In the matter of the
ENIRONMENTAL ASSESSMENT ACT
S.B.C. 2002, c. 43
(Act)

and

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

by

Doig River Environmental Limited Partnership
(Proponent)

for the

Peejay Secure Landfill Project
(Project)

Recommendations of the Executive Director

In accordance with the provisions of section 17(2)(b) of the
Environmental Assessment Act, the Executive Director of the
Environmental Assessment Office makes the recommendations
contained in this submission, for the reasons indicated, in connection
with the application by Doig River Environmental Limited Partnership
for an Environmental Assessment Certificate for the Peejay Secure
Landfill Project.
A. ISSUE

Decision by Minister of Environment and Minister of Community Development (Ministers) on the application for an Environmental Assessment Certificate (Application) by Doig River Environmental Limited Partnership (Proponent) in connection with its proposal for the Peejay Secure Landfill Project (Project).

B. BACKGROUND

1. Proponent and Project Description

The Proponent is a limited partnership; limited partners are Two Rivers Development Corporation (70%) and Seven Holdings Ltd. (30%). Two Rivers Development Corporation is owned by the Doig River First Nation; Seven Holdings Ltd. is a private First Nations-owned company. The Proponent proposes to construct and operate a secure landfill that would provide a local, cost-effective option for the disposal of up to approximately 40,000 cubic metres per year of soil contaminated with oil and salt from upstream oil and gas activities, over a 40-year lifespan (for an estimated total capacity of 1.6 million cubic metres).

The proposed Project is reviewable under the British Columbia (BC) Environmental Assessment Act (Act) pursuant to Part 6 of the Reviewable Projects Regulation (B.C. Reg. 370/02), since it is an off-site long-term storage facility or secure landfill.

The Project will consist of the construction and operation of a secure landfill facility situated on a 32.5 hectare parcel at approximately kilometre 23.5 on the Milligan Road, about 107 km north of Fort St. John. The Project would be located on Crown Land and would require a 40-year renewable industrial land use provincial tenure. The primary wastes that are intended for acceptance by this Project are hydrocarbon- and salt-contaminated soils; the Proponent has stated that municipal waste and naturally occurring radioactive material will not be accepted at this facility.

Contaminated soil accepted by the Project will be stored in a series of four “blocks”, with each block made up of four “cells”. Each cell will be approximately 85 metres by 85 metres, with an engineered liner system consisting of three impermeable barriers (one of clay and two of high density polyethylene), combined with leachate collection and leak detection systems. Upon the filling of each block, a fifth cell will be developed on top of the four completed cells. Once the fifth cell is complete, the block will be capped with an engineered cover to prevent surface water from entering. When the fourth block is filled and capped, the Project will be decommissioned and monitored. A bond will be held in trust by the Ministry of Environment throughout the life of the Project and for a minimum of 25 years after closure to ensure that adequate financial resources will be available for the decommissioning and monitoring process in the event of premature closure or failure of the Proponent to follow through on closure plans. After this period, and provided that monitoring has confirmed that the closed landfill is not having any adverse effects on the environment, the bond will be released and the tenure restored to the provincial Crown.

The capital cost of this Project is expected to be approximately four million dollars. The construction phase of this Project will require 12-16 personnel; two to three staff will be required to operate the Project. An estimated 20 additional jobs could be created indirectly in the region to support site remediation activities supported by the proposed Project.
Rationale for the Project

The Proponent, with the support of the Doig River First Nation, proposes to develop this Project to facilitate the cleanup of contaminated soil from traditional land of the Doig River First Nation within BC Treaty 8 territory. The nearest existing secure landfill is about 150 km away from the proposed Project site by road. High trucking costs associated with the use of the existing secure landfill have reportedly limited the remediation of contaminated sites in the Peejey oilfield area. Two major spills have occurred in the Peejey field in recent years. Studies done for Treaty 8 First Nations state that spill sites, flare pits and well sumps contaminate water and soil used by wildlife. First Nations Elders have stated that such contamination affects their ability to hunt, trap and gather plants.

