

**IN THE MATTER OF THE *ENVIRONMENTAL ASSESSMENT ACT* S.B.C. 2002, c.43  
(Act)  
AND  
AN ENVIRONMENTAL ASSESSMENT OF THE  
BEAR MOUNTAIN WIND PARK PROJECT (Project)**

**ORDER UNDER SECTION 11**

**WHEREAS:**

- A. Bear Mountain Wind Limited Partnership (the Proponent) proposes to construct and operate an independent power project located in the vicinity of the City of Dawson Creek, British Columbia;
- B. The Project constitutes a reviewable project pursuant to Part 4 of the *Reviewable Projects Regulation* (B.C. Reg. 370/2002) since the proposed Project is a new wind power plant facility with a rated nameplate capacity of 50 megawatts (MW) or more of electricity;
- C. On September 20, 2005, the Executive Director, in accordance with section 4 of the Act, delegated certain statutory and regulatory powers and duties in relation to the Project (referred to in that delegation as the Bear Mountain Wind Farm Project) to the undersigned Project Assessment Manager;
- D. On November 1, 2005, the Environmental Assessment Office (EAO) issued an order under section 10(1)(c) of the Act, stating that the Project (referred to in that order as the Bear-Kiskatinaw Wind Park Project) requires an environmental assessment certificate, and that the Proponent (referred to in that order as the Aeolis Wind Power Corporation) may not proceed with the Project without an assessment;
- E. The Project is subject to the *Canadian Environmental Assessment Act*, S.C. 1992, c.37, and pursuant to the *Canada-British Columbia Agreement on Environmental Assessment Cooperation (2004)*, British Columbia and Canada are committed to developing a project-specific work plan for a *cooperative environmental assessment* of the Project;
- F. The Project is located within the Treaty 8 area. The Sauleau and West Moberly First Nations and the McLeod Lake Indian Band are signatories to Treaty 8. The Kelly Lake communities as represented by the Kelly Lake Métis Settlement Society, the Kelly Lake Cree Nation, and the Kelly Lake First Nation (collectively referred to herein as “the Kelly Lake communities”) have also expressed interest in the Project area;
- G. Prior to this Order taking effect, the Proponent held discussions with the Sauleau and West Moberly First Nations, the McLeod Lake Indian Band, and the Kelly Lake communities with respect to the Project;
- H. Prior to this Order taking effect, the Proponent consulted with the public with respect to the Project; and
- I. Prior to this Order taking effect, the Proponent consulted federal, provincial and local government agencies with respect to the Project.

**NOW THEREFORE:**

Pursuant to section 11 of the Act, I order that the environmental assessment of the Project be conducted according to the scope, procedures and methods set out in Schedule A to this Order.

A handwritten signature in black ink, appearing to read "Alan Calder".

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Alan Calder  
Project Assessment Manager  
Environmental Assessment Office

Dated April 28, 2006 at Victoria, British Columbia

Enclosure:    Schedule A

## **SCHEDULE A TO ORDER UNDER SECTION 11 OF THE ACT**

### **SCOPE, PROCEDURES AND METHODS FOR THE ENVIRONMENTAL ASSESSMENT OF THE BEAR MOUNTAIN WIND PARK PROJECT**

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## PART A GENERAL PROVISIONS

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### 1. DEFINITIONS FOR SCHEDULE A

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

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

“**Application Terms of Reference**” means the information which the Project Assessment Manager requires in the Application, pursuant to Section 16(2) of the Act and section 10 of this Order.

“**Assessment Report**” means the report referred to in section 19 of this Order.

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

“**First Nations**” means the West Moberly and Saulteau First Nations and the McLeod Lake Indian Band.

“**Kelly Lake communities**” means the Kelly Lake Métis Settlement Society, Kelly Lake Cree Nation, and the Kelly Lake First Nation.

“**Order**” means this Order, which is issued under Section 11 of the Act, and includes all pages of this Order, including this Schedule (Schedule A).

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

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

“**Proponent**” has the same meaning as on page 1 of the Order. AltaGas, Peace Energy Cooperative and Aeolis Wind Power Corporation are the development partners in Bear Mountain Wind Limited Partnership.

### 2. REVIEWABILITY OF THE PROJECT

- 2.1. The Project constitutes a reviewable project pursuant to Part 4 of the [Reviewable Projects Regulation](#) (B.C. Reg. 370/2002).

