


**IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT S.B.C. 2002, c.43  
(ACT)  
AND  
AN ENVIRONMENTAL ASSESSMENT OF THE  
CEDAR LNG LIQUEFACTION AND EXPORT TERMINAL PROJECT  
(PROPOSED PROJECT)  
ORDER UNDER SECTION 11**

**WHEREAS:**

- A. Cedar LNG Export Development Ltd. (Proponent) proposes to develop, construct and operate the proposed Project, a floating liquefied natural gas facility and marine export terminal, including related infrastructure, in Kitimat, British Columbia, Canada;
- B. The proposed Project constitutes a reviewable project pursuant to Part 4, of the Reviewable Projects Regulation (B.C. Reg. 370/02), since the proposed Project includes a new energy storage facility with the capability to store an energy resource in a quantity that can yield by combustion  $\geq 3$  PJ of energy and a new natural gas processing plant facility that has the design capacity to process natural gas at a rate of greater or equal to 5.634 million m<sup>3</sup>/day;
- C. The proposed Project is also subject to the federal *Impact Assessment Act* (IAA). On September 17, 2019, the EAO wrote to the Impact Assessment Agency of Canada requesting that the federal Minister of Environment and Climate Change Canada approve the substitution of British Columbia's assessment process for the proposed Project, should an assessment be required under the IAA;
- D. The Executive Director has delegated to the undersigned certain powers and functions under the Act, including the power to issue Orders under Section 11 of the Act; and
- E. On August 30, 2019, the Environmental Assessment Office issued an Order under Section 10(1)(c) of the Act stating that the proposed Project requires an environmental assessment certificate and that the Proponent may not proceed with the proposed Project without an assessment.

**NOW THEREFORE:**

Pursuant to Section 11 of the Act, I order that the environmental assessment of the proposed Project be conducted according to the scope, procedures and methods set out in Schedules A, B and C, to this Order.



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Fern Stockman  
Project Assessment Director

Dated December 13, 2019

Enclosure:   Schedule A  
                  Schedule B  
                  Schedule C

**SCHEDULE A TO ORDER UNDER SECTION 11 OF THE BC *ENVIRONMENTAL ASSESSMENT ACT***

**SCOPE, PROCEDURES AND METHODS FOR THE ENVIRONMENTAL ASSESSMENT OF THE PROPOSED CEDAR LNG PROJECT**

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## PART A - GENERAL PROVISIONS

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### 1. DEFINITIONS

**“Aboriginal Interests”** means asserted or determined Aboriginal rights, including title, and treaty rights.

**“Act”** has the same meaning as on page 1 of the Order.

**“Agency Consultation Plan”** means a plan developed by the Proponent that outlines how government agencies will be consulted during the environmental assessment.

**“Agency Consultation Report”** means the Proponents’ report required under section [4.6](#) of this Order that summarizes how it has engaged with government agencies, issues and concerns raised, and any measures that have been developed to address those issues and concerns.

**“Application”** means the Proponent’s application for an environmental assessment certificate for the proposed Project, made under Section 16 of the Act.

**“Application Information Requirements”** means the information that must be included in the Application, pursuant to Sections 11(2) and 16(2) of the Act and section [6](#) of this Order.

**“Application Review Stage”** means that part of the environmental assessment that occurs after the Application has been accepted for review.

**“Assessment Report”** means the report, as defined in Section 1 of the Act, and referred to in section [10](#) of this Order.

**“Cumulative Effects”** means the residual effects of the proposed Project that have the potential to interact with the effects of other past, present or reasonably foreseeable projects or activities.

**“Environmental Assessment Certificate”** means an environmental assessment certificate issued under Section 17 of the Act.

**“Environmental Assessment Office”** means the office continued under Section 2 of the Act.

**“Executive Director”** has the same meaning as Executive Director in Section 1 of the Act.

**“Electronic Project Information Centre”** means the project information centre continued under Section 25 of the Act and operated as a website maintained by the Environmental Assessment Office.

**“Federal Authorities”** means federal government bodies that may be responsible for making a determination under Section 2 of the *Impact Assessment Act*.