It is the intent of the Proponent to accept contaminated soil from a radius of approximately 100 miles from the Project site. The traditional territory of the Doig River First Nation is intended to be the primary focus of this proposed Project. Acceptance of contaminated soils from other areas under the jurisdiction of Treaty 8 will be considered by the Proponent upon consultation with representatives of the Doig River First Nation.

Concurrent Permitting

Several approvals that are required under other provincial enactments for the construction and operation of the Project are being reviewed concurrently with the Application, in accordance with section 5 (c) of the Concurrent Approval Regulation and with the section 11 Order issued by the Environmental Assessment Office (EAO) on June 1, 2007 (and modified by the section 13 Order issued by the EAO on February 27, 2008). The applications that are being reviewed concurrently are:

1. Application for Long-term Tenure; standard lease for heavy industrial purposes from Ministry of Agriculture and Lands, Integrated Land Management Bureau (ILMB); File Number 8014709
2. Application to Discharge or Store Waste under the Environmental Management Act from Ministry of Environment (MOE), Environmental Protection Division; Authorization Number 100207; and

In addition to these regulatory authorizations, a Licence to Cut will be required from the Ministry of Forests before the Project site can be cleared for construction purposes.

2. Environmental Assessment Process

On November 10, 2006, the EAO issued an Order under section 10(1)(c) of the Act, designating the proposed Project as reviewable. An Order under section 11 of the Act outlining the scope, procedures and methods to be applied in the environmental assessment of the Project was issued on June 1, 2007. On June 28, 2007, the Proponent's name was changed to Doig River Environmental Limited Partnership; the section 10 and 11 orders were amended accordingly on January 16, 2008.
The EAO established a Working Group, which participated in all phases of the environmental assessment, including assisting the EAO in evaluating and reviewing the draft Application Terms of Reference and the Application. All eight signatory Treaty 8 First Nations communities in BC were invited to participate in this environmental assessment and on the Working Group; seven accepted this invitation. The Working Group was therefore composed of representatives from these seven BC Treaty 8 First Nations (hereafter referred to as "BC Treaty 8 First Nations"), and local and provincial agencies, as follows:

- **BC Treaty 8 First Nations:**
  - West Moberly First Nations
  - Saulteau First Nations
  - Doig River First Nation
  - Halfway River First Nation
  - Blueberry River First Nations
  - Prophet River First Nation
  - Fort Nelson First Nation

- **Treaty 8 Tribal Association**

- **Local Agencies:**
  - Peace River Regional District

- **Provincial Agencies:**
  - Ministry of Environment
  - Ministry of Community Development
  - Ministry of Energy, Mines and Petroleum Resources
  - Ministry of Tourism, Culture and the Arts (Archaeology Branch)
  - Ministry of Agriculture and Lands
  - Integrated Land Management Bureau
  - Northern Health
  - Oil and Gas Commission

Draft Terms of Reference outlining the information requirements for the Application were developed by the Proponent and submitted to the EAO on June 11, 2007. A public comment period on the draft Terms of Reference was held from July 3, 2007 to August 3, 2007. An open house (attended by both the EAO and the Proponent) was held at the Arm Services Camp at Peejay Corner on July 20, 2007. After review by the EAO, with input from the public, as well as provincial government, regional government and BC Treaty 8 First Nation members of the Working Group, the Application Terms of Reference were approved by the EAO on September 20, 2007.

On February 27, 2008, the EAO issued a section 13 Order to amend the section 11 Order with respect to the timing of submitting materials in support of a request for concurrent review of provincial regulatory authorizations. The Proponent requested that its applications for MOE permits and ILMB tenure applications be reviewed concurrently with the Application on April 28, 2008.

The Proponent submitted an Application on February 14, 2008. Following an evaluation by the EAO, with the assistance of members of the Working Group, and in compliance with the requirement in section 2 of the Prescribed Time Limits Regulation, the EAO decided that the
Application did not meet the information requirements of the approved Terms of Reference and informed the Proponent on March 14, 2008 that it required more information on the evaluation of alternative sites, on groundwater baseline data, on the protection of human health and on Project decommissioning. The Application was re-submitted with revisions on May 8, 2008 and, along with the Proponent’s proposed consultation program, was accepted for formal review by the EAO on May 12, 2008.

