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Environmental Assessment Act

PUBLIC CONSULTATION POLICY REGULATION

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Interpretation

1 In this regulation, "Act" means the Environmental Assessment Act.

Application of regulation

2 This regulation applies in respect of the assessment of a reviewable project for which the executive director has made an order under section 10 (1) (c) [executive director determines that assessment is required].

Duty of executive director to consider policy

3 The executive director, in making an order under section 11 [executive director determines assessment process] of the Act or varying an order under section 13 [executive director may vary assessment process] of the Act, must take into account the general policies respecting public consultation set out in this regulation and ensure that they are reflected in the assessment.

Public consultation by proponent

4 (1) It is a general policy requirement that a proponent who applies for an environmental assessment certificate under section 16 (1) [applying for environmental assessment certificate] be required to

(a) conduct a public consultation program that is acceptable to the executive director, and

(b) present as information required under section 16 (2) of the Act

(i) a summary and evaluation of any public consultation activities that the proponent has already carried out in relation to the reviewable project, and

(ii) a proposal for a public consultation program the proponent will carry out for purposes of the review of its application for an environmental assessment certificate.

(2) It is a general policy requirement that, within the 30 day time limit established under section 2 of the Prescribed Time Limits Regulation for the executive director to evaluate and decide whether to accept for review an application for an environmental assessment certificate under section 16 (1) of the Act, the executive director make a written assessment of the adequacy of any

public consultation activities that the proponent has conducted or proposes to conduct in relation to its application for the certificate.

(3) It is a general policy requirement that the executive director's written assessment under subsection (2), if warranted,

(a) specify further public consultation activities that the executive director considers necessary to ensure adequate public consultation in relation to the reviewable project, which, without limitation, may include specifying one or more of the following activities and the manner in which they are to be carried out:

(i) giving public notice;

(ii) providing access to information;

(iii) conducting general public consultation;

(iv) consulting with persons or organizations specified by the executive director,

(b) establish a time limit by which the public consultation program proposed by the proponent and any further public consultation activities specified under paragraph (a) must be carried out, and

(c) assign the responsibility for carrying out each activity specified under paragraph (a) to either the proponent or the Environmental Assessment Office.

Giving public notice

5 (1) It is a general policy requirement that the executive director, in making an order under section 11 [executive director determines assessment process] of the Act or varying an order under section 13 [executive director may vary assessment process] of the Act, order that public notice be given by the proponent or the Environmental Assessment Office of the following public consultation activities in relation to the assessment of the reviewable project:

(a) where and when the public may review the proponent's application for an environmental assessment certificate;

(b) the purpose and time limit established by the executive director for any formal public comment period;

(c) where and when any open house or public meeting, whether organized by the proponent or the Environmental Assessment Office, in respect of the assessment will be held.

(2) It is a general policy requirement that the executive director's order require that public notice be given by newspaper advertisement, open letters or any other manner satisfactory to the executive director.

(3) It is a general policy requirement that public notice of activities referred to in subsection (1) (b) and (c) be given at least 7 days before

(a) the start of a formal public comment period, or

(b) the date on which an open house or public meeting is scheduled.

Access to information

6 (1) It is a general policy requirement that the executive director, in making an order under section 11 [executive director determines assessment process] of the Act or varying an order under section 13 [executive director may vary assessment process] of the Act, order that public access be given by the project information centre, continued under section 25 (1) of the Act, to the following records generated for the purposes of the assessment of a reviewable project:

- (a) the information that the executive director requires under section 16 (2) [apply for an environmental assessment certificate] of the Act in an application for an environmental assessment certificate;
- (b) if the proponent's application for an environmental assessment certificate is accepted under section 16 (4) of the Act for review by the executive director, that application;
- (c) any supplementary information in final form filed by the proponent at the request of the executive director for the purposes of completing the assessment;
- (d) any public notice given during an assessment;
- (e) any order made under the Act by the executive director or the minister;
- (f) the executive director's assessment under section 4 (2) of this regulation;
- (g) comments in respect of the following that are received by the executive director during a formal public comment period from persons and organizations:
 - (i) the proponent's application for an environmental assessment certificate;
 - (ii) other information submitted by the proponent;
- (h) comments received by the executive director from the proponent, in response to comments referred to in paragraph (g);
- (i) the executive director's assessment report submitted to the ministers under section 17 (2) (a) [referral of application for environmental assessment certificate] of the Act;
- (j) any recommendations of the executive director and the reasons for those recommendations submitted to the ministers under section 17 (2) (b) and (c) [referral of application for environmental assessment certificate] of the Act;
- (k) the ministers' decision under section 17 (3) (c) of the Act on the proponent's application for an environmental assessment certificate;
- (l) a copy of the environmental assessment certificate, if granted by the ministers under section 17 (3) (c) (i) of the Act;
- (m) if a condition of an environmental assessment certificate requires that the proponent report on its compliance with the conditions of the certificate, reports submitted for that purpose to the executive director by the proponent.

(2) It is a general policy requirement that documents be made available to the public through the project information centre,

(a) for a document referred to in subsection (1) (i) or (j), within 45 days after the executive director submits it to the minister under section 17 (2), and

(b) for any other document referred in subsection (1), within 7 days after the executive director receives it.

Formal public comment periods

7 (1) It is a general policy requirement that at least one formal comment period of between 30 and 75 days be established by the executive director in an order under section 11 [executive director determines assessment process] of the Act or a variation under section 13 [executive director may vary assessment process] of the Act.

(2) It is a general policy requirement that the executive director order one or more further formal comment periods under section 11 or 13 of the Act unless satisfied that the period is

(a) impracticable because of insufficient time, or

(b) unnecessary because the public has not demonstrated sufficient interest in the assessment of the reviewable project.

[Provisions of the Environmental Assessment Act, S.B.C. 2002, c. 43, relevant to the enactment of this regulation: section 50 (2) (f)]