**“Indigenous Consultation Plan”** means a plan developed by the Proponent in consultation with the Indigenous Nations listed on Schedule B, and Schedule C if substitution is approved, and determined to be adequate by the Project Assessment Lead, which outlines how the Proponent will undertake procedural aspects of consultation

with Indigenous Nations listed on Schedule B, and Schedule C if substitution is approved, on behalf of the Crown during the environmental assessment.

**“Indigenous Consultation Report”** means the Proponent’s periodic reporting at times specified in section [14](#) of this Order, or at the request of the Project Assessment Lead, on the results of the consultation activities specified in the Indigenous Consultation Plan.

**“Indigenous Nations”** means those Aboriginal entities listed on Schedules B and C of this Order.

**“Ministers”** has the same meaning as Ministers in Section 1 of the Act.

**“Order”** means this Order, which is issued under Section 11 of the Act, including all schedules.

**“Pre-Application Stage”** means that part of the environmental assessment that occurs after an Order under Section 10 of the Act has been issued and before an Application has been accepted for review.

**“Project Assessment Lead”** means an employee of the Environmental Assessment Office who has been delegated certain authorities to conduct the environmental assessment of the proposed Project by the Executive Director under the Act.

**“Proponent”** has the same meaning as on page 1 of the Order.

**“proposed Project”** has the same meaning as on page 1 of the Order.

**“Public Consultation Plan”** means a plan, developed by the Proponent and approved by the Project Assessment Lead, which outlines how the Proponent will undertake consultation with the public during the environmental assessment.

**“Public Consultation Report”** means the report required under section [17](#) of this Order.

**“Valued Components”** means specific environmental, economic, social, heritage, and health attributes that may be potentially impacted by the proposed Project and that will be assessed during the environmental assessment.

**“Working Group”** means an advisory group established under section [4](#) of this Order, including representatives of Indigenous Nations identified on Schedule B, and federal, provincial and local government agencies.

## **PART B - SCOPE OF THE PROPOSED PROJECT**

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### **2. ON-SITE AND OFF-SITE COMPONENTS**

- 2.1** The approximate location of the proposed Project is shown on Figure 1.
- 2.2** Pursuant to Section 11(2)(a) of the Act, the proposed Project consists of the following on-site components and facilities:
  - 2.2.1** A natural gas receiving facility and a nearshore LNG production facility located on a permanent jetty-moored floating LNG platform for the purposes of natural gas pre-treatment, liquefaction and storage;
  - 2.2.2** A floating marine export terminal and LNG loading services;
  - 2.2.3** Supporting infrastructure and facilities, including natural gas liquids storage, water supply and water treatment, potential power generation and distribution, access road, on-site operation buildings and potential dedicated materials offloading facility;
  - 2.2.4** Temporary infrastructure and facilities, including laydown areas and construction offices; and
  - 2.2.5** Associated activities included within the scope of the Project are construction, operation and decommissioning.
- 2.3** Pursuant to Section 11(2)(a) of the Act, associated off-site components and activities related to the proposed Project are:
  - 2.3.1** High-voltage overhead transmission line for electricity supply; and
  - 2.3.2** The operation of LNG carriers and other supporting marine traffic along the marine access route between Cedar LNG Project location and the pilot boarding location at or near Triple Island.
- 2.4** Exploration activities or activities required to prepare the Application are not part of the reviewable project for the purposes of the assessment.

## **PART C – SCOPE OF THE ASSESSMENT**

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### **3. SCOPE OF THE ASSESSMENT**

- 3.1** Pursuant to Section 11(2)(b) of the Act, the scope of the assessment for the proposed Project will include consideration of:
  - 3.1.1** Potential positive and negative direct and indirect environmental, economic, social, heritage, and health effects of the proposed Project, including adverse Cumulative Effects, and practicable means to avoid, minimize or otherwise address such potential adverse effects; and