The formal review of the Application commenced on May 21, 2008. A public comment period on the Application was held from May 30, 2008 to June 29, 2008. The Proponent held an Elders Gathering for BC Treaty 8 First Nations at the Doig River Community Complex on June 16 and 17, 2008. An open house for the general public was held at the Doig River Community Complex on June 18, 2008. The Application was also assessed by members of the Working Group.

The assessment of the Application was completed on August 22, 2008 with the referral of the Assessment Report to Ministers, which was within the 180-day time limit mandated under section 3 of the Prescribed Time Limits Regulation.

Ministers have until October 6, 2008 to make a decision on the issuance of a Certificate, unless an extension is ordered in accordance with section 24(4) of the Act.

The Proponent’s request to have its applications for key provincial development permits reviewed concurrently with the Application was accepted by the EAO. MOE staff have advised the EAO that their review of the Proponent’s applications for a Waste Management Authorization and Hazardous Waste Act Variances are well advanced and that if Ministers decide to issue an Environmental Assessment Certificate (Certificate) for this proposed Project, they should be able to issue a decision on these permits within 60 days of the issuance of the Certificate. Similarly, ILMB staff have advised the EAO that they should be in a position to issue a decision on a Long-Term Tenure for Crown Land within 60 days of the issuance of the Certificate, should Ministers make a positive decision with respect to the issuance of a Certificate for the proposed Project.

3. Federal Process

The Canadian Environmental Assessment Agency determined early in the pre-Application stage that the proposed Project did not trigger the application of the Canadian Environmental Assessment Act, as no federal lands, funds or authorizations appeared to be required for its development.

BC Treaty 8 First Nations asked if the federal Department of Indian and Northern Affairs should be involved in the review to address potential Treaty Land Entitlement issues. The Department of Indian and Northern Affairs Canada responded that Treaty Land Entitlement issues do not trigger the federal environmental assessment process and are best addressed in the ongoing claims negotiation process.

C. DISCUSSION

1. Potential Adverse Effects, Mitigation Measures and Proponent Commitments

Technical issues identified in the environmental assessment by the public, BC Treaty 8 First Nations, local governments and provincial agencies are identified in Table 1 below. The EAO is satisfied that all issues have been or will be satisfactorily addressed through the Project plans,
mitigation measures, and commitments made by the Proponent (as listed in the Table of Proponent's Commitments found in Appendix B of the Assessment Report).

**Table 1: Key Technical Issues and Their Resolution**

<table>
<thead>
<tr>
<th>Issue / Effect</th>
<th>Resolution / Mitigation Measures</th>
<th>Assessment of Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection of groundwater and surface water quality</td>
<td>o Triple liner system (1 layer of compacted clay; 2 high density polyethylene geosynthetic liners)  o Leachate collection and treatment  o Dedicated leak detection system  o Groundwater monitoring network (upstream and downstream)</td>
<td>No significant adverse effects are anticipated</td>
</tr>
<tr>
<td>Long-term durability of the liner system:</td>
<td>o Indefinite; waste materials protect the geosynthetic liners from deterioration caused by ultra-violet light, and the incorporation of a clay layer in base and cap provides additional protection and gives the liner system &quot;self-healing&quot; properties  o Closure bond and ongoing monitoring</td>
<td>No significant adverse effects are anticipated</td>
</tr>
<tr>
<td>Waste acceptance and management procedures</td>
<td>o All wastes screened before acceptance and tracked in landfill  o No naturally occurring radioactive materials or municipal wastes  o All wastes from within BC Treaty 8 territory</td>
<td>No significant adverse effects are anticipated</td>
</tr>
<tr>
<td>Prevention of the spread of noxious weeds</td>
<td>o Trucks checked and steam-cleaned as necessary before leaving site</td>
<td>No significant adverse effects are anticipated</td>
</tr>
<tr>
<td>Nature of fencing for the proposed facility</td>
<td>o Initial perimeter fence will be chain link game fence, topped with barbed wire  o Second page wire fence will be added if necessary to stop wildlife from jumping over perimeter fence</td>
<td>No significant adverse effects are anticipated</td>
</tr>
<tr>
<td>Protection of aesthetics</td>
<td>o A treed buffer zone will be left between the secure landfill and the Milligan Road  o Excavated topsoil will be stockpiled in a berm between the secure landfill and the Milligan Road  o The access road to the secure landfill will be constructed in such a way as to minimize observation of the secure landfill from the Milligan Road</td>
<td>No significant adverse effects are anticipated</td>
</tr>
<tr>
<td>Provision of information about the Project to the public</td>
<td>o Advertising; open houses; door-to-door distribution</td>
<td>No significant adverse effects are anticipated</td>
</tr>
<tr>
<td>Potential for short-term treatment of contaminated soil instead of landfilling</td>
<td>Commitment to support ongoing research and implementation if feasible at a later date</td>
<td>No significant adverse effects are anticipated</td>
</tr>
<tr>
<td>Decommissioning plans and security requirements</td>
<td>Project will be capped after approximately 40 years or when it reaches total capacity o Monitoring and bond will continue for next 25 years at minimum</td>
<td>No significant adverse effects are anticipated</td>
</tr>
</tbody>
</table>

