

**In the matter of the
Environmental Assessment Act
S.B.C. 2002, c. 43
(Act)**

and

**in the matter of an
Application
for an
Environmental Assessment Certificate
(Application)**

by

**Plateau Pipe Line Ltd.
(Proponent)**

for the

**Northeast British Columbia Expansion Project
(Project)**

Reasons for Ministers' Decision

On August 9, 2016 pursuant to Section 17(3)(c) of the *Act*, we, the Minister of Environment and the Minister of Natural Gas Development (Ministers), issued an Environmental Assessment Certificate for the Project. This document sets out the reasons for that decision.

1 NATURE AND SCOPE OF THE DECISION

Section 17(3) of the *Act* sets out the parameters for our decision. We considered the Environmental Assessment Office's (EAO) assessment and recommendations, including whether the Province had met its duty to consult and, as appropriate, accommodate Aboriginal groups with respect to potential impacts of the Project on Treaty 8 rights. We considered other matters we thought relevant to the public interest in making our decision on the Application.

2 MINISTERS' CONSIDERATIONS

2.1 EAO's Assessment

EAO, with advice from an advisory Working Group, reviewed the Proponent's Application, summarized its findings in the Assessment Report, and provided its detailed findings in the supporting Technical Report. As described in the Assessment Report and Technical Report, throughout the environmental assessment (EA) process, EAO worked closely with provincial and federal ministries and agencies, local governments and Aboriginal groups to identify issues and seek ways to address these issues, including proposing 26 Certificate conditions for our consideration.

EAO advised us that it was satisfied that the proposed EA conditions and Project design would prevent or reduce potential negative environmental, social, economic, heritage or health impacts of the Project such that no significant adverse effects are expected. We concur with this conclusion.

EAO advised that it was satisfied that the Crown's duty to appropriately consult and accommodate Aboriginal groups had been discharged for the Project. We concur with this conclusion.

2.2 Recommendations of the Executive Director

At the date of the referral from EAO, in the absence of EAO's Executive Director, EAO's Assistant Deputy Minister was delegated the powers of the Executive Director under the *Environmental Assessment Act*, including the power to make these recommendations. EAO's Assistant Deputy Minister considered the Assessment Report as well as the Project design and the mitigation conditions set out in the proposed EA Certificate. She

recommended that an EA Certificate be issued for the Project.

2.3 Key Considerations

EAO examined whether the Project would have adverse environmental, economic, social, heritage and health effects to a wide range of valued components, as well as the potential effects on valued components from accidents and malfunctions and changes to the environment. EAO identified very few residual effects to valued components that are expected after the implementation of mitigation measures. An important reason for this is the ways in which the Proponent designed the project to avoid or reduce adverse effects. These included:

- Paralleling existing linear disturbance for approximately 90% of the entire route;
- Use of existing workforce accommodation;
- Short term construction, with clean-up and reclamation concluded within one year;
- Primarily constructing during least-risk timing windows for fish and wildlife; and
- Avoiding many designated areas and known sensitive areas, including old-growth management areas, parks and protected areas, and designated ungulate winter ranges.

In addition, the EA Certificate conditions we have included would ensure that the adverse effects identified in the assessment, including during Aboriginal consultation, would be adequately mitigated. Some of the key conditions include mitigation measures that address the following:

- Adhering to least-risk timing windows for fish and wildlife, and developing additional mitigation measures for activities outside these windows;
- Monitoring and mitigating impacts to on-site water quality;
- Developing an access management plan to reduce increased access and mitigate impacts to wildlife;
- Avoiding or minimizing impacts to red and blue listed vegetation and old growth;
- Avoiding major construction activities in areas used for moose calving during key calving periods;
- Develop a plan to mitigate impacts to wetlands, and to compensate for any permanent loss of wetlands;
- Develop a plan to manage and mitigate impacts to archaeological resources, including chance finds; and
- Continue to consult with Aboriginal groups through the life of the project, including during the development of management plans, and provide opportunities for Aboriginal groups to participate in environmental monitoring activities.

Impacts to Wildlife and Vegetation

The Project would result in additional habitat loss and habitat fragmentation for vegetation, ecosystems, wetlands and wildlife and would also affect wildlife mortality risk and movement patterns. We note that, as a result of the Project's design and construction plan, the Project's effects are generally of low to moderate magnitude, and that the Project would represent a small contribution to the cumulative effects in the region.

