

## **Appendix A to Schedule 7**

### **Provincial Legislation Associated with Land and Resource Decisions<sup>2</sup>**

*Forest Act*

*Forest and Range Practices Act*

*Land Act*

*Lands Parks and Housing Act*

*Integrated Pest Management Act*

*Environmental Management Act*

*Greenhouse Gas Industrial Reporting and Control Act Park Act*

*Protected Areas of BC Act*

*Wildlife Act*

*Heritage Conservation Act*

*Mines Act*

*Coal Act*

*Mineral Tenure Act*

*BC Fish and Seafood Act*

*BC Fish and Seafood Licencing Regulation Water Sustainability Act*

*GBR Forest Management Act*

*Dike Maintenance Act*

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<sup>2</sup> This Appendix applies to permits issued pursuant to the Heritage Conservation Act that are in relation to archaeological sites only, to permits issued pursuant to the Integrated Pest Management Act that are in relation to s.6 permit for use of pesticides only, and to the Greenhouse Gas Industrial Reporting and Control Act in respect of s.9 and s.10. , limited to director's protocols with sequestration of carbon in biomass, soils and sediments

## Appendix B to Schedule 7

### Summary of Category 1, 2 and 3 CDM Steps, Activities and Timelines

Process Step	Activities	Working Days		
		C1	C2	C3
Information Sharing by Applicant (where applicable)	The Provincial Agency CDM Representative will, as appropriate, direct or strongly encourage Applicants to undertake Information Sharing (section 3.1). If a letter of support from the Applicable First Nation is received by the Provincial Agency at the time of the Application, CDM is not required.	Not Applicable		
<b>Step 1</b> Initiation	The Provincial Agency CDM Representative sends CDM Information Package to the Applicable First Nation (section 3.2). The proposed CDM Category should be determined using the guidance in Appendix C.	0	0	0
<b>Step 2</b> Preliminary Response	The Applicable First Nation CDM Representative confirms receipt of the CDM Information Package (section 4.1(a)). Next, the Applicable First Nation CDM Representative will respond to the CDM Category proposal (section 4.1(b)), and then provide a written response identifying any concerns of issues with the Application including a preliminary summary of potential impacts (section 4.2).	10	15	15
<b>Step 3</b> Application Review and Recommendation Development	The CDM Representatives will continue to share information and engage via discussions, meetings and other communications to: <ul style="list-style-type: none"> <li>• Fulfill their CDM responsibilities (Parts 4 and 5);</li> <li>• Develop recommendations (Part 7); and</li> <li>• If required, initiate any Dispute Resolution processes (Part 8).</li> </ul>	10	25	50
<b>Step 4</b> Conclusion	The CDM Representatives will jointly finalize the CDM Record (section 5.2). If required, the CDM Representatives will conclude any CDM Dispute Resolution steps (sections 8.4). Unless there are outstanding dispute resolutions actions required (section 8.5 -8.6), the CDM Representatives will each submit the final CDM Record, including recommendations and other relevant supporting information to their respective Decision Makers (sections 3.6 and 4.4).	5	5	5

<p><b>Decision</b></p>	<p>When a decision is made, the Provincial Agency CDM Representative provides a notice of decision and a digital copy of the authorization to the Applicable First Nation (section 3.7).</p> <p>If a Party's Decision Maker is considering alternatives to Consensus recommendations or Non-Consensus recommendations, that Party provides notice to the other Party to advise them of the possible variance and explains how that variance addresses relevant considerations in section 7.1. On request the Parties will meet to and pursue good faith discussions in an attempt to reach Consensus (sections 9.1 and 9.2) Following such a meeting the CDM Senior Officials may make modified Consensus recommendations (section 9.3). If a Decision Maker proceeds with a decision that is not consistent with a Consensus recommendation, or a Non-Consensus recommendation by the other party, a written explanation will be provided. (section 9.4)</p>			
	<p><b>Total Estimated Working Days</b></p>	<p>25</p>	<p>45</p>	<p>70</p>

## Appendix C to Schedule 7

### CDM Process Selection Guide for Category 1, 2 and 3, and Special CDM

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#### Category 1

Category 1 applications are straightforward to administer and do not require review and consideration of impact assessment information and reports. This applies in cases where reasonable Information Sharing has occurred prior to submission of an Application, (i.e., the Applicant has already provided information necessary for the Applicable First Nation to assess potential impacts to their Member Nation Rights), there has been a reasonable amount of time for review of such information, and concerns related to Member Nation Rights stemming from the Application have been resolved. Applications which typically fall within Category 1 are as follows:

#### **Forests – *Forest Act & Forest and Range Practices Act***

- Forestry Road and Cutting Permits where issues have been addressed via Information Sharing
- Forestry Licence to cut (maximum 2,000 m<sup>3</sup>)
- Authorizing maintenance of trails and other recreation facilities with small new ground disturbance (FRPA s.57)
- Restriction or prohibition to protect recreation resources or manage recreation use (FRPA s.58)
- Disestablishment or variance of a recreation site, recreation trail, or interpretive forest site (FRPA s.56)

#### **Archaeology – *Heritage Conservation Act***

- Section 12.2 investigation and inspection permits

#### **Lands, Parks – *Land Act & Park Act***

- Licence of Occupation associated with forestry operations or forestry tenures where issues have been addressed via Information Sharing
- Research activities not requiring a Park Use Permit
- Film activities with hand-held equipment and 10 or fewer people, lasting not more than 2 days
- Replacements of tenure, permits or certificates where requested as per Part 11 of Schedule 7
- Park Use Permit transfers or replacements with no changes

#### **Mines – *Mines Act, Mineral Tenure Act and Coal Act***

- Extending the term of a permit by up to 2 years
- Conducting induced polarization (IP) surveys where an exploration permit is already held
- IP surveys and exploration drilling in the area permitted for disturbance of an operating, producing mine, including all associated authorizations to support those activities (e.g., SUP, Cutting Permits, Water Licence).

- Activities with small new ground disturbance or effect on the uses, including: exploration activities – temporary work camps, helicopter supported drilling
- Mineral exploration, placer or construction aggregate on private land unless effects extend onto Crown Land
- Date Extension of Notice of Work (NoW) permits
- Date Extension of leases (mineral, placer, coal)
- Deemed Authorizations are excluded from all Categories

#### **Environmental Protection - *Environmental Management Act***

- Hazardous waste facility approval on private land
- Waste discharge regulation schedule 2 activities – all sizes on private land, and small on Crown Land
- Waste discharge regulation schedule 1 activities – small
- Operational certificates if NO outstanding concerns with the plan

#### **Water – *Water Sustainability Act***

- New Water licences<sup>3</sup>; domestic >1 234 m<sup>3</sup>/year, power purposes (residential) and agriculture less than 5 acre feet (6 167 m<sup>3</sup>) - unless works constitute a 'change in and about a stream.
- Water licence amendment; change in base flow requirements.
- Section 24 – Permit over Crown Land.
- Section 10 – Use approval when an Applicable First Nation holds a water licence downstream of application site.
- Section 62 – Drilling authorization.
- Section 31 – Abandonment of water rights involving works on Crown Land or storage.

#### **Fish & Wildlife – *Wildlife Act***

- Changes to hunting regulations that apply to First Nation hunters (e.g., public health and safety)
- Wildlife transporter licences and management plans

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### **Category 2**

Category 2 applications decisions are also relatively straightforward to administer but do require review and consideration of new or detailed impact assessment information and reports. Decisions that typically fall within Category 2 are as follows:

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<sup>3</sup> Water licence application sourced from an aquifer or a stream as defined by the Water Sustainability Act.

### **Forests – *Forest Act and FRPA***

- Forestry Road and Cutting Permits where reasonable efforts to conduct Information Sharing have not occurred
- Replacements or extensions of Forestry tenures/licences, special use permits, FSPs
- Amendments to licences
- Authorizing construction of new trails or recreation facilities (FRPA s.57)
- Establishment of recreation sites, recreation trails, and interpretive forest sites (FRPA s.56)

### **Archaeology – *Heritage Conservation Act***

- Section 12 site alteration permits

### **Mines – *Mines Act, Mineral Tenures Act and Coal Act***

- Activities with small new ground disturbance or effect on the uses, including: exploration activities – temporary work camps, drilling, trenching or test pitting with or without explosives, including all associated authorizations to support those activities (e.g., special use permits, cutting permits, water licence, etc.) and excluding temporary work camps and helicopter-supported drilling
- Reopening of existing roads or trails within or to the mineral property
- Underground exploration with no new surface dumps or with small area dumps
- Mineral exploration, placer or construction aggregate on Crown land
- New dimension stone quarries
- Existing and new under 200,000 tonnes of paydirt per year placer mining operations
- Helicopter support drilling requiring 50 m<sup>3</sup> of timber cutting
- Coal licence and lease applications
- Mining and placer lease applications
- Bulk sample less than 1 000 tonnes of mineralized rock or 5 000 tonnes of coal

### **Lands, Parks – *Land Act & Park Act***

- Research activities requiring a Park Use Permit
- Park Act authorizations for small site permits - campsites, storage sites, helipads
- Park Use Permits that are compatible with applicable management or land or marine use plans, or for activities which pre-date the establishment of the protected area if a Park Management Plan is not in place, and that are not described under Category 3
- Exclusive Use Park Use Permits
- Film activities not described under Category 1
- Land Act authorizations