Two other issues were raised by BC Treaty 8 First Nations during the Application review:

- Need for clarification of spill prevention, response and cleanup procedures, and
- Need for more effective, immediate spill response procedures.

The Oil and Gas Commission has agreed to discuss these issues with BC Treaty 8 First Nations on an ongoing basis.

As the result of commitments made by the Proponent to mitigate, compensate or otherwise respond to all potential significant adverse effects, the EAO, in consultation with the Working Group, has concluded that there should be no residual or outstanding significant adverse environmental, health, heritage, economic, or social effects as a result of the Project.

2. First Nations’ Interests

2.1 Background

The Project site is located within Doig River First Nation traditional land, part of Treaty 8 Territory within BC. It is also within a major oilfield that has been active for about 50 years. BC Treaty 8 First Nation Elders, who participated in the Elders Gathering at Doig River that was arranged by the Proponent during the review of the Application, stated that not enough is being done to prevent contamination or remediate contaminated sites in their traditional lands:

- “In front of our Eyes, our land destroyed.”
- “Government does not listen.”
- “Record number of referrals to deal with.”
- “Does it cost too much to clean the land up?”
- “Clean up all of the land – not half way – all the way.”
- “Industry is responsible to work with us, they get away with too many things.”
- “Industry is pushing us fast, they have no respect.”

Traditional Land Use: Elders expressed concern about no longer being able to use their traditional lands for camping, hunting, gathering plants, etc., saying:

- “I am very sad, in the past we drink good water, now we can’t. Before we camp anywhere, now no trespassing signs, no hunting, poisonous gas – what can we do?”
- “It bothers me we can’t use the land like before.”
The Project site is located within the traditional trapping area for the Doig River First Nation, although no members are known to trap or have registered trap lines at the proposed Project site. Camping was traditionally conducted closer to the creek located 450m south of the Project site. Elders from the Doig River First Nation were involved in the Project site evaluation and selection process. No outstanding concerns have been raised with respect to this Project’s potential effects on traditional use of the land.

The Proponent believes that the proposed Project will have a beneficial effect on land use in the area. By making it more economically attractive to oil companies to remediate contaminated sites, the development of the Project is expected to facilitate an increased rate of site remediation in the Peejay oilfield and surrounding areas, and is fundamental to the Doig River First Nation community’s stated desire to “clean up the land.”

**Health:** BC Treaty 8 Elders who participated in the Gathering at Doig River said:

- “We need clean land for health, to collect natural foods.”

The Project will be located approximately 85km by road from the nearest BC Treaty 8 First Nation community, in an established oil and gas field adjacent to an existing road that experiences intermittent heavy traffic volume. Based on the remoteness of this location, it is deemed unlikely that the Project will have any adverse effects on the physical health of local First Nation communities.

