

Reasons for Decision of the Minister

EMERGENCY VARIANCE FOR THE KSM PROJECT

NOVEMBER 16, 2021



EAO

Environmental
Assessment Office

1.0 CONTEXT

On July 29, 2014, provincial ministers issued Environmental Assessment Certificate #M14-01 (Certificate) for the Kerr-Sulphurets-Mitchell Project (KSM) to Seabridge Gold Inc. On October 1, 2018, the Certificate was amended to change the holder of the Certificate (Holder) from Seabridge Gold Inc. to KSM Mining ULC (KSM Mining). A five-year extension of the Certificate was granted on March 21, 2019. The *Environmental Assessment Act* (2018) (the Act) typically allows one certificate extension for up to five years. Therefore, the Certificate is set to expire on July 29, 2024, if KSM is not substantially started by then.

KSM Mining submitted a request for an emergency variance of the Act to enable the Certificate deadline to be extended by at least two years on the basis that the global COVID-19 pandemic (COVID), the resulting provincial and national state of emergency, and the associated health orders issued by the Province of British Columbia (B.C.) would make it difficult to meet the existing deadline in the Certificate. KSM Mining asked that I use [Section 46](#) of the Act (Emergency Variance) to vary the Act to allow for the Chief Executive Assessment Officer (CEAO) of the Environmental Assessment Office (EAO) to consider whether to grant a further Certificate extension under [Section 31](#)(4) of the Act. Section 46 allows me to issue an order to vary the Act in response to an emergency or comparable circumstance where the variance is in the public interest.

The EAO conducted a process to review both the request from KSM Mining for the Emergency Variance and Certificate extension (collectively referred to as the Second Extension Request). At the completion of this process, the EAO prepared a report (the EAO Report) summarizing the application, the review and engagement process with technical advisors and Indigenous nations, the key issues and effects identified, and staff's conclusions regarding matters that may be pertinent to my decision, including potential additional conditions to attach to KSM's Certificate. I have considered the EAO Report and submissions referenced therein, which have been posted to the EAO's project information centre (EPIC) website in making my decision.

On November 16, 2021, I ordered that the Act be varied to enable the CEAO to extend deadline in the Certificate, on one occasion only. These are the reasons for my order.

2.0 CONSIDERATIONS

2.1. Nature of the Decision

Section 46 of the Act states:

46 (1) If the minister considers that

- (a) there is or will be an emergency or other comparable circumstance that warrants or will warrant the variation of one or more provisions of this Act or the regulations, as the provisions apply to or in respect of a specified reviewable project or a specified category of reviewable projects, and
- (b) the variation is in the public interest,

the minister may order a variation that the minister considers necessary to respond to the emergency or other circumstance.

Specifically, the questions I considered in making my decision were:

- Is COVID an emergency or comparable circumstance?
- Is the Emergency Variance warranted? That is, are the delays KSM is experiencing in meeting its substantial start deadline the result of COVID and does the requested extension address the impacts or risks caused by the emergency to KSM?
- Is an extension in the public interest?

2.2. EAO's Recommendations

With respect to the matters relevant to the Emergency Variance decision, I agree with the conclusions reached by the EAO in the bullets in Section 7.3 of the EAO Report, for the reasons detailed therein, in particular that:

- The clarifications requested by technical reviewers were adequately and reasonably addressed by KSM Mining;
- The Emergency Variance and Second Extension would not result in a change to the effects assessed during the EA;
- The Emergency Variance and Second Extension are unlikely to cause incremental or additional negative effects to the Indigenous nations or their rights; and
- Within the scope of the Second Extension Review, and the EAO's authority, the EAO sought consensus on concerns that Indigenous nations raised with the Second Extension and draft report; and
- The provincial Crown has fulfilled its statutory and constitutional obligations owed to Indigenous nations relating to the issuance of an Emergency Variance and extension to the Certificate.

I note that the EAO also concluded that:

- COVID has been an emergency since March 2020;
- COVID has impacted on-the-ground operations resulting in critical delays to KSM project works, which cannot be made up between now and 2024; and
- A two-year extension would help offset the time lost due to delays imposed by COVID.

I also concur with these conclusions, which I discuss in greater detail below.