- 3.1.2** Potential effects of the proposed Project on an Indigenous Nation and its Aboriginal Interests, and, to the extent appropriate, ways to avoid, minimize or otherwise address such potential effects.
- 3.2** The federal Minister of the Environment and Climate Change may approve a request for substitution by another jurisdiction with respect to the proposed Project, pursuant to Section 31 through 35 of the *Impact Assessment Act* (IAA). Under Section 33(1) of the IAA, and as described in the Canada-British Columbia Impact Assessment Cooperation Agreement (Cooperation Agreement), conditions for substitution include that the request and the scope of the environmental assessment addresses:
- 3.2.1** Factors to be considered under Section 22(1) of the IAA, including, but not limited to, any direct or incidental effects and effects within federal jurisdiction as defined in Section 2 of the IAA;
- 3.2.2** Federal Authorities with relevant specialist or expert knowledge will be given an opportunity to participate;
- 3.2.3** Consultation that will be undertaken with Indigenous Nations that may be affected by the carrying out of the proposed Project;
- 3.2.4** The opportunity for the Impact Assessment Agency of Canada (IA Agency) to participate in consultation and engagement with Indigenous Nations that may be affected by carrying out the proposed Project;
- 3.2.5** The public is given an opportunity to meaningfully participate and to provide comment on a draft Assessment Report;
- 3.2.6** The public will have access to assessment records, including the final Assessment Report (subject to section 13 of the Cooperation Agreement);
- 3.2.7** At the end of the assessment, the Assessment Report will be submitted to the Impact Assessment Agency of Canada and federal Minister including reports under Sections 33(2) and 33(2.1) of the IAA; and
- 3.2.8** Where necessary, any other condition that the federal Minister establishes.

## **PART D – THE WORKING GROUP AND AGENCY CONSULTATION**

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### **4. THE WORKING GROUP**

- 4.1** The Environmental Assessment Office will establish a Working Group comprised of those Indigenous Nations identified on Schedule B and government bodies identified by the Project Assessment Lead. The Working Group will focus on the assessment of the proposed Project as outlined in section [3.0](#) of this Order and will provide input as requested by the Project Assessment Lead on aspects of the environmental assessment, including:

- 4.1.1 The information, including the data collection and analysis, required for the environmental assessment;
  - 4.1.2 The conformity of the Application with the Application Information Requirements;
  - 4.1.3 The information and conclusions in the Application;
  - 4.1.4 Potential effects of the proposed Project;
  - 4.1.5 Potential mitigation measures, including those which may be included in certificate conditions;
  - 4.1.6 Potential effects on Aboriginal Interests and measures to avoid, minimize or otherwise address such potential effects; and
  - 4.1.7 The draft Assessment Report, draft proposed Environmental Assessment Certificate conditions, and draft proposed certified project description.
- 4.2 The Project Assessment Lead may form sub-committees of the Working Group to discuss specific issues in the environmental assessment.
  - 4.3 When required by the Project Assessment Lead, the Proponent must participate in meetings of the Working Group or any sub-committees.
  - 4.4 The Proponent must consult with Indigenous Nations and federal, provincial and local government agencies through the Working Group, as required by the Project Assessment Lead.
  - 4.5 The Proponent must prepare and submit to the Project Assessment Lead and Working Group members, within time limits set by the Project Assessment Lead, responses to comments received from any Working Group members.
  - 4.6 The Proponent must, within the timelines established by the Project Assessment Lead, develop an Agency Consultation Plan to the satisfaction of the Project Assessment Lead. The Agency Consultation Plan must be submitted to the Project Assessment Lead within 30 days of the issuance of this Order, unless otherwise directed by the Project Assessment Lead.
  - 4.7 The Proponent must provide the Project Assessment Lead with an Agency Consultation Report no later than 30 days prior to submitting an Application, and at any other time as requested by the Project Assessment Lead.

## **PART E – ASSESSMENT PROCEDURES – PRE-APPLICATION STAGE**

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### **5. VALUED COMPONENTS**

- 5.1 Within a timeframe established by the Project Assessment Lead, the Proponent must prepare a document that sets out the Valued Components it



proposes to be considered in the preparation of the draft Application Information Requirements, having regard to the requirement to assess the potential of the proposed Project to result in positive and negative direct and indirect environmental, economic, social, heritage, and health effects, including adverse Cumulative Effects and effects on Indigenous Nations and their Aboriginal Interests.