Many of the Elders that visited the most recent Peejay spill site during the Elders Gathering in June 2008 reported experiencing headaches and nausea from fumes coming from the spill. Others have expressed strong concerns about potential health effects of using plants and animals that may have consumed contaminated vegetation, soil or water. By facilitating the cleanup of existing contaminated sites, the proposed Project is expected to reduce the incidence of these problems and should therefore have a positive indirect effect on the health of individuals.

**Youth:** BC Treaty 8 Elders who participated in the Gathering at Doig River said:

- “We had hard time, the young people need to making living in the future, I encourage them to get educated.” (Elder Marianne Mass)
- “We need to create something for the younger generation.”
- “Youth need job opportunities to make a living.”

While this Project will create few direct jobs during operation, it is expected that the anticipated associated increase in remediation activities should create opportunities for First Nations’ participation in spin-off business in the Peejay area. Elders are hopeful that the development of the Project will encourage young community members to become educated and trained in land remediation techniques so that they can participate in business opportunities associated with cleaning up the land.

2.2 Potential Effects of the Project on Treaty Rights of BC Treaty 8 First Nations

Treaty No. 8 was negotiated by the federal Crown in 1899 with Cree, Beaver, Chipewyan and other Indians, in an area that encompassed northeastern British Columbia, northern Alberta, the
northwest corner of Saskatchewan and part of the Northwest Territories. Seven of the original forty Treaty 8 First Nation communities are located in British Columbia (Fort Nelson First Nation, Prophet River First Nation, Doig River First Nation, Blueberry River First Nations, Halfway River First Nation, Saulteau First Nations and West Moherly First Nations). The McLeod Lake Indian Band adhered to Treaty No. 8 in 2000 in accordance with the McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement; the McLeod Lake Indian Band declined to participate in the environmental assessment of this Project, as they stated that it is located outside of their traditional lands.

Treaty No. 8 provides the signatories with the right to carry out their “usual vocations” of hunting, fishing and trapping within the treaty area. The Proponent examined the potential adverse effects of the proposed Project on the BC Treaty 8 First Nations’ treaty rights in its Application. The EAO discussed treaty rights with some BC Treaty 8 First Nations Elders at the Elders Gathering held at Doig River during the review of the Application.

The Proponent demonstrated in its Application that by facilitating the cleanup of contaminated sites, the proposed Project should have beneficial effects on the treaty rights of BC Treaty 8 First Nations with respect to environmental, social, economic, business and health conditions. The Proponent also received letters of support from several of the BC Treaty 8 First Nations; the EAO advised the BC Treaty 8 First Nations that it considers such letters to indicate that their community believes that the Project will not adversely affect their communities, traditional land use or treaty rights.

Based upon the information presented in the Application and the discussions held during the review of the Application and throughout the environmental assessment process, the EAO has determined that the proposed Project should not have an adverse effect on treaty rights of BC Treaty 8 First Nations because:

- The Project site was selected with the direct assistance of Elders of the Doig River First Nation and is located in an area that they determined does not possess any unique habitat and was not known to be used for traditional purposes of hunting, fishing or trapping by BC Treaty 8 First Nations;
- The Project will be fenced to keep wildlife out, to protect them from injury or contamination; fencing the site should not adversely affect wildlife migrations because it has a relatively small footprint and is surrounded by a large open area of similar habitat;
- The Project will be properly capped and monitored before the land tenure is returned to the provincial Crown, with the goal that that wildlife will once again be able to use the site freely;
- There are no fish-bearing streams or navigable waters close to the Project site; and
- The Project will have an industry-proven triple liner system (with leachate collection and leak detection systems) to ensure that groundwater and surface water do not get contaminated.

The letters of support that the Proponent received from several BC Treaty 8 First Nations provide further confirmation that the proposed Project should not adversely affect their treaty rights.

BC Treaty 8 First Nations Elders who participated in the Elders Gathering at Doig River said:

- “Support Doig River leadership for cleaning up the land.”
- “The future is cleaning up the land.”
- "It's good to explain to Elders what you are going to do. Doig leaders are listening to Elders."

