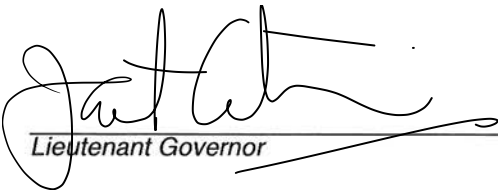


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 608

, Approved and Ordered November 29, 2019



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the attached Reviewable Projects Transition Regulation is made.



Minister of Environment and Climate Change Strategy



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Environmental Assessment Act, S.B.C. 2018, c. 51, s. 9

Other: _____

R10370727

REVIEWABLE PROJECTS TRANSITION REGULATION

Definitions

1 In this regulation:

“**Act**” means the *Environmental Assessment Act*;

“**authorization**” means a certificate, bylaw, permit, licence, agreement, publication or other authorization and includes an exemption from a requirement to obtain any of them.

Transition

2 Despite anything in the Reviewable Projects Regulation, a project is not a reviewable project for the purposes of section 9 of the Act if,

(a) immediately before this regulation comes into force, the project

(i) is substantially started, and

(ii) is not a reviewable project under the *Environmental Assessment Act*, S.B.C. 2002, c. 43, as it read immediately before its repeal, or

(b) the project is

(i) in a category described in column 1 of the following table, and

(ii) has been issued, by the date this regulation comes into force, at least one of the authorizations set out in column 2 opposite the project category described in column 1:

<p style="text-align: center;">Column 1 Project Class</p> <p><i>(References in parentheses are to items in the tables in the Reviewable Projects Regulation)</i></p>	<p style="text-align: center;">Column 2 Required Authorizations</p>
1 Organic and inorganic chemical industries (Table 1, items 1 to 10)	(a) an authorization referred to in section 6 of the <i>Environmental Management Act</i> , or
2 Forest products - pulp manufacturing (Table 4, item 1)	(b) an authorization under section 30 or 31 of the <i>Environmental Management Act</i> .
3 Forest products – integrated paper or paperboard manufacturing (Table 4, item 2)	
4 Forest products – non-integrated paper and paperboard manufacturing (Table 4, item 3)	
5 Forest products industries – wood preservation (Table 4, item 4)	
6 Pharmaceutical products manufacturing (Table 5, item 1)	
7 Artificial and synthetic fibres and filaments manufacturing (Table 5, item 2)	
8 Textile and fabric finishing (Table 5, item 3)	

<p style="text-align: center;">Column 1 Project Class <i>(References in parentheses are to items in the tables in the Reviewable Projects Regulation)</i></p>	<p style="text-align: center;">Column 2 Required Authorizations</p>
<p>9 All other non-metallic mineral product manufacturing (Table 3, item 4)</p> <p>10 Forest products – sawmills (Table 4, item 5)</p> <p>11 Forest products – veneer and plywood (Table 4, items 6 and 7)</p> <p>12 Forest products – particle board and fibreboard mills (Table 4, item 8)</p> <p>13 Forest products – waferboard mills (Table 4, item 9)</p>	<p>(a) an authorization referred to in section 6 of the <i>Environmental Management Act</i>, or</p> <p>(b) an authorization under section 30 or 31 of the <i>Environmental Management Act</i>.</p>
<p>14 Primary metals industries (Table 2, items 1 to 3)</p> <p>15 Non-metallic mineral products – cement, glass and lime manufacturing (Table 3, items 1 to 3)</p> <p>16 Tire manufacturing – (Table 5, item 4)</p> <p>17 Leather and hide finishing – (Table 5, item 5)</p> <p>18 Lead-acid battery manufacturing – (Table 5, item 6)</p>	<p>(a) an authorization referred to in section 6 of the <i>Environmental Management Act</i>, or</p> <p>(b) an authorization under section 30 or 31 of the <i>Environmental Management Act</i>.</p>
<p>19 Coal mines (Table 6, item 1)</p> <p>20 Mineral mines (Table 6, item 2)</p> <p>21 Sand and gravel operations (Table 6, item 3)</p> <p>22 Placer mines (Table 6, item 4)</p> <p>23 Construction stone and industrial mineral quarries (Table 6, item 5)</p>	<p>(a) a permit issued under section 10 or 11 of the <i>Mines Act</i>, excluding any permit to carry out exploration activities as defined in the Health Safety and Reclamation Code for Mines in British Columbia.</p>
<p>24 Transmission lines (Table 7, item 2)</p> <p>25 Transmission pipelines (Table 8, item 4)</p>	<p>(a) a permit under section 25 of the <i>Oil and Gas Activities Act</i>,</p> <p>(b) a licence of occupation under section 39 of the <i>Land Act</i>,</p> <p>(c) a right of way or easement under section 40 of the <i>Land Act</i> or</p> <p>(d) a right relating to the acquisition of, or access through or over, any private land.</p>