- 5.2** The Proponent must submit the draft Valued Components proposal to the Project Assessment Lead, who will make it available to the Working Group and Indigenous Nations for review and comment.
- 5.3** The Project Assessment Lead will review the draft Valued Components proposal and the Proponent must amend the draft Valued Components proposal as requested by the Project Assessment Lead. This may include incorporation of any comments from the Working Group and Indigenous Nations that the Project Assessment Lead determines are relevant.
- 5.4** The draft Valued Components and the methods for how the effects on Valued Components will be defined and assessed must be included in the draft Application Information Requirements prepared pursuant to section [6](#) of this Order.

## **6. APPLICATION INFORMATION REQUIREMENTS**

- 6.1** In accordance with this Order and any additional guidance provided by the Project Assessment Lead, the Proponent must prepare draft Application Information Requirements.
- 6.2** The Proponent must submit the draft Application Information Requirements to the Project Assessment Lead, who will make it available to the Working Group, and Indigenous Nations and the public for review and comment.
- 6.3** The Proponent must respond to comments received from Working Group members, Indigenous Nations and the public on the draft Application Information Requirements in the form specified by, and to the satisfaction of, the Project Assessment Lead.
- 6.4** The Proponent must prepare and resubmit a revised draft Application Information Requirements, as required by the Project Assessment Lead.
- 6.5** Upon approval of the revised draft Application Information Requirements, the Project Assessment Lead will issue the final Application Information Requirements to the Proponent.

## **7. PREPARING AND SUBMITTING THE APPLICATION**

- 7.1** The Proponent must prepare the Application in accordance with the Application Information Requirements and must submit it to the Project Assessment Lead.

- 7.2** Prior to submitting the Application to the Project Assessment Lead under section [7.1](#) of this Order, the Proponent must ensure that copies of the Application in the required formats have been delivered to the members of the Working Group and Indigenous Nations, as specified by the Project Assessment Lead.

## **8. APPLICATION EVALUATION**

- 8.1** The Project Assessment Lead, with input from the Working Group and Indigenous Nations, will evaluate and decide whether the Application contains the information required in the Application Information Requirements.
- 8.2** If, in the opinion of the Project Assessment Lead, the Application does not include the information required by the Application Information Requirements, the Project Assessment Lead will identify the deficiencies in writing to the Proponent and the Proponent may revise the Application to address the deficiencies and re-submit the revised Application.
- 8.3** If the Application is accepted for review, the Project Assessment Lead will advise the Proponent, and the Proponent must supply paper or electronic copies of the Application to the Project Assessment Lead.

## **9. APPLYING FOR CONCURRENT PERMITTING**

- 9.1** The Proponent, if applying for concurrent review of one or more applications for approval under other enactments, pursuant to section 4 of the Concurrent Approval Regulation (B.C. Reg. 371/2002), must submit the request to the Project Assessment Lead within seven days of the Project Assessment Lead notifying the Proponent that the Application has been accepted for review.
- 9.2** The Project Assessment Lead can set an earlier time limit than by the date on which those copies are received by the Project Assessment Lead.

## **PART F – ASSESSMENT PROCEDURES – APPLICATION REVIEW STAGE**

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### **10. PREPARING THE ASSESSMENT REPORT**

- 10.1** The Project Assessment Lead will prepare an Assessment Report taking into consideration the Proponent's Application and any additional information and input provided by the Working Group, Indigenous Nations, and the public.
- 10.2** Members of the Working Group, Indigenous Nations, and the Proponent will have an opportunity to provide to the Project Assessment Lead their comments on a draft of the Assessment Report and proposed draft conditions of an Environmental Assessment Certificate within timelines established by the Project Assessment Lead.
- 10.3** Members of the public will have an opportunity to provide comments on a draft of the Assessment Report and draft conditions of an Environmental

Assessment Certificate within timelines established by the Project Assessment Lead.