## **PART B SCOPE OF THE PROJECT AND THE ASSESSMENT**

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### **3. SCOPE OF THE PROJECT**

- 3.1.** The scope of the Project includes the following on-site and off-site components and activities in the area shown on Figure 1:
- 3.1.1.** wind turbine generators (including foundations and adjoining crane pads, towers, blades, and generators);
  - 3.1.2.** upgrades to existing access/maintenance roads;
  - 3.1.3.** low tension electrical network (overhead and/or underground) for transmission between towers and to a substation;
  - 3.1.4.** substation;
  - 3.1.5.** transformers;
  - 3.1.6.** a concrete batch plant;
  - 3.1.7.** quarry sites and spoil areas;
  - 3.1.8.** on-site public signage; and
  - 3.1.9.** any off-site facilities or off-site activities related to the Project, including a service and maintenance centre and a public interpretive centre.

### **4. SCOPE OF THE ASSESSMENT**

- 4.1.** The scope of assessment for the Project will include consideration of the potential for environmental, social, economic, health and heritage effects and potential effects on First Nations' treaty rights and the Kelly Lake communities' interests, and will take into account practical means to prevent or reduce to an acceptable level any potential adverse effects of the Project.

## **PART C ASSESSMENT PROCEDURES – GENERAL PROVISIONS**

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### **5. STAGING OF THE ASSESSMENT PROCESS**

- 5.1.** The Proponent will engage in two stages of the assessment process– the Pre-application stage and the Application review stage.
- 5.2.** The Proponent must use the Application review stage to address issues raised by the public, First Nations, Kelly Lake communities, local governments and federal and provincial government agencies concerning the Application and identify and propose to mitigate anticipated project impacts. The Proponent will be requested to review and confirm information provided in the Assessment Report, prepared by the EAO as the basis for a decision by Ministers on the Application under section 17(3) of the Act.
- 5.3.** On the invitation of the Project Assessment Manager, the Proponent must participate in meetings of the working groups, established by the EAO with representatives of federal, provincial and local government agencies, First Nations and Kelly Lake communities.

### **6. PUBLIC NOTICE**

- 6.1.** The Proponent, by means of newspaper advertisements, radio announcements or other means acceptable to the Project Assessment Manager, must provide public notice of:
  - 6.1.1.** the availability of the Application for public review and comment, and the time limits for formal public comment periods provided for in this Order;
  - 6.1.2.** the date, time and location of any open houses or general public meetings held in respect of the Project, whether organized by the Proponent or the Environmental Assessment Office; and
  - 6.1.3.** any provincial application for concurrent review.
- 6.2.** The Proponent must obtain approval from the Project Assessment Manager for the content, format and publication schedule for newspaper advertisements required under section 6.1 of this Order.
- 6.3.** In accordance with Section 5 of the *Public Consultation Policy Regulation* (B.C. Reg. 373/2002), the notice must appear:
  - 6.3.1.** in the case of a formal public comment period, at least 7 days prior to the date on which the formal public comment period commences; and
  - 6.3.2.** in the case of an open house or general public meeting, at least 7 days prior to the date on which an open house or public meeting is scheduled.
- 6.4.** The Proponent may be required by the Project Assessment Manager to implement additional specified measures notifying the public, during the assessment of the Project.

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

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### **7. PUBLIC CONSULTATION**

- 7.1. The Proponent must consult with the public with respect to their issues and concerns with the Project by holding open houses or public meetings, and meeting with various stakeholder groups, in communities in the vicinity of the Project as required by the Project Assessment Manager for the purposes of developing the Application Terms of Reference.
- 7.2. One formal comment period of 30 days in duration on draft Application Terms of Reference will be established by the Project Assessment Manager.
- 7.3. The Proponent must, within any time limits set by the Project Assessment Manager, respond to issues that are identified in comments submitted by the public during the formal comment period established in accordance with section 7.2 of this Order, and that the Project Assessment Manager considers to be within the scope of the assessment.

### **8. FIRST NATIONS AND KELLY LAKE COMMUNITIES CONSULTATION**

- 8.1. The Proponent must consult with First Nations with respect to their treaty rights, with Kelly Lake communities with respect to their interests in the Project, and with both First Nations and Kelly Lake communities with respect to issues and concerns with the Project, as required by the Project Assessment Manager.

### **9. GOVERNMENT AGENCY CONSULTATION**

- 9.1. The Proponent must consult with federal, provincial and local government agencies on an individual basis, and collectively through the Working Group, with respect to their issues and concerns with the Project.

