately placed on the *ePIC* site so members of the public and interested parties can review the document. The application is also placed in local libraries.
- A short time after the application is placed on *ePIC*, a public comment period, typically between 45-60 days is initiated by EAO.
- One or more EAO-led open houses are held during the comment period, typically in the same communities where a public open house was previously held on the application information requirements. During these open houses, members of the public have an opportunity to review the application, provide comments and ask questions of the EAO and/or the proponent.

During the 180 day application review stage, the working group plays a key role. Specifically, EAO will arrange and chair working group meetings and technical sub-group meetings (e.g. fisheries, water quality etc.) as necessary. The proponent attends the meetings where appropriate to discuss substantive issues.

While EAO frequently encourages First Nations to bring their interests and concerns to the working group for consideration, EAO will also engage in separate consultations with First Nations in cases where a First Nation declines to participate on a working group or where the EAO determines that such consultation should be undertaken.

## 2nd Public Comment Period

The second public comment period is on the Application for an Environmental Assessment Certificate. All regulations and timelines regarding the first public comment period are also applicable.

Like the first public comment period, the second comment period is issue based. Once an issue is raised, whether by one or 100 people, the issue is sent to the proponent who responds to the issue. Both the issue and response are posted on *ePIC*.

## Assessment Report

The EAO will begin drafting the assessment report during the 180 day review period. The report documents the findings of the assessment, including the extent to which concerns have been addressed and whether any issues remain outstanding. EAO shares its draft assessment report with the proponent, the working group and with First Nations, and seeks input. EAO typically provides approximately three weeks for such comment.

In addition to the assessment report, EAO provides ministers with:

- a recommendations from the Executive Director (with reasons) as to whether to issue an EA certificate; and
- a draft environmental assessment certificate (in the event ministers chose to sign and issue such).

The draft EA certificate will have a schedule that sets out the details according to which the project must be designed and constructed, along with another schedule that sets out all of the commitments the proponent has made to address concerns raised through the EA process. It is not uncommon for an EA certificate to have over 100 commitments. All of the requirements of these schedules form conditions of the certificate and are legally binding on the proponent if the certificate is issued by ministers. The draft certificate also contains periodic reporting requirements, and specifies a deadline by which the proponent must substantially start the project. That deadline is typically 5 years from the date the ministers issue a certificate.

## Minister's Decision

Upon completing and assembling the materials referenced above, the Executive Director submits them to two ministers for decision - the Minister of Environment and another minister responsible for that category of reviewable project. For example, the decision on a proposed mine would be made by the Minister of Environment and the Minister of Energy, Mines and Petroleum Resources.

After the ministers receive this package, they have 45 days in which to make a decision. They must consider the assessment report and the documents that accompany it, and may also consider any other matters they believe are relevant to the public interest when they make their decision. A key factor ministers will consider is whether the Province has satisfied its legal duty to consult with and to the extent appropriate, accommodate First Nations.

When making the decision, the Minister has three choices:

1. issue an environmental assessment certificate with any conditions they consider necessary;
2. refuse to issue the certificate; or
3. require further study or assessment.

Once the minister makes a decision, EAO notifies the proponent, government agencies (including provincial permitting agencies) and First Nations of the decision. EAO, at this point, posts the [assessment report](#), [Reasons for Ministers' Decision](#), [information bulletin](#), [Recommendations for the Executive Director](#), and the [environmental assessment certificate](#), if issued.

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