## **11. MINISTERIAL REFERRAL AND DECISION**

- 11.1** The Project Assessment Lead will advise the Proponent, Indigenous Nations and the Working Group of the date that the final Assessment Report is referred to the Ministers.
- 11.2** At the time of referral, the Project Assessment Lead will, in coordination with other regulatory authorities, jointly produce a list of issues to be further addressed in permitting.
- 11.3** The Assessment Report will be made available to the public by the Environmental Assessment Office after a decision has been made by the Ministers under Section 17(3)(c) of the Act.
- 11.4** In accordance with Section 17(4) of the Act, the Project Assessment Lead will deliver to the Proponent the decision of the Ministers and the Environmental Assessment Certificate, if granted. The Project Assessment Lead will inform Indigenous Nations and members of the Working Group of the Ministers' decision.

## **PART G – CONSULTATION WITH INDIGENOUS NATIONS**

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### **12. CONSULTATION WITH INDIGENOUS NATIONS**

- 12.1** Following the issuance of this Order and if substitution is approved, the Environmental Assessment Office will consult with Indigenous Nations listed on Schedule C in relation to Project-related marine shipping.
- 12.2** Following the issuance of this Order, the Environmental Assessment Office will consult with Indigenous Nations listed on Schedule B, and Schedule C if substitution is approved, as follows:
  - 12.2.1** The Environmental Assessment Office will provide notification at the following milestones, so that such Indigenous Nations can be informed of the progress of the environmental assessment and have the opportunity to raise any issues to the Environmental Assessment Office for discussion:
    - 12.2.1.1** Issuance of any legal orders issued under the Act in relation to the Project;
    - 12.2.1.2** Commencement of any public comment periods for the proposed Project;
    - 12.2.1.3** Approval of draft Valued Components proposal;

- 12.2.1.4** When the Application has been accepted and the start of the review of the Application has commenced; and
- 12.2.1.5** Decision on the Application.
- 12.2.2** Invite Indigenous Nations listed on Schedule B to be members of the Working Group and to attend Working Group meetings or relevant Working Group subcommittee meetings;
- 12.2.3** If substitution is approved, invite Indigenous Nations listed on Schedule C to participate in any Working Group discussions related to marine shipping;
- 12.2.4** Seek to co-develop work plans with Indigenous Nations, which would describe engagement and participation of Indigenous Nations throughout the environmental assessment;
- 12.2.5** Ensure that such Indigenous Nations have the opportunity to provide comments on the draft Valued Components proposal and draft Application Information Requirements and will consider any such comments;
- 12.2.6** Seek to achieve consensus with such Indigenous Nations on the Application Information Requirements;
- 12.2.7** Ensure that such Indigenous Nations receive a copy of the Application and invite comments from Indigenous Nations during the applicable legislated time period and seek to achieve consensus in regard to the conformity of the Application with the Application Information Requirements;
- 12.2.8** Provide such Indigenous Nations the opportunity to submit comments on the Application;
- 12.2.9** In consultation with such Indigenous Nations, determine the adequacy of the Proponent's responses to the comments received from such Indigenous Nations;
- 12.2.10** At the request of any of these Indigenous Nations, meet to discuss its Aboriginal Interests in relation to the proposed Project and measures to avoid, mitigate, or otherwise address or accommodate potential adverse effects on the Indigenous Nation and its Aboriginal Interests, as appropriate;
- 12.2.11** Provide such Indigenous Nations with an opportunity to collaborate with the Environmental Assessment Office on the drafting of their respective Indigenous Nations consultation sections of the draft Assessment Report, review and comment on the draft Assessment Report, including the Environmental Assessment Office's consultation report, and the draft proposed conditions of an Environmental Assessment Certificate and draft certified project description, within established timelines;