2.3. Indigenous Nation Engagement

I have considered the EAO's engagement with Nisga'a Nation, as represented by Nisga'a Lisims Government (NLG), in accordance with the province's obligations under the Nisga'a Final Agreement (the Nisga'a Treaty). I have also considered the EAO's engagement with Tahltan Nation represented by Tahltan Central Government (Tahltan); Gitanyow Nation, represented by the Gitanyow Hereditary Chiefs; Simgiget'm Gitwangak on behalf of Lax Behlit and Xsu Gwin Yookhl of Gitxsan Nation; Gasa Lax Loobit of Gitxsan Nation; and Tsetsaut Skii km Lax Ha (TSKLH).

I am aware that Gitanyow Hereditary Chiefs does not support the Emergency Variance and raised a variety of concerns, that I have reviewed and considered and are described further below and in the EAO Report. I note that Gitanyow Hereditary Chiefs engaged extensively in the Second Extension Request and provided multiple rounds of detailed comments, which the Holder and the EAO responded to, to the extent possible. The EAO offered to meet or discuss issues with Gitanyow Hereditary Chiefs further via phone or videoconference. The EAO sought to find appropriate opportunities for the consideration and resolution of Gitanyow Hereditary Chiefs' concerns. I am satisfied that the EAO adequately considered the concerns and comments raised in relation to the Emergency Variance request and note that the CEAO will offer further comments on Gitanyow Hereditary Chiefs' concerns in relation to the extension request under Section 31 of the Act.

I have considered that the NLG did not oppose the Second Extension Request and Tahltan supported it.

2.4. Public and U.S. Tribe Engagement

I have considered that the EAO conducted a public comment period, to gather information on the public's views, which are described further below in [Section 2.5](#).

I have considered that the EAO provided opportunities for U.S.-based tribes that expressed interest in the Second Extension Request to be informed of and participate in the review. I am aware that Southeast Alaska Indigenous

Transboundary Commission (SEITC) opposed the Emergency Variance and had concerns regarding its use for KSM, which is described further below and in the EAO Report. I note that the EAO offered SEITC opportunities to submit comments, to review the draft EAO Report and a meeting to discuss the issues SEITC raised, and that the EAO did not receive comments on the draft report or a response to the offer to meet regarding KSM. I am satisfied that the EAO adequately considered the concerns and comments raised in relation to the Emergency Variance request and note that the CEAO will offer further comments on SEITC's concerns in relation to the extension request under Section 31 of the Act.

2.5. Key Issues

The following are the key issues related to my decision to grant the requested variance. I am aware that other issues were raised regarding the request for the extension under Section 31 of the Act and note that these will be addressed in the CEAO's Reasons for Decision.

2.5.1. Limits in the Act on Certificate Extensions

I note the submissions provided by Ecojustice on behalf of Gitanyow Hereditary Chiefs expressing the view that, under the Act, the time period to substantially start a project cannot be extended more than once, referring to Section 31 of the Act that states: the Chief Executive Assessment Officer may "...extend the deadline specified in the environmental assessment certificate, on one occasion only." Ecojustice noted that KSM Mining was seeking to use a general provision on Section 46 of the Act to override the prohibition on extending the substantial start deadline, which would constitute a reviewable error. Ecojustice noted the B.C. Court of Appeal Decisions relating to the Prosperity Gold-Copper Project, *Taseko Mines Limited v. British Columbia (Minister of Environment and Climate Change Strategy)* 2019 BCCA 452 (Taseko) and the Jumbo Glacier Resort Project, *Glacier Resorts Ltd. v. British Columbia (Minister of Environment)*, 2019 BCCA 289 (Glacier Resorts) decisions. In *Taseko*, the court confirmed the position of the Minister that the specific provision in the *Environmental Assessment Act* (2002) (former Act) governing the extension of deadlines in environmental assessment certificates could not be overridden by the general power in that Act to extend time limits. In *Glacier Resorts*, the Court held that the fact a project fails to achieve a substantial start due to factors outside of the proponent's control does not change the fact that the statutory test for substantial start has not been met. Finally, Ecojustice expressed the view that a decision to override a provision of the Act would be more appropriately taken by the Lieutenant Governor in Council under the provisions of Section 77(2)(h) of the Act.

