

**IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT
S.B.C. 2002, c.43
(Act)**

AND

**IN THE MATTER OF A DETERMINATION UNDER SECTION (10)(1)(b)
WITH RESPECT TO**

**McMillan Island Erosion Protection Project
(Project)**

AMENDMENT TO EXEMPTION ORDER

Whereas:

- A. On October 28, 2016 I issued an order under Section 10(1)(b) of the Act with respect to the Project (the Order);
- B. On October 12, 2017 Kwantlen First Nation submitted a request for an amendment to the Order to add an additional 410 meters of shoreline protection for a total distance of 1.7km of shoreline protection;
- C. The Environmental Assessment Office (EAO) evaluated the request between October 12, 2017 and November 20, 2017 in consultation with the technical advisory group;
- D. The EAO has concluded that no significant adverse effects are likely to result from the Project described in Schedule A to the Order, as amended by this Order, and the potential for adverse effects on the Aboriginal interests has been avoided, minimized or otherwise accommodated to an acceptable level.

NOW THEREFORE:

I amend the Order as follows:

- 1. Schedule A is rescinded and replaced by Schedule A to this Order;
- 2. Schedule B is amended by adding the following as condition 7:

Project Modification

If the Holder wishes to construct, operate or dismantle the project in a manner different than what is set out in Schedule A and this Schedule B, and also wishes that this order continue to apply to the Project, the Holder may request that the Executive Director amend this order.

The Holder's request must include:

- a) A description of the proposed change;
- b) The rationale for the proposed change;
- c) A timeline for implementation of the proposed change;

- d) A description of the adverse environmental, economic, social, heritage or health effects of the proposed change, if any, taking into account practical means of preventing or reducing those effects; and
- e) A record of any consultation that has occurred regarding the proposed change.



Scott Bailey
Assistant Deputy Minister
Environmental Assessment Office

November 24, 2017

SCHEDULE A

Exempted Project Description

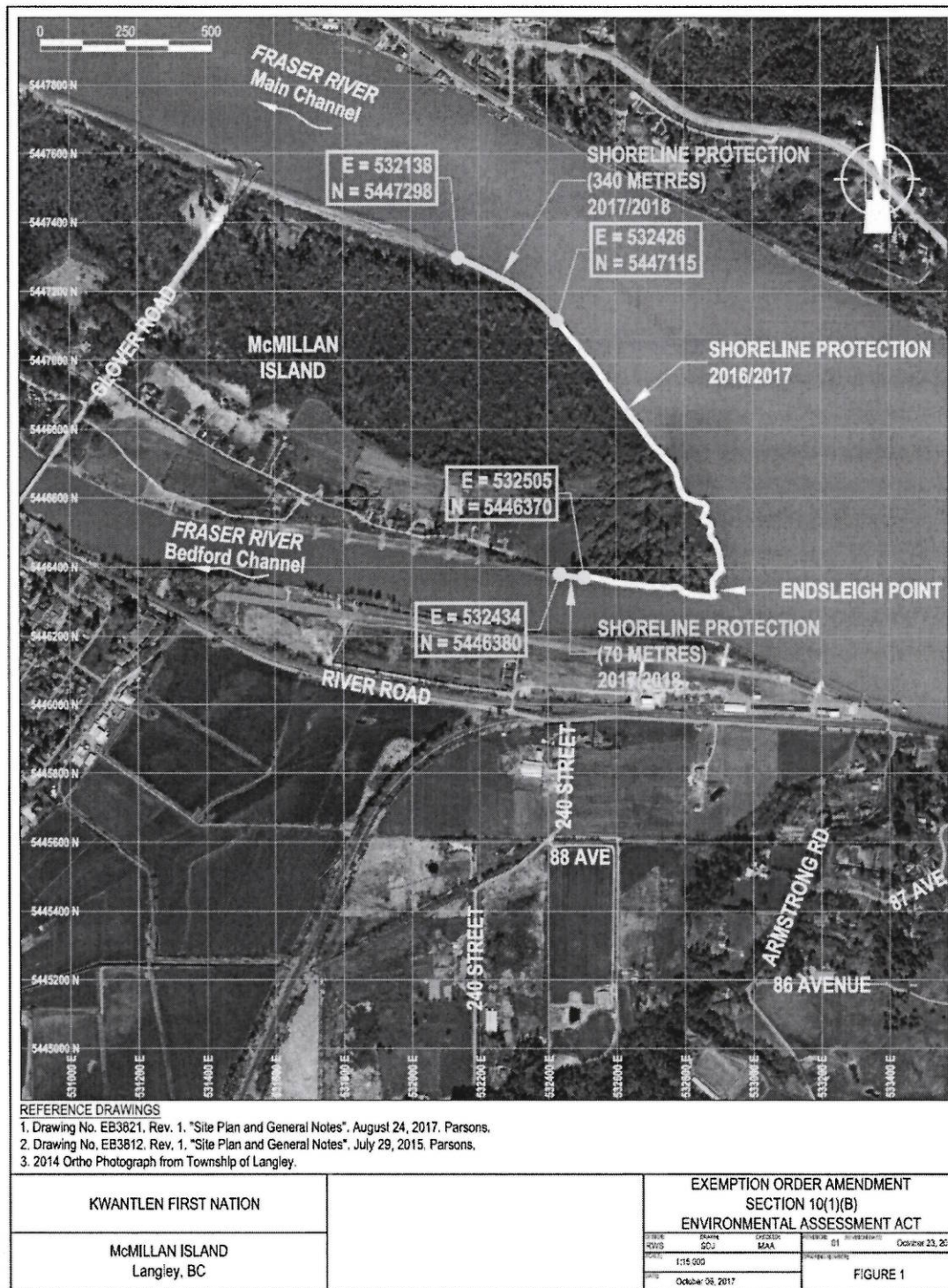
McMillan Island Erosion Protection Project (PROJECT)

The Project must be constructed within the shoreline protection location shown on the Certified Exempted Project Description Map (Appendix A).