- 12.2.12** Seek to achieve consensus on the draft Assessment Report with such Indigenous Nations, including the Environmental Assessment Office's consultation report, and the draft proposed conditions of an Environmental Assessment Certificate and draft certified project description, within established timelines; and
- 12.2.13** Provide the opportunity for Indigenous Nations to provide the Environmental Assessment Office a submission regarding their views on the Assessment Report, including whether the Indigenous Nation consents or does not consent to the issuance of the Environmental Assessment Certificate. Any such submission must be provided within the timeline established by the Project Assessment Lead and will be included in the package of materials sent to Ministers when the proposed Project is referred to Ministers for decision;
- 12.3** With respect to Indigenous Nations identified in Schedule B, and Schedule C if substitution is approved, the Proponent will conduct the following activities:
  - 12.3.1** Within specified timelines, provide to the Project Assessment Lead an Indigenous Consultation Plan that will guide consultation activities with such Indigenous Nations during the Pre-Application and Application Review Stages of the assessment;
  - 12.3.2** Prior to submitting the Indigenous Consultation Plan to the Project Assessment Lead, the Proponent must provide the draft Plan to the Indigenous Nations and must advise the Project Assessment Lead how such groups were consulted and what feedback was provided and how concerns were addressed, when submitting the Indigenous Consultation Plan to the Project Assessment Lead;
  - 12.3.3** The Project Assessment Lead will assess the Indigenous Consultation Plan and determine whether the proposed activities are adequate. The Project Assessment Lead may order additional consultation activities within prescribed time limits;
  - 12.3.4** In the Application, identify potentially affected Aboriginal Interests raised by such Indigenous Nations and identify measures to avoid, minimize or otherwise address potential effects and to otherwise address or accommodate the concerns of such Indigenous Nations, as appropriate;
  - 12.3.5** As directed by the Project Assessment Lead, provide a response to comments received from such Indigenous Nations, to the satisfaction of and within the timeframe specified by the Project Assessment Lead; and
  - 12.3.6** Implement additional measures for consultation and accommodation of such Indigenous Nations and revise the Indigenous Consultation Plan, where required by the Project Assessment Lead.

- 12.4** The Project Assessment Lead may at any time, notify the Proponent that one or more Indigenous Nations are to be added, and in doing so may identify any modifications to any of the procedures and obligations contained in this Order, having regard to the status of existing procedures and obligations at the time the additions are made.

### **13. POTENTIAL CONSULTATION WITH MÉTIS NATION BRITISH COLUMBIA**

- 13.1** In the event that the federal Minister of the Environment and Climate Change approves a request for substitution by British Columbia, the Project Assessment Lead may direct the Proponent to undertake specific consultation activities with Métis Nation British Columbia to meet the federal assessment requirements of the IAA.
- 13.2** Any consultation conducted by British Columbia with Métis or organizations representing Métis within British Columbia under a substituted impact assessment is understood to be conducted on behalf of the Government of Canada and should not be construed in any way as an acknowledgement by British Columbia that it owes a duty of consultation or accommodation to Métis within British Columbia under Section 35 of the *Constitution Act*, 1982.
- 13.3** Following the issuance of this Order and if substitution is approved, the Environmental Assessment Office will consult with Métis Nation British Columbia (MNBC) as follows:
- 13.3.1** Provide notification at the following milestones so that MNBC can be informed of the progress of the environmental assessment and have the opportunity to raise any issues to the Environmental Assessment Office for discussion:
- 13.3.1.1** Issuance of any legal orders issued under the Act in relation to the Project;
  - 13.3.1.2** Commencement of any public comment periods for the draft Application Information Requirements for the proposed Project;
  - 13.3.1.3** Approval of the final Application Information Requirements document;
  - 13.3.1.4** When the Application has been accepted and the start of the review of the Application has commenced;
  - 13.3.1.5** Commencement of any public comment periods for the Application for the proposed Project; and
  - 13.3.1.6** Decision on the Application.
- 13.3.2** Provide MNBC with an opportunity to comment on the draft Assessment Report and the Environmental Assessment Office's consultation report within established timelines.

**13.3.3** The Environmental Assessment Office will implement additional measures for consultation and accommodation with MNBC, where appropriate.

**13.4** The Project Assessment Lead may direct the Proponent to conduct the following activities:

**13.4.1** Provide a response to comments received from MNBC, to the satisfaction and within the timeframe specified by the Project Assessment Lead; and

**13.4.2** Implement additional consultation activities and mitigation measures to avoid or reduce potential adverse effects on MNBC.