<p style="text-align: center;">Column 1 Project Class <i>(References in parentheses are to items in the tables in the Reviewable Projects Regulation)</i></p>	<p style="text-align: center;">Column 2 Required Authorizations</p>
<p>26 Energy storage facilities (Table 8, item 1) 27 Oil refineries (Table 8, item 2) 28 Natural gas processing plants (Table 8, item 3)</p>	<p>(a) a permit under section 25 of the <i>Oil and Gas Activities Act</i>, (b) an authorization referred to in section 6 of the <i>Environmental Management Act</i>, or (c) an authorization under section 30 or 31 of the <i>Environmental Management Act</i>.</p>
<p>29 Power plants (the part of Table 7, item 1 that pertains to thermal electric power plants)</p>	<p>(a) an authorization referred to in section 6 of the <i>Environmental Management Act</i>, or (b) an authorization under section 30 or 31 of the <i>Environmental Management Act</i>.</p>
<p>30 Power plants (the part of Table 7, item 1 that pertains to hydroelectric power plants)</p>	<p>(a) a licence or permit issued under the <i>Water Sustainability Act</i>.</p>
<p>31 Power plants (the part of Table 7, item 1 that pertains to land-based wind generating projects)</p>	<p>(a) a licence of occupation under section 39 of the <i>Land Act</i>, (b) a right of way or easement under section 40 of the <i>Land Act</i>, (c) a right relating to the acquisition of, or access through or over, any private land, (d) a change to the boundary or area of a tree farm licence, first nations woodland licence, or woodlot licence in accordance with sections 39.1, 43.57 and 47.1 of the <i>Forest Act</i>, or (e) the disposition of land under the <i>Land Act</i> in accordance with section 5 of the <i>Forest Act</i>.</p>

<p style="text-align: center;">Column 1 Project Class</p> <p><i>(References in parentheses are to items in the tables in the Reviewable Projects Regulation)</i></p>	<p style="text-align: center;">Column 2 Required Authorizations</p>
<p>32 Power plants (the part of Table 7, item 1 that pertains to in-stream tidal or tidal power projects and wind generating facilities with at least one turbine located in water)</p>	<p>(a) if land below the natural boundary of a marine coastline or marine estuary is to be occupied, used or directly disturbed,</p> <p>(i) a lease issued under section 38 of the <i>Land Act</i> with respect to that land, or</p> <p>(ii) a licence of occupation issued under section 39 of the <i>Land Act</i> with respect to that land.</p>
<p>33 Dams (Table 9, item 1)</p> <p>34 Dikes (Table 9, item 2)</p> <p>35 Water diversion projects (Table 9, item 3)</p> <p>36 Groundwater extraction projects (Table 9, item 4)</p> <p>37 Shoreline modification projects (Table 9, item 5)</p>	<p>(a) a permit or licence issued under the <i>Water Sustainability Act</i>, or</p> <p>(b) if land below the natural boundary of a stream, estuary or marine coastline is to be occupied, used or directly disturbed,</p> <p>(i) a lease issued under section 38 of the <i>Land Act</i> with respect to that land, or</p> <p>(ii) a licence of occupation issued under section 39 of the <i>Land Act</i> with respect to that land.</p>
<p>38 Hazardous waste facilities (Table 10, item 1)</p>	<p>(a) a permit under section 14 of the <i>Environmental Management Act</i>, or</p> <p>(b) applicable of the plans referred to in section 4 of the Hazardous Waste Regulation, B.C. Reg. 63/88, under the <i>Environmental Management Act</i>.</p>