2.3 Consultation with BC Treaty 8 First Nations

Proponent
The Proponent stated that it developed its plan for consultation in a way that was based on principles of communication, respect and tradition that govern all interactions between BC Treaty 8 First Nation Communities. To implement this program of consultation, the Proponent met with Chiefs and Councils of all BC Treaty 8 First Nations and maintained contact with them throughout the environmental assessment process. The Proponent also met with BC Treaty 8 First Nations members of the Working Group to discuss their concerns. The Proponent arranged an Elders Gathering at Doig River with the stated intent to enable Elders of BC Treaty 8 First Nations to visit spill sites and observe oilfield activities, discuss the proposed Project with each other and with the Proponent, and to advise the EAO of their beliefs about the proposed Project and the need to clean up the land in the wake of oilfield activities.

The Proponent received positive letters from several of the BC Treaty 8 First Nations expressing their support for the proposed Project or satisfaction with the environmental assessment process for the Project.

Environmental Assessment Office
The EAO recognizes that the rights of all BC Treaty 8 First Nations to hunt, fish and trap throughout Treaty 8 territory are protected under Treaty No. 8. Because the proposed Project could potentially have a long-term adverse effect on traditional land use, the EAO decided at the beginning of the review to use a consultative approach that was toward "deep consultation" (with respect to the Haida spectrum of consultation) with BC Treaty 8 First Nations in order to develop and implement measures to avoid, minimize, or accommodate potential impacts to their treaty rights to acceptable levels.

To this end, the EAO invited all eight Treaty 8 signatory First Nations in BC to participate in the Working Group established for the review of this Project. The EAO (and the Proponent) provided capacity funding to assist in this participation.

As members of the Working Group, BC Treaty 8 First Nations were provided an opportunity to:

- Review and comment on the draft section 11 Order;
- Review and comment on the draft Application Terms of Reference;
- Assist in the evaluation of the Proponent's Application;
- Review and comment on the Proponent's Application; and
- Review and comment on the EAO's draft Assessment Report.

The EAO was invited to participate in the Elders Gathering held at the Doig River First Nation community in June 2008, and listened to the concerns of the Elders and discussed the environmental assessment of the proposed Project with them.

The EAO asked Chief and Council of each BC Treaty 8 First Nation participating in the review of the Project if they would like the EAO to meet with them to discuss the potential effects of the proposed Project on their communities, traditional land use, and treaty rights. Other than the
Doig River First Nation, no other BC Treaty 8 First Nations requested such a meeting. The EAO met with the Doig River First Nation on April 21, 2008.

BC Treaty 8 First Nations and the Treaty 8 Tribal Association were also provided with an opportunity to review the EAO’s draft Assessment Report and supporting materials prior to their referral to Ministers for decision. Saulteau First Nations advised the EAO that while it considered the assessment process to have adequately identified and assessed potential significant environmental, economic, social, heritage and health effects of the proposed Project, it also expected consultation with the Proponent to continue and for any significant issues that may arise during this ongoing consultation to be addressed.

Based upon the EAO’s review of the:
- Description of the Proponent’s consultation efforts that was presented in the Application;
- Letters of support from some BC Treaty 8 First Nations presented in the Application and received subsequently; and
- Proponent’s report on the Elders Gathering and subsequent report of consultation activities submitted to the EAO on August 14, 2008

the EAO believes that all BC Treaty 8 First Nations:

- Had full opportunities to participate in the environmental assessment of this Project;
- Had capacity to participate in the environmental assessment; and
- Had opportunity to express their concerns about any potential effects of the Project,

and that those concerns that were raised and were within the scope of the environmental assessment were seriously and satisfactorily addressed by the Proponent, agencies and the EAO during the course of the environmental assessment.

For these reasons, the EAO believes that its responsibilities and those delegated to the Proponent for consulting with BC Treaty 8 First Nations during the environmental assessment of this Project were conducted in an honourable and complete manner.

