SITE C | CLEAN ENERGY PROJECT

RESPONSE TO WORKING GROUP AND PUBLIC COMMENTS ON THE SITE C CLEAN ENERGY PROJECT ENVIRONMENTAL IMPACT STATEMENT

Technical Memo

PERMITTING FOR CONSTRUCTION AND OPERATIONS

MAY 8, 2013

Subject: Permitting for Construction and Operations

Purpose

The purpose of this technical memo is to address questions raised during the comment period on the EIS about project permitting.

A detailed discussion regarding permitting for construction and operation of the Project lies outside the scope of the environment assessment. A preliminary list of permits, licences and authorizations is required for the EIS, however the specific details related to permitting are more appropriately resolved in the permitting process with the relevant federal and provincial permitting agencies. As such, this technical memo provides general information on permitting requirements for BC Hydro and the timing for the initial submission of permit applications to provincial and federal agencies.

Discussion

Under Section 32 of the *Hydro and Power Authority Act*, R.S.B.C., 1996, c. 212 ("HPAA"), except as otherwise provided under that Act, BC Hydro is not bound by any statute or statutory provision of British Columbia. As such, BC Hydro may be excluded from requiring some provincial permits, licences and authorizations ("permits"), except for those issued under provincial statutes listed in section 32(7) of the HPAA. Notwithstanding these powers, BC Hydro routinely applies for some provincial permits and will continue to do so in the interest of transparency, regardless of whether a statute is listed in section 32(7) of the HPAA.

Table 8.1 of the EIS lists the categories of permits for which BC Hydro had identified a need at the time the EIS was prepared. Additional permit requirements will be identified as further detail becomes available through final design, procurement and development of the environmental management plans. The environmental management plans, which are described in the Environmental Management Plans Technical Memo, will also form the basis of permit applications submitted to provincial and federal agencies.

Following the issuance of an environmental assessment certificate by the provincial Ministers and a favourable environmental assessment decision statement by the federal Minister of Environment, construction activities cannot proceed until specific permits are issued under applicable provincial and federal legislation. The permitting process will require BC Hydro to submit separate permit applications with supporting documentation to various government agencies. The agencies' required review process for each permit is defined under the relevant legislation and guidance, and may include consultation with or notification to third parties.

Under section 9(1) of the BC *Environmental Assessment Act*, government officials "must not issue an approval" to construct or operate a reviewable project unless and until an EAC issued. Similarly, section 7 of CEAA 2012 prohibits federal government authorities from exercising power and from performing any duty that would permit the project to proceed unless, and until, a decision statement is issued. While the federal and provincial approvals required for a project cannot be issued until the environmental assessment process is completed, a proponent can commence the permitting process by submitting permit applications, and government agencies can initiate their permit review processes.

EIS Volume 1 Section 3.2 Scheduling states that after filing the Environmental Impact Statement, BC Hydro intends to submit applications for provincial authorizations directly to responsible government agencies for review. Should the Project proceed, this approach would facilitate permit approval to proceed with construction.

Accordingly, BC Hydro intends to submit applications for permits required for construction activities, for example for Year 1 activities, to provincial agencies beginning later in 2013. This would allow the responsible agencies to review the permits for completeness prior to external referral. Additional permit applications will be submitted to provincial and federal agencies in 2014, and then as required through construction and operation of the Project.

This approach will put the various government agencies and decision-makers in a position to consider the outcome of the environmental assessment process in relation to permit applications, to determine any conditions that may be imposed through permitting, and to issue permits for early construction activities expeditiously following issuance of an environmental assessment decision and a favourable environmental assessment decision statement for the Project.

Related Comments / Information Requests:

This technical memo provides information related to the following Information Requests:

gov_0002-004	gov_0004-037	gov_0008-003	gov_0008-008	gov_0008-010
gov_0008-038	gov_0008-046	gov_0008-066	gov_0008-096	gov_0008-098
gov_0008-144	gov_0010-033	gov_0010-034	gov_0010-049	gov_0010-110
gov_0010-118	gov_0010-479	gov_0010-480	gov_0010-715	gov_0010-720
pub_0243-009	pub_0448-ag-065	pub_0595-001	pub_0465-004	