

CLIFF 35284

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**Speaking Notes for the Honourable
George Abbott, Minister of Sustainable
Resource Management to the
International Association of Impact
Assessment's annual conference in
Vancouver April 26 – 29, 2004 at the
Sheraton Wall Centre Hotel.**

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Introduction:

- Good morning Ladies and Gentlemen.
Welcome to Vancouver and since so many of you are from other provinces, states and countries, I will say welcome to British Columbia and to Canada too, on behalf of Premier Gordon Campbell.
- In six short years, Premier Campbell will stand on a podium not far from here and officially welcome the world to the 2010 Winter Olympics and Paralympic Games.

- That will be a defining moment for British Columbia and a proud day for British Columbians.
- We have been extremely busy in British Columbia since this government was elected almost three years ago, creating a climate where business can prosper.
- We have been steadily removing impediments to major projects and clearing the way for a bright future.

- One of the important things that we have accomplished in B.C. is the introduction of a new Environmental Assessment Act in December of 2002.
- In the first year under the new act, the number of active projects has doubled.
- There is increased confidence in the process – proponents are now opting into the process by choice.

- This is a great indicator of the confidence in the process – there were five opt-ins in the first 11 months of the process.
- And we expect an even greater number of projects will come under the environmental assessment process in coming years.
- Increasing world metal prices along with some very positive things the B.C. government has done in the mineral exploration and mining sector account for much of that growth.

- MSRM is working closely with the mining industry to assess mineral and land-use issues and find ways of moving forward to resolving these issues.

Increased Activity

- We are expecting at least 10 mining projects to be in the EA process next year.
- Other economic sectors will be well represented in the EA process as well.

- A number of new infrastructure projects including the Richmond Airport – Vancouver rapid transit line, the Sea-to-Sky Highway and the New Fraser River Crossing are adding to the EAO caseload and more are expected.
- British Columbia's new energy plan has resulted in a number of Green Energy applications for wind farms, run-of-the-river small hydro projects and cogeneration projects.
- Not only does British Columbia's Environmental Assessment Office have a new act, the Office is now able to operate much more cost effectively.

- The improvements in the new legislation and process have allowed more projects to be reviewed with fewer staff and budget resources.
- EAO average review costs have been reduced by almost 60 per cent since the core review of the environmental assessment process we undertook in 2001 after forming the government.

- We have streamlined the EA review process while maintaining environmental standards. There has been no relaxation of the high standards this magnificent province enjoys. We want to protect SuperNatural B.C. for the generations that will follow us.

Key Features:

- Key features of the new legislation include:
- More flexible procedures; the new act allows for varied procedures that fit the circumstances of individual projects.

- We can now negotiate the involvement of all levels of government and First Nations on a project by project basis to better fit the circumstances.
- Procedures can either be set by the EA Office or the Minister of Sustainable Resource Management.
- Waiving projects out of the EA Process is a new option for proponents - where there are minimal impacts or impacts that can be readily mitigated. We waived out three projects during the first year under the new Act. Of course, these projects still have to receive regulatory approvals.

- And the waive-out process works well.
For example, a large corporation wanted to establish a recycled newsprint de-inking plant not far from here. There appeared to be no potential for significant adverse effects, therefore the plant was given the green light to proceed without an EA certificate within 10 weeks of the waive-out request.

- We have eliminated the old project committee system that was big on process, but extremely cumbersome, opting instead for issue-focused technical advisory committees where necessary, with only those government and First Nations participants needed to address the specific issues.

- We have now expanded the ability of proponents to apply for permits during the EA review under all the relevant statutes. We call this “concurrent permitting”. Proponents can expect to receive their permits within 60 days of an environmental certificate being issued.

- This was the case at the Eagle Rock Quarry, a \$100-million construction aggregate quarry near Port Alberni, on Vancouver Island. Because of concurrent permitting it was possible to have a decision on the key mining permit within a reasonable time frame of getting the ministers decision on the EA certificate. A mines permit was issued within a week of the EA certificate.

- Also, to speed things along, a fast track initiative is being coordinated by the Ministry of Small Business and Economic Development. This process co-ordinates the referrals to the regulatory agencies for the necessary permits and licences and ensures that they are granted within a reasonable timeframe following the EA certificate.
- Under the new process, most proponents draft their own terms of reference for their EA applications. Terms of reference set out the information requirements for the review. This removes EAO as a potential

bottleneck and puts the proponent in the driver's seat on the issue of timing.