It is my view that the Act provides me with the authority to use Section 46 to vary the Act to enable a consideration of a second extension under Section 31 and I do not concur with Ecojustice. Section 46 provides a very broad power to order "the variation of one or more provisions of this Act". One of the definitions of the verb "vary" is to "make different". This means that I have the power, where I consider there is an emergency and it is in the public interest, to make sections of the Act different than they now read. This would include the power to change Section 31 of the Act to allow for an extension on a further occasion. In *Taseko*, the question centered around whether Section 24 of the former Act could provide for an additional opportunity to extend an environmental assessment certificate; it did not speak directly to the power under Section 46 to vary the Act.

Glacier Resorts concerned a determination that a project had not substantially started, having regard to the actions taken by the holder. In this decision, as Ecojustice notes, the Court noted that the (former) Act strikes a balance between the interest of the proponent in carrying out its project and environmental protection. One of the issues in *Glacier Resorts* was whether activities undertaken by the holder to complete the project that were not physical in nature should be taken into account in deciding whether a project was substantially completed. Ecojustice asserts that *Glacier Resorts* stands for the proposition that "hardships" experienced by the holder should not "count" toward the determination that a project has substantially started. At paragraph 55, Groberman J.A. held that

The fact is, however, that proponents may fail to commence a project through no fault of their own: they may fail to secure financing; encounter landowners who are unexpectedly reluctant to sell their land or yield necessary rights; face municipalities that are not cooperative in allowing rezoning; or simply face public hostility. While we

might sympathize with a proponent that has tried its best but failed to make a substantial start on a project, it does not change the fact that the statutory test has not been met.

While I have no difficulty with this statement, I do not believe they suggest that Section 46 cannot be used to vary Section 31 to allow for an additional environmental assessment certificate extension. The situation in *Glacier Resorts* did not concern an emergency situation in which Section 46 could be invoked. That is, it is the existence of an emergency that allows me to consider varying the Act to allow for a further extension to address something that is beyond the control of the holder, something that would not be considered in determining if a project had substantially started.

However, I do find other parts of Groberman J.A.'s decision in *Glacier Resorts* relevant to a determination under Section 46 because they consider the purposes of the Act. (Although decided under the former Act, in my view they remain relevant to the Act as it reads today.) Any exercise of discretion under an act should be consistent with its purposes and objects.

Groberman J.A. held that:

The legislation itself balances proponents' desires to build infrastructure and developments with the broader interests of the public in protecting the environment. It provides for intensive study of projects before a certificate is issued allowing them to go ahead. It protects proponents by allowing them to proceed with projects that have been "substantially started" within the deadline set by the certificate.

This reflects longstanding caselaw. In *Friends of the Oldman River Society v. Canada (Minister of Transport)*, 1992 1 S.C.R. 3, La Forest J. set out the fundamental purposes of environmental impact assessment:

(1) early identification and evaluation of all potential environmental consequences of a proposed undertaking; (2) decision making that both guarantees the adequacy of this process and reconciles, to the greatest extent possible, the proponent's development desires with environmental protection and preservation.

These purposes are now reflected in the purposes of the Environmental Assessment Office in Section 2(a)(i) of the Act:

"promoting sustainability by protecting the environment and fostering a sound economy and the well-being of British Columbians and their communities...".

In this case, the question is whether it would be appropriate to use Section 46 to allow for a further extension having regard to the purposes of the Act. Specifically, would utilizing Section 46 in this manner be consistent with the dual purposes of economic development and environmental protection? It is my view that using Section 46 in this context would be consistent with the economic development purpose of the Act, in consideration of the information brought forward by KSM Mining that COVID has affected field operations in a way that would make it difficult to undertake the physical works necessary to meet the deadline in the certificate. I am also of the view that using Section 46 would not be counter to the environmental protection purpose of the Act, based on the EAO's assessment that the information brought forward during the review of the Second Extension Request does not demonstrate that the project's effects are different than those assessed during the environmental assessment (EA).

2.5.2. Risks of the Decision

The submissions provided by Gitanyow Hereditary Chiefs from Ecojustice express the view that use of emergency powers under the Act for the financial challenges faced by KSM would set a dangerous precedent, potentially allowing other projects to request relief from the requirements in the Act, its regulations or project Certificate conditions in other future provincial emergency situations. Ecojustice further noted that overriding the provisions of legislation through subordinate legislation (such as a regulation) has been upheld in Canadian law but is acknowledged to pose risks to the rule of law and considered by many, including Supreme Court justices, to be "constitutionally suspect". If having a full provincial cabinet override the Legislature through subordinate legislation is constitutionally suspect, allowing a single Minister to override the Legislature through an administrative order after an ad hoc process is exponentially more suspect. This requires that certain terms in Section 46 ("emergency", "variation", and "responding to an emergency") be given narrow readings and the scheme of the Act to be strictly followed.