### **10. APPLICATION TERMS OF REFERENCE**

- 10.1. The Proponent must prepare draft Application Terms of Reference for the Application to identify the issues to be addressed and the information to be provided in its Application.
- 10.2. The Proponent must submit draft Application Terms of Reference, in an electronic format, to the Project Assessment Manager, who will make it available to relevant federal and provincial agencies, local government, First Nations, Kelly Lake communities, and the public for review and comment.
- 10.3. The Proponent must incorporate into its Application Terms of Reference any First Nations, Kelly Lake communities, government agency and local government comments that the Project Assessment Manager deems to be within the scope of the

assessment and submit the Application Terms of Reference to the Project Assessment Manager for review and approval.

- 10.4. The Proponent, after the Application is filed, may be required to address additional issues or interests raised in the course of the review, but not addressed in the Application Terms of Reference, where the Project Assessment Manager believes this is necessary to complete an effective and timely assessment.
- 10.5. The Proponent may be required to provide relevant information in addition to that presented in the Application, including information from studies identified in the Application which are completed after the Application is filed, within time limits set by the Project Assessment Manager.

## **11. WORKING GROUP**

- 11.1. The Project Assessment Manager will establish an advisory Working Group.
- 11.2. The Working Group will include invitees of federal, provincial and local government agencies, First Nations and Kelly Lake communities.
- 11.3. Members of the Working Group, where requested by the Project Assessment Manager, either have undertaken, or will be given the opportunity to undertake, the following specific tasks from the perspective of the interests and/or program responsibilities of the organizations which they represent:
  - 11.3.1. reviewing and commenting on drafts of the Application Terms of Reference;
  - 11.3.2. providing advice on First Nations and Kelly Lake communities consultation activities;
  - 11.3.3. providing advice on public consultation activities;
  - 11.3.4. screening, reviewing and commenting on the Application;
  - 11.3.5. providing advice on issues raised during the course of the assessment of the Project; and
  - 11.3.6. providing advice on the assessment findings to be reported to the Ministers at the conclusion of the Project review.

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

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

- 12.1. The Proponent must prepare the Application in accordance with the approved Application Terms of Reference, and must submit it to the Project Assessment Manager for review.
- 12.2. The Proponent must supply to the Project Assessment Manager an electronic version of the Application, in an acceptable electronic format, and if requested, supply the requested number of hard and digital copies of the Application in the quantity indicated by the Project Assessment Manager.



- 12.3. The Proponent, if applying for concurrent review of one or more applications for approvals under other enactments, must submit the request to the Project Assessment Manager when the Proponent submits its Application under section 12.1 of this Order.

### **13. PUBLIC CONSULTATION ASSESSMENT**

- 13.1. The Proponent must include in its Application:
  - 13.1.1. a summary and evaluation of public consultations activities that the Proponent has already carried out in relation to the Project; and
  - 13.1.2. a proposal for a public consultation program that the Proponent plans to carry out for purposes of reviewing the Application.
- 13.2. The Project Assessment Manager will use this information to assess the adequacy of the proposed public consultations activities.
- 13.3. The Proponent may be required, as a result of a public consultation assessment of the Application, provided in writing by the Project Assessment Manager, to undertake further consultation activities to ensure adequate public consultation on the Application, within time limits set by the Project Assessment Manager.
- 13.4. The Proponent must complete the public consultation program for the Application review stage, including any additional measures for consultation specified by the Project Assessment Manager, by the end of the formal public comment period set by the Project Assessment Manager.

### **14. FIRST NATIONS AND KELLY LAKES COMMUNITIES CONSULTATION ASSESSMENT**

- 14.1. The Proponent must include in its Application:
  - 14.1.1. a summary and evaluation of consultations with First Nations and Kelly Lakes communities that the Proponent has already carried out in relation to the Project; and
  - 14.1.2. a proposal for a program of consultations with First Nations and Kelly Lakes communities that the Proponent plans to carry out for purposes of reviewing the Application
- 14.2. The Proponent must forward the materials required under section 14.1 of this Order to the First Nations and Kelly Lake communities for review and comment and provide the Project Assessment Manager with any comments received from the First Nations and Kelly Lake communities.
- 14.3. The Proponent may be required by the Project Assessment Manager, as a result of an assessment of the Proponent's past and proposed plans for consultations with the First Nations and Kelly Lake communities and taking into account any input and advice provided by the First Nations and Kelly Lake communities, to undertake further measures that the Project Assessment Manager considers necessary to ensure meaningful consultation in the review of the Application.

- 14.4. Measures identified in section 14.3 of this Order may include set time limits for carrying out additional specific First Nations and Kelly Lake communities consultations, and allocation of responsibilities to the Proponent or the Environmental Assessment Office, or both.