#### **14. PROPONENT REPORTING**

**14.1** The Proponent must provide the Project Assessment Lead with Indigenous Consultation Reports, consistent with the approved Indigenous Consultation Plan, at the following times:

**14.1.1** 60 days after the issuance of the Application Information Requirements;

**14.1.2** At the time of the submission of the Application;

**14.1.3** 100 days from the commencement of the Application Review Stage; and

**14.1.4** At any other time specified by the Project Assessment Lead.

**14.2** The Proponent must submit their Indigenous Consultation Reports to the Indigenous Nations identified in Schedule B, and Schedule C if substitution is approved, for review and comment prior to submitting the reports to the Project Assessment Lead and must advise the Project Assessment Lead how such groups were consulted and what feedback was provided when submitting the Indigenous Consultation Report to the Project Assessment Lead.

**14.3** Indigenous Consultation Reports must:

**14.3.1** Summarize the efforts undertaken by the Proponent to consult with Indigenous Nations identified in Schedule B, and Schedule C if substitution is approved, in accordance with the approved Indigenous Consultation Plan, and also summarize the efforts undertaken by the Proponent to consult with any other Indigenous Nations, if directed to do so by the Project Assessment Lead pursuant to section [12.3.6](#) and section [13.4.2](#) of this Order;

**14.3.2** Identify the feedback and information received during consultation;

**14.3.3** Identify the potential adverse effects of the proposed Project on Indigenous Nations and their Aboriginal Interests;

- 14.3.4** Identify how the potential effects of the proposed Project on Indigenous Nations and their Aboriginal Interests will be avoided, minimized, or otherwise addressed, as appropriate; and
- 14.3.5** Outline next steps or future consultation activities, other than those outlined in the approved Indigenous Consultation Plan.

## **PART H – PUBLIC CONSULTATION**

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### **15. PRE-APPLICATION STAGE**

- 15.1** The Proponent must, within timelines established by the Project Assessment Lead, provide the Project Assessment Lead with a Public Consultation Plan.
- 15.2** The Project Assessment Lead will assess the Proponent's Public Consultation Plan and determine if the proposed activities are adequate. The Project Assessment Lead may order that additional consultation activities be undertaken within time limits set by the Project Assessment Lead.
- 15.3** During the Pre-Application Stage of the assessment, the Project Assessment Lead will provide a public comment period of at least 30 days on the draft Application Information Requirements referred to in section [6](#) of this Order.
- 15.4** The Project Assessment Lead may require an open house(s) to provide the public with an opportunity to review the draft Application Information Requirements.
- 15.5** On the direction of the Project Assessment Lead, the Proponent may be required to attend one or more of these open houses.
- 15.6** The Proponent must make the draft Application Information Requirements available at accessible public locations as specified by the Project Assessment Lead, and the Project Assessment Lead will make the draft Application Information Requirements available on the Electronic Project Information Centre.
- 15.7** During a public comment period, the public may comment on the draft Application Information Requirements by providing comments through the Environmental Assessment Office's website.
- 15.8** The Proponent must respond to public comments received pursuant to section [15.7](#) of this Order, unless the Project Assessment Lead informs the Proponent that a comment:
  - (a) is not within the scope of the assessment, or
  - (b) contravenes the Environmental Assessment Office's Public Comment Policy.
- 15.8.1** All public comments, received pursuant to section [15.7](#) of this Order, will be posted to the Electronic Project Information Centre within seven



days of being received, unless a comment falls within the conditions referred to in section [15.8\(a\)](#) or [15.8\(b\)](#) of this Order.

