

Environmental Assessment Office

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

and

in the matter of an
Application
for an
Environmental Assessment Certificate

by

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
(Proponent)

for the

SITE C CLEAN ENERGY PROJECT

ENVIRONMENTAL ASSESSMENT CERTIFICATE # E14-02

Whereas:

- A. The Proponent proposes to construct and operate a dam and an 1100 megawatt hydroelectric generating station and associated structures on the Peace River known as the Site C Clean Energy Project as described in the document listed in Schedule A (the "Project").
- B. On August 2, 2011, the Environmental Assessment Office (EAO) issued an Order under section 10(1)(a) of the Act referring the Project to the Minister of Environment for a determination pursuant to section 14 of the Act;
- C. On February 13, 2012, the federal Minister of the Environment and the provincial Minister of Environment released the "Agreement To Conduct a Cooperative Environmental Assessment, Including the Establishment of a Joint Review Panel, of the Site C Clean Energy Project" (the Agreement). On August 3, 2012, the Agreement was amended to reflect the enactment on July 6, 2012, of the *Canadian Environmental Assessment Act, 2012*. The Agreement included the Terms of Reference for a Joint Review Panel;
- D. On January 25, 2013, the Proponent submitted the Environmental Impact Statement (EIS) to the EAO.
- E. The assessment of the Environmental Impact Statement (EIS) was conducted from January 25, 2013 to September 5, 2014. The assessment of the Project included consultations with Aboriginal groups and the public respecting the EIS and a review of the amended EIS with a public hearing by a Joint Review Panel appointed by the federal and provincial Ministers of the Environment;

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- F. On May 1, 2014, the Joint Review Panel submitted its report to the federal and provincial governments;
- G. Commencing on May 8, 2014 the federal and provincial governments consulted Aboriginal groups on the Joint Review Panel Report and on draft conditions for an environmental assessment certificate;
- H. Compliance with this Certificate, including its conditions, will be monitored by the staff of EAO, partner agencies and others who have been authorized to inspect under the Act;
- I. On September 7, 2014, pursuant to the Agreement, the Executive Director referred the Pre-Panel Stage Report, the amended Environmental Impact Statement, the Joint Review Panel Report the Federal/Provincial Consultation and Accommodation Report and his response to the Joint Review Panel Report to the undersigned; and
- J. The undersigned have considered the Pre-Panel Stage Report, amended Environmental Impact Statement, Joint Review Panel Report, Federal/Provincial Consultation and Accommodation Report, and the Executive Director's Response to the Joint Review Panel Report.

Now Therefore,

We issue this Environmental Assessment Certificate to the Proponent for the Project, subject to the following conditions and the conditions set out in Schedule B.

Conditions

Definition:

"Holder" means the Proponent or, if this Certificate has been transferred in accordance with section 3, the person to whom the Certificate has been transferred in accordance with section 3.

Compliance Reporting

- 1. The Holder must submit a report to EAO Compliance and Enforcement staff on the status of compliance with the Conditions of this Certificate, and the conditions in Schedule B, at the following times:
 - a. at least 30 days before the start of construction; and
 - b. on or before March 31 in each year during construction and operation phases of the Project.

EAO may adjust or extend this reporting requirement by providing written notice to the Holder.

- 2. The Holder must notify EAO Compliance and Enforcement staff, in writing, one month prior to commencing the construction, operations, and decommissioning phases of the Project.
- 3. The Holder must provide any document or information requested by EAO, the Ministry of Forests, Lands and Natural Resource Operations, the Ministry of Energy and Mines, and the Ministry of Environment for the purposes of compliance inspection and verification.
- 4. Should the principal contact for the Project as set out in Section 2.1 of the amended EIS and posted on EAO's website change, the Holder must notify EAO Compliance and Enforcement staff, in writing, within 30 days and provide the physical address, email address and phone number(s).

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Transfer of Certificate

5. (1) Except as provided below, neither this Certificate nor any interest in it may be transferred to any person.
- (2) This Certificate will be effectively transferred if the proposed Holder acknowledges that, upon transfer, it will be responsible for complying with the conditions of the certificate, and both the proposed Holder and the Holder:
 - a. obtain consent for the transfer from the Executive Director,
 - b. apply under section 19 of the Act for such amendments to this Certificate, if any, as the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer, and
 - c. 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.
- (3) An interest in this Certificate may be transferred by way of a grant of security to lenders or financiers without consent.
- (4) 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 *Company Creditors Arrangement Act* may occur without consent.
- (5) If this Certificate 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 amendments to this Certificate that the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer.

Transfer of Interest in Project

6. (1) 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:
 - a. obtain consent for the transfer from the Executive Director, and
 - b. apply under section 19 of the Act for such amendments to this Certificate, if any, as the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer.
- (2) 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 *Company Creditors Arrangement Act* may occur without consent.
- (3) 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 amendments to this Certificate that the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer.

Changes to Schedule A under section 19 (5) and (6) of the Act

7. (1) The Holder may submit a written request to the Executive Director seeking a determination by the Executive Director that one or more proposed changes to the Project activities, components and/or locations described in Schedule A (Project Activities) are not material in nature.

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- (2) In determining whether any changes to the Project Activities proposed by the Holder are not material in nature, the Executive Director may consider, among other things:
- a. if the change request concerns the location of Project components, the proximity of the proposed location to the location referenced in Schedule A;
 - b. the purpose of the proposed changes to Project Activities described in the change request;
 - c. whether the proposed activities were considered in any regulatory or approval process that concluded after the date of this Certificate;
 - d. whether or to what extent the proposed activities or similar activities were considered in the Application and assessment;
 - e. whether, after any consultation with Aboriginal Groups undertaken by the Holder or any further such consultation directed or undertaken by the Executive Director, the proposed activities may adversely affect Aboriginal Interests that were not (i) considered in the Application and assessment, or (ii) considered in any regulatory or approval processes that concluded after the date of this Certificate; and
 - f. whether and to what extent the conditions in this Certificate constitute practical means of preventing or reducing any potential adverse effects that will, or are reasonably likely to, result from the proposed activities.
- (3) If the Executive Director determines that the proposed changes to the Project Activities are not material in nature, then the Executive Director may make a decision regarding an amendment of Schedule A pursuant to section 19(3) of the Act.
- (4) If the Executive Director determines that the proposed changes to the Project Activities are material in nature, then the Holder must apply to the Executive Director to amend Schedule A pursuant to section 19(1) of the Act.

Duration of Certificate

8. For the purpose of section 18(1) of the Act, the deadline is 5 years from the date set out below.



Honourable Mary Polak
Minister of Environment



Honourable Steve Thomson
Minister of Forests, Lands and Natural
Resource Operations

Issued this 14 day of October, 2014