3. Public Consultation

The Proponent carried out a program of public consultation during both the pre-Application and Application assessment stages in local communities that met the requirements of the EAO. The availability of the draft Application Terms of Reference and the Application for public review were advertised in the local paper and on the EAO’s website. Open houses were held during both 30-day public comment periods.

Eight people attended the open house for the draft Application Terms of Reference; about twenty people attended the open house during the review of the Application. One written response was received from the public during the review of the Application, which raised issues not related directly to the environmental assessment of the Project and so was forwarded to the appropriate provincial agency for response outside of the environmental assessment process.

Expressed public reaction to the Project has been favourable. Most people that attended the open houses expressed concern about the amount of contamination believed to occur from...
upstream oil and gas exploration and development, and expressed verbal support for the Project as a means of cleaning up the landscape.

4. Agency Consultation

The section 11 Order issued to the Proponent by the EAO required specific consultation procedures with federal, provincial and local government agencies to be followed both during pre-Application and Application review stages.

Early in the review process, the Canadian Environmental Assessment Agency determined that there were no triggers under the Canadian Environmental Assessment Act for a federal review of the proposed Project.

The Proponent used the Working Group established by the EAO as the primary vehicle for consultation with agencies. The Proponent also arranged separate meetings with individual provincial agencies and the Peace River Regional District as necessary to identify and discuss their concerns throughout the pre-Application and Application review stages.

The Proponent also applied for concurrent review of its applications for a provincial long-term Crown Land tenure, a Waste Management Authorization, and Variances under the Hazardous Waste Regulation with its Application. Additional meetings or exchange of information therefore occurred with regulatory staff to address issues related to these applications; both regulatory agencies have indicated that they have the information that they need to complete their review of these applications and make a decision on the issuance of these regulatory authorizations in a timely manner if Ministers make a positive decision on the issuance of a Certificate.

D. CONCLUSIONS

Based on:

- Information contained in the Application;
- The Proponent’s program of consultation with BC Treaty 8 First Nations, agencies and the public;
- Comments on the Project made by BC Treaty 8 First Nations and government agencies as members of the EAO’s Working Group, and the Proponent’s responses to these comments;
- Comments on the Project made by the public (within the scope of the environmental assessment), and the Proponent’s responses to these comments;
- Issues raised by BC Treaty 8 First Nations regarding potential impacts of the Project on treaty rights, traditional land use and communities, and the Proponent’s responses to these issues, including letters of support for the Project from several BC Treaty 8 First Nations; and
- Commitments and mitigation measures identified in Appendix B to be undertaken by the Proponent during the construction, operation, and decommissioning of the Project,

the EAO is satisfied that:

- The environmental assessment process has adequately identified and assessed the potential significant adverse environmental, economic, social, heritage and health effects of the Project;
• Consultation with BC Treaty 8 First Nations, government agencies, and the public, and the distribution of information about the Project have been adequately carried out by the Proponent and the EAO;
• Issues identified by BC Treaty 8 First Nations, local and provincial agencies and the public, which were within the scope of the environmental assessment, were adequately addressed by the Proponent and the EAO during the review of the Application;
• The potential for adverse effects of the Project on treaty rights of BC Treaty 8 First Nations has been avoided, mitigated or otherwise accommodated to an appropriate level such that implementation of the Project should not prevent BC Treaty 8 First Nations from exercising their treaty rights;
• The Crown has fulfilled its obligations for consultation and accommodation where required to BC Treaty 8 First Nations relating to the potential issuance of a Certificate for the Project;
• Practical means have been identified to prevent or reduce to an acceptable level any potential adverse effects of the Project; and
• There should be no significant adverse environmental, social, health, heritage, or economic effects as a result of the development, operation, and decommissioning of the Project.

RECOMMENDATION:

The Executive Director recommends that a Certificate be issued to the Proponent in connection with its proposal for the Project. The recommendation to issue a Certificate is contingent upon inclusion of the Proponent’s written commitment to comply with all design and mitigation measures and commitments set out in the attachments to the proposed Certificate.

Submitted by:

[Signature]

Robin Junger
Associate Deputy Minister /
Executive Director
Environmental Assessment Office