We recognize that EAO's conclusions regarding the overall cumulative effects to vegetation and wildlife identify a high degree of uncertainty associated with the conclusions of whether or not there are existing significant adverse effects. The Province is moving forward with a number of important initiatives that aim to improve the assessment and management of cumulative effects to key values in the northeast, including vegetation and wildlife values (e.g. Cumulative Effects Framework, Regional Strategic Environmental Assessment demonstration project, Liquefied Natural Gas Environmental Stewardship Initiative, and Area-Based Analysis).

We are satisfied that the EA Certificate conditions, Certified Project Description, provincial cumulative effects initiatives and existing regulatory requirements will effectively manage the Project impacts and contribution to cumulative effects of wildlife and vegetation.

Risks from Pipeline Leak or Rupture

Project design measures, mitigation and contingency measures will lower the likelihood and reduce the severity of a pipeline leak or rupture on human health. The overall likelihood of a spill or rupture is considered low, but if it did occur EAO estimates that the impacts would be short-term, of low to moderate magnitude, and limited to a very localized area. We note that the conditions in the EA Certificate and requirements of the Certified Project Description, as well as existing regulatory requirements, will minimize and mitigate potential risks to environmental, social, economic, health or heritage valued components associated with a pipeline leak or rupture.

Aboriginal Consultation

EAO consulted at a deeper level with Blueberry River First Nations, Doig River First Nation, Halfway River First Nation, Sauteau First Nations and West Moberly First Nations. This deeper consultation included extensive opportunities to meet, discuss, and seek to resolve issues with EAO, including through EAO's working group process and individual consultation meetings. EAO consulted at a notification level with McLeod Lake Indian Band, Dene Tha' First Nation, Horse Lake First Nation, Prophet River First Nation and the Treaty 8 Tribal Association.

We are aware that most Aboriginal groups did not raise key concerns during the assessment of the Project.

We considered the July 15, 2016 submission provided by Blueberry River First Nations, along with letters which Blueberry River First Nations included in its submission, and correspondence from EAO in response to those letters from Blueberry River First Nations. The concerns raised in the Blueberry River First Nations' submission include: lack of project-specific traditional use information and understanding of Blueberry River First Nations' values with respect to the Project, Project and cumulative effects on traditionally harvested species, impacts to archaeological and heritage sites, proximity to important areas particularly in the vicinity of Charlie Lake, lack of consultation on alternative routing, cumulative reduction in available land to practice traditional activities and lack of response to requests for revisions to conditions. As evidenced by the correspondence included in the referral package, we are of the view that EAO made meaningful efforts to consider, respond to and, as appropriate, address issues and concerns raised by Blueberry River First Nations, and that all issues raised in Blueberry River First Nations' submission were appropriately considered by EAO in the EA, and discussed in EAO's Assessment Report and Technical Report.

We are of the view that EAO meaningfully and reasonably considered and sought to address concerns raised by all Aboriginal groups in the assessment of the Project and development of proposed conditions, including requiring further proponent consultation with Aboriginal groups in many of the proposed conditions and several conditions specific to Aboriginal groups. We have concluded that for the EA, the Crown's duty to consult and accommodate has been met, and recognize that the Crown further commits to working with Aboriginal groups through implementing the conditions of the Certificate and through subsequent permitting processes.

Public Consultation

The Assessment Report provided a summary of the outcomes of public consultation, which were considered in our decision.

2.4 Provincial and Community Benefits

We are aware that the Project would provide local, regional and provincial benefits. The Proponent provides estimates that the total expenditures associated with the Project construction would be roughly \$210 million. Annual operational expenditures would be approximately \$1.5 million, all of which would occur in northeast BC.

Annual provincial tax revenue directly associated with the Project operations would be approximately \$483,000, annual federal tax revenue would be approximately \$360,200, and annual municipal and regional property taxes would be approximately \$379,000.

During construction the Project is estimated to support approximately 455 person years of direct employment, and would generate 774 person years of indirect employment and 531 person years of induced employment. During operations, the Project would support six full-time equivalent direct employees, and would generate two indirect full-time equivalent positions and one induced full-time equivalent position.

3 CONCLUSION

After consideration of EAO's assessment findings, the proposed Project design and recommended conditions of the proposed EA Certificate, the Recommendations of the Executive Director, and having regard to our responsibilities under the Act and Crown obligations to consult and accommodate Aboriginal groups, we have issued an EA Certificate for the Project. The EA Certificate includes enforceable conditions and specifies the Project design parameters. These give us confidence to conclude that the Project will be constructed and operated such that no significant adverse effects are likely to occur.



Honourable Mary Polak
Minister of Environment



Honourable Rich Coleman
Minister of Natural Gas Development

Signed this August 5, 2016