## **Environmental Protection – *Integrated Pest Management Act & Environmental Management Act***

- Permit for use of pesticide (Section 6 of IPMA)<sup>4</sup>
- Hazardous Waste facility approval on Crown Land under EA threshold
- Waste Discharge Regulation Schedule 2 activities<sup>5</sup> – large on Crown Land
- Waste Discharge Regulation Schedule 1 activities – large
- Operational certificates if outstanding First Nations concerns with the plan

## **Water – *Water Sustainability Act & Dike Maintenance Act***

- Any contemplated decision/proposal that would result in a ‘change in and about a stream’<sup>6</sup>.
- New Dikes, major dike repairs/reconstruction (*Dike Maintenance Act*).
- New Water licences – agriculture greater than 5 acre feet (6 167 m<sup>3</sup>), industrial & commercial less than 5 acre feet and land improvement.
- Section 11 – Change Approval

## **Fish & Wildlife - *Wildlife Act***

- Possession of live wildlife – new long term care facilities (e.g., zoo, rehabilitation center)
- High disturbance fish and wildlife projects (e.g., collaring, wildlife transplants)
- Disposition of new guide territory certificate

## **Aquatic Plant Harvesting – *BC Fish and Seafood Act***

- New and renewal of aquatic plant harvesting licences

## **Emissions Offset Projects – *Greenhouse Gas Industrial Reporting and Control Act***

- Section 9 - Emissions offset projects within Member Nation territories
- Section 10 - Director’s protocols, limited to director’s protocols with sequestration of carbon in biomass, soils and sediments.

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### **Category 3**

Category 3 decisions are those that, compared to Category 2 applications, require additional time for review and administration, require consideration of complex or new information about potential impacts and issues, and are expected to require more than 30 working days for CDM

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<sup>4</sup> Engagement on IPMA section 7 (Use of pesticides in accordance with a pesticide use notice) currently follows a separate process.

<sup>5</sup> Refers to the Waste Discharge Regulation of the Environmental Management Act. Can be viewed online at: [http://www.bclaws.ca/Recon/document/id/freeside/50\\_320\\_2004](http://www.bclaws.ca/Recon/document/id/freeside/50_320_2004)

<sup>6</sup> Refers to the Water Act: [http://www.bclaws.ca/civix/document/id/complete/statreg/96483\\_01](http://www.bclaws.ca/civix/document/id/complete/statreg/96483_01)

Representatives to reach Consensus recommendations due to the scope and complexity of the potential Decision. Decisions that typically fall within Category 3 are as follows:

**Forestry – Forest Act and FRPA**

- New and major amendments to Forest Stewardship Plans or Forest Landscape Plans
- New Forestry Special Use Permits
- Forestry Licence to cut (major)

**Mines – Mines Act**

- Activities with potential for significant new ground disturbance or effects on other uses, including: new permanent or long term access development associated with advanced exploration with over 10 km in length including all associated authorizations to support those activities (e.g., SUP, Cutting Permits, Water Licence, etc.
- Bulk samples greater than 1,000 tonnes of mineralized rock or 5,000 tonnes of coal
- New placer operations with production of 20,000 tonnes to 500,000 tonnes of paydirt per year

**Lands & Parks – Land Act & Park Act**

- New Tourism Resorts (including fishing lodges), or major expansion of existing resorts (25% increase in footprint on the land or in guest capacity)
- Crown Land Sales
- Legislative amendments to add new lands or marine areas to protected areas
- New permanent infrastructure (e.g. new day use areas, campgrounds and cabins)
- New Protected Area Management Plans (for First Nations not in a CMA)
- New Aquaculture Tenures or Park Use Permits

**Environmental Protection – Environmental Management Act**

- Hazardous Waste facility approvals on Crown Land exceeding the major projects threshold under the EMA
- Solid and Liquid Waste Management Plans

**Water – Water Sustainability Act & Dike Maintenance Act**

- New Water licences for mine operations; water works (local community drinking water); storage (dams); power purposes (commercial and general (sect. 19(2)), all other industrial and commercial greater than 5 acre feet (6 167 m<sup>3</sup>).

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**Special CDM Process**

Special CDM: refer to Part 10 of Schedule 7 regarding applicability of a Special CDM process.

Decisions typically requiring a Special CDM process include but are not limited to:

- Timber Supply Analysis and Allowable Annual Cut determinations



- **New Land Use Orders and Major Amendments**
- **Life of major mines – amendments, closure plans, development of new mine (establishment of MRC committee and processes)**
- **Water Sustainability Plan**