The Project is an up to 1.7 kilometre shoreline modification at the east extent of McMillan Island. Construction of the Project includes up to 440 metres of the south shoreline extending west along the Bedford Channel from Endsleigh Point, and up to an additional 1,260 metres of the shoreline extending north and northwest from Endsleigh Point along the main channel of the Fraser River. The Project will extend up to 3 metres landward of the top of the existing bank, with the exception of an extension of up to 16 metres landward of the top of channel bank immediately adjacent to Scallop 5.

Rock comprising the filter layer will range in nominal size from 50 millimetres (mm) to 200 mm diameter. Rip rap rock must be of dense, hard, and durable character, and is to be free of organic material. The rip rap rock will range in nominal size from 330 mm to 950 mm diameter, with at least half of the total amount of the rip rap rock being larger than 600 mm in diameter.

Appendix A –Exempted Project Description Map



SCHEDULE B

TABLE OF CONDITIONS FOR A SECTION 10(1)(B) ORDER

DEFINITIONS

Construction	The phase of the Project during which physical alteration of land, vegetation or any other aspect of the natural environment, occurs. For the purposes of this Schedule B, Construction: (i) does not include any activities conducted solely for investigative purposes under a valid permit or authorization, and (ii) includes upgrading, repairing, replacing, or removing, any existing work or infrastructure.
Holder	The Proponent or, if this Order has been transferred in accordance with the conditions below, the person to whom this Order has been transferred in accordance with such conditions.

Acronyms

Order	Section 10(1)(b) Order
EAO	Environmental Assessment Office

No.	Condition
1.	<p>Compliance Notification</p> <p>The Holder must notify EAO Compliance and Enforcement:</p> <ul style="list-style-type: none"> a) As soon as practical; and b) In any event, no more than 72 hours; <p>after the Holder determines that the Holder has not, or may not have, fully complied with this Order.</p>
2.	<p>Compliance Verification</p> <p>The Holder must provide any document, data or information requested by the EAO for the purposes of compliance inspection and verification.</p>
3.	<p>Project Status Notification</p> <p>The Holder must notify EAO Compliance and Enforcement, in writing, within 30 days of the Project entering into Construction Phase.</p>
4.	<p>Vegetation</p> <p>The Holder must only use native plant and grass species for re-vegetation of disturbed areas.</p>
5.	<p>Transfer of Order</p> <ul style="list-style-type: none"> a) Except as provided below, neither this Order nor any interest in it may be transferred to any person. This Order will be effectively transferred if the proposed Holder acknowledges that, upon transfer, it will be responsible for complying with the conditions of the Order, and both the proposed Holder and the Holder: <ul style="list-style-type: none"> i) Obtain consent for the transfer from the Executive Director; ii) Apply under Section 19 of the Act for such Orders to this Order, if any, as the Executive Director deems necessary to ensure compliance with and enforceability of this Order and to otherwise reflect the proposed transfer; and iii) Confirm by written notice to the Executive Director, within 14 days of the completion of all aspects of the transfer transaction other than this notice, that the transfer has been completed. b) An interest in this Order may be transferred by way of a grant of security to lenders or financiers without consent. c) A transfer of this Order to a trustee in bankruptcy, by a receiver or a trustee in bankruptcy pursuant to a court approved sale, or as part of a court approved arrangement under the <i>Company Creditors Arrangement Act</i> may occur without consent.

No.	Condition
	<p>If this Order is transferred without consent, the new and former Holder must notify the Executive Director within 30 days of the transfer and apply within the time specified by the Executive Director for any Orders to this Order that the Executive Director deems necessary to ensure compliance with and enforceability of this Order and to otherwise reflect the proposed transfer.</p>
6.	<p>Transfer of Interest in Project</p> <ul style="list-style-type: none"> a) Except in connection with the granting of security to Project lenders or financiers, prior to the Holder transferring a significant interest in the Project, the Holder and proposed transferee must: <ul style="list-style-type: none"> i) Obtain consent for the transfer from the Executive Director; and ii) Apply under Section 19 of the Act for such Orders to this Order, if any, as the Executive Director deems necessary to ensure compliance with and enforceability of this Order and to otherwise reflect the proposed transfer. b) A transfer to a trustee in bankruptcy, by a receiver or a trustee in bankruptcy pursuant to a court approved sale or as part of a court approved arrangement under the <i>Company Creditors Arrangement Act</i> may occur without consent. <p>If a significant interest in the Project is transferred without consent, the Holder must notify the Executive Director within 30 days of the transfer and apply within the time specified by the Executive Director for any Orders to this Order that the Executive Director deems necessary to ensure compliance with and enforceability of this Order and to otherwise reflect the proposed transfer.</p>
7.	<p>Project Modification</p> <p>If the Holder wishes to construct, operate or dismantle the project in a manner different than what is set out in Schedule A and B to this order, and also wishes that this Order continue to apply to the Project, the Holder may request that the Executive Director amend this Order.</p> <p>The Holder's request must include:</p> <ul style="list-style-type: none"> a) A description of the proposed change; b) The rationale for the proposed change; c) A timeline for implementation of the proposed change; d) A description of the adverse environmental, economic, social, heritage or health effects of the proposed change, if any, taking into account practical means of preventing or reducing those effects; and e) A record of any consultation that has occurred regarding the proposed change.