I note that Section 46 of the Act provides me with specific authority to vary the Act in certain circumstances, including the existence of an emergency or comparable circumstance. My decision to issue the Emergency Variance has been made in accordance with that section and has been based on all relevant considerations, following an extensive review process conducted by the EAO including public and Indigenous engagement. Should other environmental assessment certificate holders or proponents put forward a similar request under Section 46, I would expect the EAO, depending on the urgency of the request, to follow a similarly rigorous process, and I would consider the specific circumstances and context of the request before making any order. I do not agree that my decision on KSM sets “dangerous precedent”.

2.5.3. Is COVID an Emergency?

As identified in [Section 2](#), I must consider whether COVID is an emergency or comparable circumstance.

In the submissions provided by Gitanyow Hereditary Chiefs, Ecojustice expressed that the circumstances faced by KSM Mining due to COVID do not amount to an emergency warranting a variation of the statutory process. Ecojustice noted that an emergency was a situation, often unexpected, that necessitated immediate action or relief and that a challenging financial situation would not meet these criteria.

I am of the view that there is an ongoing emergency related to COVID. COVID has been and continues to constitute an emergency in B.C. and many parts of the world due to its impacts on public health, services, and the economy. While the COVID-19 provincial state of emergency declared under the *Emergency Program Act* ended on June 30, 2021, the effects of COVID are far-reaching and continue. B.C. is considered to be in the “fourth wave” of the pandemic and travel restrictions and requirements remain in effect related to crossing the international border.

The issue, then, is whether that emergency is having an effect on KSM that would warrant a variation of the Act to respond to that emergency. I am of the view that any emergency variance order should be tailored to projects that are actually facing a problem with their substantial start as a result of the pandemic. To this end, I have evaluated the rationale brought provided by KSM Mining for how COVID (the emergency) has caused the challenges it is experiencing in meeting its substantial start deadline. I discuss this issue further in the next section.

2.5.4. Is the Emergency Variance Warranted?

To allow for an Emergency Variance, I must be satisfied that the delays KSM is experiencing in meeting its substantial start deadline are the result of COVID and that the requested extension addresses the impacts or risks caused by the emergency to KSM.

I have reviewed the information provided by KSM and summarized by the EAO, which identified how impacts to on the ground operations at KSM from the late start in the field work due to the COVID-related restrictions and subsequent reduced workforce have resulted in critical delays to project workplans related to reaching KSM Mining’s substantial start milestones. I have noted the information provided by KSM Mining that Indigenous communities were concerned about COVID and took steps to protect their people from outside sources of infection. KSM Mining described how the 2020 field program was affected by the identification and implementation of measures to respond to B.C. government COVID requirements and safeguard the well-being of contractors, employees, and local communities.

While the substantial start deadline of 2024 still provides almost three years to advance construction of the project, I understand that snow-free periods of the year are limited at the project site and, therefore, data collection and construction activities are largely concentrated in the summer months. Further, I have noted how the information provided by KSM explains that data collection in the field, preparation and review of permit applications and construction activities must often be sequential, which means that three years is, practically, a limited amount of time and the time lost due to COVID cannot be made up between now and 2024.

I have also considered how a two-year extension would affect the ability of KSM Mining to reach its substantial start milestones. KSM Mining stated that it was difficult to say definitively that a two-year extension would eliminate the timing risk to the Certificate, noting the uncertainty associated with the works required to achieve a substantially started determination and permitting timelines.

I have also considered the concerns and critiques of KSM Mining's rationale by Ecojustice on behalf of Gitanyow Hereditary Chiefs, SEITC and several commenters during the public comment period. Ecojustice, SEITC and other commenters noted much has changed since KSM began seeking an extension in March 2020: metals prices are significantly improved (including to record high prices for gold) and the company's stock price has also rebounded above pre-COVID levels. Commenters noted that COVID has had significant positive effects on mining exploration and other mining companies have maintained operations during COVID. Ecojustice and other commenters noted that mining fell into the category of "essential workers" and pointed to positive public statements made by KSM Mining, which stated that mine development efforts were continuing despite the pandemic. Commenters also noted that KSM Mining has continued to pursue approvals under the *Fisheries Act*. In their submission, SEITC expressed the view that the project's economics are fundamentally flawed, and a two-year extension will not generate any additional interest by the investment community.