- The EAO is developing guidelines to assist proponents to draft their own terms of reference and bring greater consistency.
- A simplified system of time limits has been established through legislation. Now, once an application is accepted, the EAO has 180 days to complete the review. As well, the establishment of new timelines for proponents to adhere to is designed to keep things moving when the ball is in the proponent's court.

- As many of you will know, information flow and communication is key to involving the public and keeping everyone informed.
- Project related information is now provided through a redesigned, web-based project registry – renamed the “Project Information Centre.”
- The EA office switched in 2003 to electronic document circulation.
- Our new website has been well received...

Improved Certainty:

- The new EA review process offers improved certainty for proponents by using a simplified two-stage process: Pre Application and Application.
- In the Pre Application stage, the EAO works closely with the proponent and agencies to identify key issues that need clarification.

- This earlier issue-scoping exercise contributes to overall review timeliness.
- During the Application review, the 180 day legislated timeline applies.
- This way, there are clear timelines and clear accountability on both sides.

**Improved federal/provincial
harmonization:**

- Federal/provincial harmonization continues to pose some challenges, but both sides are working to find solutions.

- It's a goal of the EAO to reduce overlap and duplication between the provincial and federal EA processes.
- British Columbia and Canada have just signed a new EA Co-operation Agreement to work towards this goal.
- The purpose of the agreement is to use one EA process - in most cases B.C.'s process - to provide for the EA requirements of both governments while allowing both parties to make their separate EA decisions.

- Disputes arise from time to time, and we now have an agreed upon dispute-resolution process.
- We are also developing procedures and work planning to fully develop the potential of the federal/provincial co-operation agreement to achieve efficiency and process certainty.
- The EAO now has the option to seek Ministerial direction for provincial policy clarification, for example, when a land-use designation may not be compatible with a proposed project.

- Under the new act, there is increased flexibility for First Nations to negotiate their level of involvement.
- Constitutional obligations to consult First Nations have to be met. We will continue to use the B.C. Provincial Consultation Policy developed in 2002 as the framework for negotiating First Nations participation.
- EAO approaches First Nations as early as possible in the Pre-Application stage to determine their level of interest in participating.

- Proponents are encouraged to engage in relationship building with First Nations from the outset.
- Once again, I'll use the example of Eagle Rock Quarry near Port Alberni. The company that will operate it -- Eagle Rock Materials Ltd. -- is a joint venture between the Hupacasath (WHO-PECH-E-SETH) First Nation and Ucluelet First Nation and Polaris Minerals Corporation, a private B.C. company.

- The quarry is designed to produce six million tonnes of construction aggregate per year and is expected to be one of the biggest operations of its type in Canada.

Future Measures of Success:

- Future indicators of success will include proponent satisfaction exit surveys.
- We will learn what we can from proponents about their experience of the EA process and look for specific areas where we can make further improvements.

- We are committed to completing reviews of a proponent's environmental assessment application within 180-day turnaround, 90 per cent of the time.
- Also, we feel it's important to have staff accountability to meet performance measures. A performance-focused staff is critical to our success.

New Vision:

- Clearly, the EAO has adopted more flexible procedures. They're not using a cookie-cutter approach anymore.

- There are now clearer process management accountabilities.
Accountability for the EA review process rests with EAO.
- We now have increased procedural choice. Proponents can opt-in or request a waive-out.
- There is now improved certainty for proponents with shorter timelines using a two-stage process.
- This results in greater cost effectiveness for government and a significant reduction in EAO cost per project.

- Improved federal/provincial harmonization has been realized by completing a new agreement with the federal government that addresses issues critical to joint federal/provincial reviews.

Conclusion:

- Under the new legislation, BC's Environmental Assessment Office will continue to:
- Identify and evaluate relevant potential environmental, economic, social, heritage and health effects of a project; and,
- Identify ways to prevent or minimize potential adverse effects.

- We have maintained the level of public and First Nations consultation set out under the previous Act and we will continue to seek input from all interested parties – public, First Nations, and federal, provincial and local government agencies.
- We will accomplish this through open houses, public comment periods, open public meetings and focused stakeholder exchanges such as workshops.

- Ladies and Gentlemen, I hope this has been useful and I thank you for asking me here today to explain B.C.'s new Environmental Assessment process.
- Enjoy the rest of the conference and your time here in Vancouver.
- Thank you.

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