<p style="text-align: center;">Column 1 Project Class <i>(References in parentheses are to items in the tables in the Reviewable Projects Regulation)</i></p>	<p style="text-align: center;">Column 2 Required Authorizations</p>
<p>39 Solid waste management facilities (Table 11, item 1)</p> <p>40 Local government liquid waste management facilities (Table 12, item 1)</p>	<p>(a) an authorization referred to in section 6 of the <i>Environmental Management Act</i>,</p> <p>(b) an authorization under section 30 or 31 of the <i>Environmental Management Act</i>,</p> <p>(c) an operational certificate under section 28 of the <i>Environmental Management Act</i>, or</p> <p>(d) an exemption referred to in section 5 of the Municipal Wastewater Regulation, B.C. Reg. 87/2012.</p>
<p>41 Railways (Table 13, item 2)</p> <p>42 Airports (Table 13, item 5)</p>	<p>(a) a licence of occupation under section 39 of the <i>Land Act</i>,</p> <p>(b) a right of way or easement under section 40 of the <i>Land Act</i>, or</p> <p>(c) a right relating to the acquisition of, or access through or over, any private land.</p>
<p>43 Ferry terminal (Table 13, item 3)</p> <p>44 Marine port projects (Table 13, item 4)</p>	<p>(a) a right relating to the acquisition of, or access through or over, any private land, or</p> <p>(b) if land below the natural boundary of a marine coastline or marine estuary is to be occupied, used or directly disturbed,</p> <p>(i) a lease issued under section 38 of the <i>Land Act</i> with respect to that land, or</p> <p>(ii) a licence of occupation issued under section 39 of the <i>Land Act</i> with respect to that land.</p>

<p style="text-align: center;">Column 1 Project Class</p> <p><i>(References in parentheses are to items in the tables in the Reviewable Projects Regulation)</i></p>	<p style="text-align: center;">Column 2 Required Authorizations</p>
<p>45 Resort development – not golf, marina or ski (the parts of Table 14, item 1 that pertain to resorts – not golf, marina or ski, that are located partially or entirely on Crown land)</p> <p>46 Golf resorts (the parts of Table 14, item 2 that pertain to golf resorts that are located partially or entirely on Crown land)</p> <p>47 Marina resorts (the parts of Table 14, item 3 that pertain to marina resorts that are located partially or entirely on Crown land)</p> <p>48 Ski resorts (the parts of Table 14, item 4 that pertain to ski resorts that are located partially or entirely on Crown land)</p>	<p>(a) Master Development Agreement entered into with the government,</p> <p>(b) Operating Agreement entered into with the government, or</p> <p>(c) approval of an All Season Resort Policy Master Plan or a Resort Master Plan in accordance with the All-Seasons Resort Policy.</p>
<p>49 Resort development – not golf, marina or ski (the parts of Table 14, item 1 that pertain to resorts – not golf, marina or ski – that are located entirely on private land)</p> <p>50 Golf resorts (the parts of Table 14, item 2 that pertain to golf resorts that are located entirely on private land)</p> <p>51 Marina resorts (the parts of Table 14, item 3 that pertain to marina resorts that are located entirely on private land)</p> <p>52 Ski resorts (the parts of Table 14, item 4 that pertain to ski resorts that are located entirely on private land)</p>	<p>(a) an authorization referred to in section 6 of the <i>Environmental Management Act</i>, or</p> <p>(b) an authorization under section 30 or 31 of the <i>Environmental Management Act</i>.</p>
<p>53 Public highways (Table 13, item 1)</p>	<p>(a) an authorization by the government to expend funds on the project, or</p> <p>(b) publication by the government of intention to obtain services for the construction of the project.</p>