

New Fisheries & Environmental Assessment Acts

Mining, science, decision making

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Why is the new legislation important?

- Provincial and federal EA's – often first significant opportunity to engage in understanding impacts of a mine on freshwater habitats
- New legislation offers improved opportunities to bring better science into decision making
- In the absence of new provincial mining legislation and policy – EA's are currently one of our only tools
- However, they require significant time and energy, timelines are fairly tight and EA's are only helpful for specific mines, not mining more broadly, although there are mechanisms for regional EA's and consideration of cumulative effects.

New legislative tools & how they relate to mining

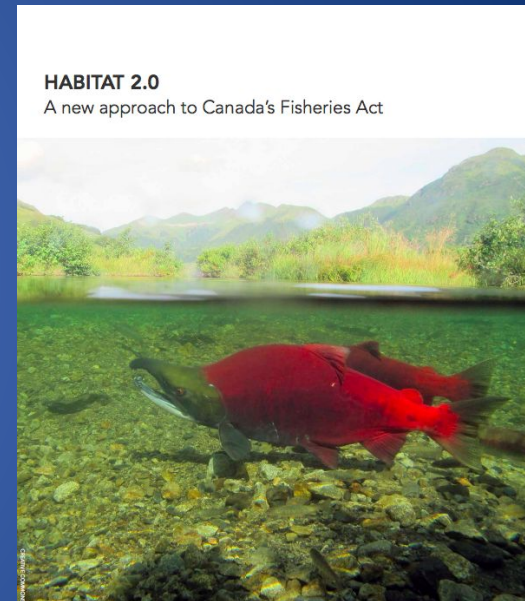
Federal Impact Assessment Act

- Stronger commitments to more robust science and transparency
- More opportunities for indigenous and independent science
- Fewer mines will be reviewed (threshold 3000 to 5000 t / day, gold & rare earth 600 to 2500 t / day; BC is about 205 t / day), more EA coordination
- Lack of clarity (regulations and guiding documents), ministerial discretion
- Mining industry likes the new legislation



Fisheries Act

- Harmful alteration disruption destruction provisions restored
- Sensitive habitat designations
- Requirement for rebuilding plans
- Funding commitments
- Stronger commitments to monitoring habitat offsetting & mitigations measures
- Metal & diamond mining effluent regulations updated



BC Environmental Assessment Act

- Mechanisms to bring in independent experts
- Strong indigenous involvement
- Stronger public engagement – early engagement process
- Better transparency for science / impact assessment work, including data sharing requirements
- EAO makes significance determinations (no longer proponents), requirement to provide detailed reasoning for certificate decision

ENVIRONMENTAL ASSESSMENT REVITALIZATION PROCESS

Undertaken in collaboration with the First Nations
Leadership Council in support of reconciliation

Environmental
assessment revitalization
is focused on:

1

Enhancing public
confidence and
meaningful
participation

2

Advancing
reconciliation with
First Nations

3

Protecting the
environment and
supporting sustainable
development

Thoughts on how science can improve these processes

- Mining specific recommendations from scientists on what needs to be studied, what baseline data is enough / appropriate, how scientific rigour should be brought into the process
- Ensuring latest research on impacts to salmonids and aquatic systems is used in the process
- EA impact assessments are proponent driven – having independent experts who can review information and analysis performed by proponent incredibly valuable

- Water quality – independent review of likely effectiveness of water treatment, risk to aquatic organisms and fish, refining science around sub-lethal impacts.
- Mitigation and fish habitat offsetting – scientific scrutiny / recommendations / best practices for these measures, independent review of likely effectiveness.
- Providing a body of independent scientists that indigenous and community groups can call on to assist with assessing impacts from existing and proposed mines, reviewing proponent impact assessment work, etc.