

Investigative Use for Major Projects

BACKGROUND

Proponents may conduct preliminary activities on a site in order to advance their proposals to the environmental assessment process. The Environmental Assessment Office (EAO) manages the assessment of proposed major projects in British Columbia as required by the Environmental Assessment Act (Act). Projects meeting the criteria of the Reviewable Projects Regulation (Regulation) are required to obtain an Environmental Assessment Certificate (certificate) or a Section 17(1)(b) Exemption Order (order) before they can proceed to pre-construction and/or construction activities.

INVESTIGATIVE USE

Proponents often complete site explorations or investigative use activities before applying for a certificate or order and in some cases after a certificate or order has been issued. For this to occur, the Proponent may be required to:

- obtain a Land Act Investigative Use License from [FrontCounter BC](#), with the Ministry of Forests, Lands and Natural Resource Operations and Rural Development; or,
- comply with the Permissions Policy¹.

Mines, pipelines and transmission line corridors are examples of major projects that typically complete site exploration or investigative use activities.

COMPLIANCE AND ENFORCEMENT

Sometimes work authorized under an investigative use license or through compliance with the Permissions Policy occurs after a certificate or order has been issued. In these cases, this work may also be considered pre-construction or construction activity under a certificate or order. To ensure compliance in these cases, Holders must also meet the requirements of the certificate or order before proceeding.

EAO Compliance and Enforcement Officers (Officers) are authorized under section 49 of the Act to enter and inspect projects that require a certificate or order. During an inspection of the project, Officers may request documentation to verify compliance with the Act, its regulations and the certificate or order. Proponents of reviewable projects and Holders of certificates and orders must prove compliance with the Act and the certificate or order by providing evidence that all activities on a project site are authorized, including proof that any investigative use activities are authorized and in compliance with the certificate or order.

Officers will determine the appropriate compliance and enforcement response in accordance with the “EAO Compliance and Enforcement Policy and Procedures”² if unauthorized work is occurring on a major project site.

¹ In some circumstances investigative activities do not require tenure if they satisfy conditions as set out in the Permissions Policy. For more information on Investigative Use Licenses and the Permissions Policy see the Crown Land Policies webpage here: <https://www2.gov.bc.ca/gov/content/industry/crown-land-water/crown-land/land-policies>

² For more information on the EAO's compliance and enforcement program see the EAOs “Compliance and Enforcement Policy and Procedures” available on the EAO's compliance and enforcement webpage here: <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/compliance-and-enforcement>

CONTACT INFORMATION

For more information on the environmental assessment process or EAO C&E, visit the [EAO's webpage](#) or contact the EAO at eaoinfo@gov.bc.ca.