Ecojustice also noted its concerns that the draft EAO Report did not assess whether KSM Mining would have satisfied the requirement to substantially start the project if COVID had not existed or if the extension would allow KSM Mining to reach its substantial start deadline. Ecojustice noted that to justify an Emergency Variance, KSM Mining would need to demonstrate, with reasonable confidence, that it would have achieved those milestones in the absence of COVID and KSM Mining had not done so given it had not arranged the necessary financing prior to the pandemic.

I note that KSM Mining provided information, summarized in the EAO Report, on how COVID has had an impact on its ability to secure financing by interrupting negotiations with two prospective partners, presenting an obstacle to site verification visits and impacting global financial markets, I also note that KSM Mining stated that raising the additional funds would be a challenge but not a barrier to reaching its substantial start goals. I understand that COVID interfered with the ability of KSM Mining to negotiate agreements with potential partners, but this, on its own, has not precluded KSM Mining from achieving its substantial start milestones. I appreciate the concerns brought forward by commenters regarding the financial impacts of COVID on KSM Mining. I also appreciate the point that KSM Mining has continued to pursue approvals for permitting. However, neither impacts of COVID on financing nor permitting were found to be key factors preventing the difficulty of reaching substantial start. The key factors were the impacts of COVID to on-the-ground operations.

KSM Mining provided a chart within its submissions¹ showing its identified path to reaching their substantial start milestones and how those have been delayed by COVID. The information presented by KSM Mining showed how COVID has delayed KSM Mining's ability to advance work geotechnical and subsequently permitting needed to begin work on the Mitchell Treaty Tunnel, which could jeopardize the ability of KSM Mining to achieve substantial start. Based on this information, I am satisfied that COVID has impacted on-the-ground operations at KSM resulting in critical delays to KSM project works, which cannot be made up between now and 2024. I am satisfied that the delays KSM Mining is experiencing in meeting its substantial start milestones are the result of COVID and that the requested extension addresses the impacts or risks caused by the emergency (COVID) to KSM.

To address Ecojustice's concern, because of the time and number of factors involved, it is difficult to be certain whether or not KSM would have been able to meet the substantial start deadline in the absence of the COVID emergency, but I am satisfied that KSM Mining has provided adequate information to show that this was reasonably likely. In any event, as I say above, I am satisfied that the COVID emergency has made it unlikely that KSM Mining will be able to meet the deadline in the certificate before the deadline in it.

I am also aware that it is not certain that a two-year extension would result in KSM Mining being able to substantially start the project by the deadline. However, I am satisfied that providing KSM Mining with an additional two years to substantially start the project would help offset the time lost due to delays imposed by COVID and would therefore directly address the approximately year and a half (two field seasons) that COVID has been ongoing and impacting the project. Under Section 46(1), I must consider the variation to be necessary to respond to the emergency or other

¹ [Letter from KSM Mining Regarding Information in the Review](#), June 1, 2021, p. 11

comparable circumstance. I am satisfied that varying the Act to allow a further two-year extension, if granted by the CEAO, would meet this requirement.

2.5.5. Public Interest

I must consider whether a variance under Section 46 of the Act would be in the public interest.

I have considered the views of the KSM Mining, which stated that an extension would be in the public interest because KSM is a major investment project for B.C. and would contribute significantly to the Canadian economy through economic activity, employment, and fiscal revenues. KSM Mining noted that KSM would provide important benefits to Indigenous communities through revenue sharing agreements, educational employment, and contracting opportunities. Given the risks caused by COVID that the Certificate will expire before substantially started is achieved, KSM Mining submitted that a two-year extension to allow the continued advancement of a project was in the public interest, particularly given the need for strong economic activity in the province, post-COVID.

I have considered that the EAO conducted a public comment period, to gather information on the public's views and inform my consideration of the public interest factor. I have reviewed the objections from some public commenters, who noted concerns regarding the risk of a large tailings dam, downstream water quality and the EAO's consultation record with Indigenous nation and did not view the Emergency Variance as being in the public interest. With respect to the issues raised regarding the tailings dam and water quality, these are not relevant to my consideration under Section 46. I have also considered that other public commenters supported an Emergency Variance, noting the benefit of mining projects to the B.C. economy.