## **16. APPLICATION REVIEW STAGE**

- 16.1** During the Application Review Stage, the Project Assessment Lead will provide for a public comment period of at least 30 days on the Application.
- 16.2** The Project Assessment Lead may require an open house(s) to provide the public with an opportunity to review the Application. At the direction of the Project Assessment Lead, the Proponent may be required to attend one or more open houses.
- 16.3** The Proponent must make the Application available at accessible public locations as specified by the Project Assessment Lead, and the Project Assessment Lead will make the Application available on the Electronic Project Information Centre.
- 16.4** During a public comment period, the public may comment on the Application by providing comments through the Electronic Project Information Centre.
- 16.5** The Proponent must respond to public comments received pursuant to section [16.4](#) of this Order, unless the Project Assessment Lead informs the Proponent that a comment:
  - (a) is not within the scope of the assessment, or
  - (b) contravenes the Environmental Assessment Office's Public Consultation Policy.
- 16.6** All public comments, received pursuant to section [16.4](#) of this Order, will be posted to the Electronic Project Information Centre within seven days of being received, unless a comment falls within the conditions referred to in section [16.5\(a\)](#) or [16.5\(b\)](#) of this Order.
- 16.7** The Project Assessment Lead will make a draft of the Assessment Report and proposed conditions of an Environmental Assessment Certificate available on the Electronic Project Information Centre for a public comment period of at least 30 days.
- 16.8** The Project Assessment Lead may revise the Assessment Report and proposed conditions of an Environmental Assessment Certificate and/or direct the Proponent to provide a response as a result of public comments received pursuant to section [16.7](#) of this Order.
- 16.9** The Project Assessment Lead will provide the opportunity for the Proponent to review any submissions to the Environmental Assessment Office by Indigenous Nations regarding their views of the Assessment Report pursuant to sections [12.2.11](#) and [12.2.13](#) of this Order. Any such review must be completed within the timeline established by the Project Assessment Lead.

## **17. PROPONENT REPORTING**

- 17.1** The Proponent must provide the Project Assessment Lead with Public Consultation Reports, at the following times:
- 17.1.1** 30 days after the close of a public comment period;
  - 17.1.2** At the time of submission of the Application; and
  - 17.1.3** Any other time specified by the Project Assessment Lead.
- 17.2** The Public Consultation Reports must include:
- 17.2.1** A description of the results of the activities outlined in the Public Consultation Plan;
  - 17.2.2** A summary of: consultations with the public that the Proponent has already carried out in relation to the proposed Project; information, comments, concerns, and questions received from the public within the scope of the environmental assessment, and; how the concerns were addressed; and
  - 17.2.3** Proposed next steps for public consultation activities.
- 17.3** The Proponent may be required to undertake additional public consultation activities as required and within a time limit set by the Project Assessment Lead.

## **18. PUBLIC NOTIFICATION OF PUBLIC COMMENT PERIODS**

- 18.1** Prior to the start of any formal public comment period, other than a public comment period on the draft Assessment Report, the Proponent, by means acceptable to the Project Assessment Lead, must provide public notice of:
- 18.1.1** the availability of the draft Application Information Requirements or Application for public review and comment and the time limits for the formal public comment period provided for in this Order; and
  - 18.1.2** The date, time and location of any open houses held.
- 18.2** The Proponent must obtain approval from the Project Assessment Lead for the content, format and publication schedule for newspaper advertisements required under section [18.1](#) of this Order.
- 18.3** When one or more notices of an event are to be given, then, in accordance with section 5 of the Public Consultation Policy Regulation (B.C. Reg. 373/02), the first notice must appear:
- 18.3.1** In the case of a formal public comment period, at least seven days prior to the date on which the formal public comment period commences; or

- 18.3.2** In the case of an open house, at least seven days prior to the date on which an open house is scheduled.
- 18.4** In the case of a Public Comment period on the draft Assessment Report, the Project Assessment Lead will coordinate advertisement and notification requirements outlined in sections [18.1](#) through [18.3](#) of this Order, as relevant.
- 18.5** Information and records listed in section 6 of the Public Consultation Policy Regulation (BC Reg. 373/02) that pertain to the assessment of the proposed Project will be made available to the public through the Electronic Project Information Centre.

## **PART I – PROVIDING ADDITIONAL INFORMATION**

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### **19. ADDITIONAL INFORMATION**

- 19.1** Without limiting any of the requirements in this Order, the Proponent must, at the request of the Project Assessment Lead, provide the Project Assessment Lead with any information or address any issues that the Project Assessment Lead considers necessary in order to complete the environmental assessment of the proposed Project.

Figure 1. Location Map



## **SCHEDULE B INDIGENOUS NATIONS**

- Gitga'at First Nation
- Gitxaala Nation
- Haisla Nation
- Kitselas First Nation
- Kitsumkalum First Nation
- Lax Kw'alaam Band
- Metlakatla First Nation

## **SCHEDULE C INDIGENOUS NATIONS**

- Haida Nation