## **15. PUBLIC CONSULTATION**

- 15.1. The Proponent must conduct the public consultation program proposed in its Application, during the public comment period established by the Project Assessment Manager, subject to any modification of that program ordered by the Project Assessment Manager.
- 15.2. At least one formal comment period of 30 days will be established by the Project Assessment Manager.
- 15.3. After completion of the public consultation program in accordance with section 15.1 of this Order, the Proponent, within 30 days, must provide to the Project Assessment Manager a written report on the results of its public consultation activities, noting views, issues and concerns raised by the public with respect to the Project and how they are to be addressed.

## **16. FIRST NATIONS AND KELLY LAKE COMMUNITIES CONSULTATION**

- 16.1. The Proponent must provide copies of the Application to the First Nations and Kelly Lake communities for information and consultation purposes, in order that the First Nations and Kelly Lake communities may respond to an invitation from the Project Assessment Manager to submit comments on the Application, either through their participation in the Working Group or independently.
- 16.2. During the Application review stage, the Proponent, with the involvement of the EAO where appropriate, must make reasonable efforts to consult with the First Nations and Kelly Lake communities in accordance with:
  - 16.2.1. any relevant arrangements or agreements with First Nations and Kelly Lake communities with respect to the assessment of the Project; and
  - 16.2.2. the consultation program proposed in the Application, subject to any modification of that program ordered by the Project Assessment Manager.
- 16.3. The Proponent must advise the Project Assessment Manager as early as practicable if circumstances arise which, in the Proponent's view, prevent the Proponent from implementing the First Nations and Kelly Lake communities consultation measures required in section 16.2 of this Order, in which case, the Project Assessment Manager may require the Proponent to undertake alternative or additional measures.

- 16.4.** The Proponent must arrange consultation meetings by mutual agreement with the First Nations and Kelly Lake communities, and consultations under section 16.2 of this Order will seek to identify:
- 16.4.1.** any specific treaty rights identified by the First Nations and interests identified by the Kelly Lake communities which may be potentially affected by the Project, and
  - 16.4.2.** measures to avoid, mitigate or, where appropriate, otherwise address or accommodate them.
- 16.5.** The Proponent must submit a report to the Project Assessment Manager, within 30 days of the completion of the public comment period, on the results of any consultations with First Nations and Kelly Lake communities which it conducts for the purposes of section 16 of this Order.
- 16.6.** Based on the Proponent's report received under section 16.5 of this Order, the Proponent may be required to implement additional measures for First Nations consultation and accommodation, and to address issues raised by the Kelly Lake communities, where appropriate, as required by the Project Assessment Manager.
- 16.7.** At the request of the Project Assessment Manager, the Proponent must provide the Project Assessment Manager with any information the Project Assessment Manager considers relevant with respect to the province's legal duties of consultation and accommodation.

## **17. GOVERNMENT AGENCY CONSULTATION**

- 17.1.** The Proponent must provide copies of the Application to federal, provincial and local government agencies for information and consultation purposes.
- 17.2.** The Proponent must consult with federal, provincial and local government agencies on an individual basis, and collectively through the Working Group, when requested by the Project Assessment Manager.

## **18. PROPONENT RESPONSES TO COMMENTS RECEIVED**

- 18.1.** Where requested by, and within any time limits set by the Project Assessment Manager, the Proponent must respond to issues that are identified in comments submitted by government agencies, First Nations, Kelly Lake communities, and the public which are received during the review of the Application, and that the Project Assessment Manager considers to be within the scope of the assessment.
- 18.2.** Where requested by, and within any time limits set by the Project Assessment Manager, the Proponent must provide specified additional information in relation to, or to supplement, the information provided in the Application, to address issues identified during the course of the review of that document.

## **19. PREPARING THE ASSESSMENT REPORT**

- 19.1.** The Proponent will be consulted in the preparation and completion of the draft Assessment Report and the findings to be reported to the Ministers, along with the First Nations, Kelly Lake communities, members of the Working Group, and any other advisory mechanism deemed necessary by the Project Assessment Manager to advise on the drafting of the Assessment Report.

## **20. MINISTERIAL REFERRAL AND DECISION**

- 20.1.** The Proponent, as well as the First Nations, Kelly Lake communities, members of the Working Group, and any other advisory mechanism involved in the drafting of the Assessment Report, will be advised by the Project Assessment Manager of the date that the final Assessment Report is forwarded to the Ministers, and of the decision of the Ministers.

Figure 1. Project Location