As part of the consideration of whether the variation is in the public interest, I have considered that a purpose of Act is to support reconciliation with Indigenous peoples in B.C. by supporting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and that B.C. has committed to implement the UN Declaration and passed the *Declaration of the Rights of Indigenous Peoples Act*. I concur with the EAO that it has been engaging in meaningful consultation with the Indigenous nations regarding the Second Extension Request to attempt to achieve consensus on issues of concern and ultimately the decision to be made consistent the UN Declaration.

I have noted the views of Gitanyow Hereditary Chiefs and SEITC, who oppose the Emergency Variance and other Indigenous nations, including the Nisga'a Nation, as represented by the NLG, who did not oppose the Emergency Variance and the Tahltan Nation, as represented by the Tahltan Central Government, who supported it.

I have noted the EAO's point that when original EA was conducted, the ministers weighed the balance of effects from the Project and concluded that the effects were acceptable at the time, issuing the project a Certificate. The [Reasons for Ministers' Decision](#) stated that "the EA Certificate includes legally enforceable conditions which gives us confidence to conclude that the Project will be constructed, operated and decommissioned in a way that no significant adverse effects are likely to occur." I concur with the view of the EAO that no new information has been presented through the course of the review of the Second Extension Request of a nature or magnitude that would necessitate a reconsideration of the balance of effects considered in 2014, and which led Ministers to conclude that the project was in the public interest at the time of issuing the Certificate.

I have also considered that the CEAO has the power to attach any additional conditions that the minister or the CEAO considers appropriate under Section 31(4)(a), should the CEAO decide to issue the extension. I am of the view that this ability provides the CEAO with the tools necessary to ensure that the conclusions of the original EA remain valid, even if additional time is added to the Certificate.

I have reflected on the submission from Ecojustice on behalf of Gitanyow Hereditary Chiefs regarding the public interest factor, which raised the concern that merely considering whether anything has changed since the issuance of the Certificate is not a sufficient consideration of public interest. Ecojustice was of the view that, when balancing the public interest, the decision maker must presume that the overall Act, and any limitations or restrictions therein, are in the public interest. Ecojustice stated that KSM Mining must demonstrate a public interest sufficient to override the prohibition in Section 31 on extending an environmental assessment certificate more than once.

Ecojustice also was of the view that experiences of Indigenous Nations who are forced to deal with proposed projects over the course of many years should be given adequate consideration. Ecojustice noted that affected parties should not be forced to stand guard against project they perceive to be counter to their interests over a long and indefinite period of time. Ecojustice was of the view that the Act balances the desires of a proponent against the public interest and interests of affected parties in the time limits expressed in the Act and that the EAO Report only considered the desires of KSM Mining and ignores the interests of the public and other parties.

I concur with Ecojustice in its statement that I must consider more in my deliberation under Section 46 than just whether anything has changed since the issuance of the Certificate. In addition to that fact, I have also considered the support of some members of the public, certain Indigenous nations and the potential economic and social benefits that providing KSM Mining with the Emergency Variance that could provide more time to reach the substantial start deadline, and therefore, potentially realize the operation of KSM would provide. I have also considered the opposition of other members of the public, Gitanyow Hereditary Chiefs and SEITC and the potential impacts of the Emergency Variance on these groups. It is my view that the impact of an Emergency Variance, which could allow for two more years to substantially start the project, on opposing groups is outweighed by the potential benefits to both KSM and the public of the Emergency Variance. I note that the CEAO will consider the impacts of the extension itself in making her decision on whether to grant the additional time requested.

Following consideration of all the information and submissions described above, I am of the view that an Emergency Variance that would allow for a Certificate extension of two years for KSM would be in the public interest.

3.0 CONCLUSION

After consideration of the EAO Report, the review process undertaken, the issues and comments raised by the public, technical advisors and Indigenous nations, the approach to consultation with Indigenous nations, I decided to order under Section 46 that Section 31(4)(a) of the Act is varied to enable the CEAO to further extend the deadline in the Certificate, on one occasion only.



Honourable George Heyman

Minister of Environment and Climate Change Strategy

Signed this 16th day of November 2021