

# Environmental Assessment Office Fees Guideline 2021

VERSION 1.2

MARCH 2021

ISSUED BY:   
\_\_\_\_\_  
ELENORE AREND  
CHIEF EXECUTIVE ASSESSMENT OFFICER AND  
ASSOCIATE DEPUTY MINISTER  
ENVIRONMENTAL ASSESSMENT OFFICE



**EAO**

Environmental  
Assessment Office

**Version Control History**

<b>Version #</b>	<b>Date (YYY-MM-DD)</b>	<b>Modification</b>	<b>Approved by</b>
1.0	2019-12-16	Original Document, based on fee guideline for the 2002 Act	Kevin Jardine, Chief Executive Assessment Officer
1.1	2020-05-11	Section 6, Fee Waivers added to reflect amendments to the Fees Regulation on March 26, 2020	Scott Bailey, Acting Chief Executive Assessment Officer
1.2	2021-03-15	Clarification that amendment fees can be set within the range in the Fees Regulation and on the fee structure for exemption orders	Elenore Arend, Chief Executive Assessment Office and Associate Deputy Minister

This document provides guidance to help environmental assessment participants and the public better understand British Columbia's environmental assessment process. It is not advice and does not replace requirements of the Environmental Assessment Act, 2018 or its regulations, or bind any decision-maker.

# Table of Contents

<b>1.0</b>	<b>PURPOSE.....</b>	<b>6</b>
1.1.	Background .....	6
1.2.	Fees.....	7
<b>2.0</b>	<b>ENVIRONMENTAL ASSESSMENT FEES .....</b>	<b>9</b>
2.1.	Exemption Order Fee .....	9
2.2.	Assessment Fees .....	9
2.2.1.	Initial Project Description.....	9
2.2.2.	Detailed Project Description .....	9
2.2.3.	Application Fee .....	9
<b>3.0</b>	<b>WITHDRAWN APPLICATIONS .....</b>	<b>9</b>
<b>4.0</b>	<b>TRANSITION SCENARIOS.....</b>	<b>9</b>
4.1.	Project without a Section 11 order under the 2002 Act .....	9
4.2.	Project with a Section 11 order under the 2002 Act.....	10
<b>5.0</b>	<b>POST-ASSESSMENT FEES .....</b>	<b>10</b>
5.1.	Certificate Extension Fee .....	10
5.2.	Amendment Fee .....	11
5.2.1.	Amendment Fee Levels .....	11
5.3.	Management Plans .....	12
5.4.	Mitigation Effectiveness Reports .....	12
5.5.	Post-Certificate Filings.....	13
5.6.	Inspection Fees .....	13
<b>6.0</b>	<b>FEE WAIVERS.....</b>	<b>14</b>
<b>7.0</b>	<b>PAYMENT DETAILS .....</b>	<b>14</b>
7.1.	How to Pay.....	14
7.2.	Late Payments.....	14

Table 1: EAO Fee Schedule ..... 8

Table 3: Project with a Section 11 Order Under the 2002 Act..... 10

Table 4: Amendment Fee Amounts..... 11

Table 5: Management Plan Fee Amounts..... 12

Table 6: Inspection Fee Criteria and Amounts..... 13

## ACRONYMS AND ABBREVIATIONS

the Act	<i>Environmental Assessment Act (2018)</i>
B.C.	British Columbia
Certificate	Environmental Assessment Certificate
CEAO	Chief Executive Assessment Officer
DPD	Detailed Project Description
EA	Environmental Assessment
EAO	Environmental Assessment Office
Fees Regulation	Environmental Assessment Fees Regulation
GST	Government Sales Tax
IEM	Independent Environmental Monitor
IPD	Initial Project Description
Order	Exemption Order

## 1.0 PURPOSE

The purpose of this document is to provide:

- An overview of the fees charged by the EAO;
- Criteria that may be considered to waive a fee; and,
- Details on payment and late payment considerations.

In the event of any conflict between this guide and the Act or the Fees Regulation, the Act and the Fees Regulation apply.

### 1.1. Background

Fees are required at specific times within the assessment of a project, referred to as project milestones. These milestones are determined by activities described in the Act.

The EAO will provide a payment order and invoice to the regulated party<sup>1</sup> in advance of the payment deadline, as described in Table 1 below. Payment of fees, inclusive of GST, is due on the date indicated on the invoice. Proponents and Holders will have up to 30 days to remit payment.

---

<sup>1</sup> The regulated party typically consists of Proponents wishing to enter the EA process and those that have obtained a Certificate or Order, commonly referred to as Holders. However, in the case of inspection fees, a regulated party may also include a corporation that has not yet entered the EA process or obtained a Certificate or Order.

## 1.2. Fees

The EAO will charge fees in accordance with the [Fees Regulation](#) as shown in the table below.

Fee	Amount		Project Milestone	Payment Order and Invoice Issued	Comments
Environmental Assessment Fees – <i>Environmental Assessment Act</i> , 2018					
Initial Project Description and Exemption Order	\$25,000		Initial project description (including for an Exemption Order)	Within 30 days of receiving an initial project description submitted under Section 13(1), including initial project descriptions submitted for Exemption Orders	n/a
Detailed Project Description	\$75,000		Detailed project description	Within 30 days of receiving a detailed project description under Section 15(1)	n/a
Application Fee for an Environmental Assessment Conducted by the EAO	\$150,000		Application for an environmental assessment	Within 30 days of receiving an application submitted under Section 27(1)	n/a
Transitional Assessment Fees					
Transition Fee	\$150,000		Application for an environmental assessment	Within 30 days of receiving an application submitted under Section 27(1)	Fee applies to projects that started under the 2002 Act, but where an application for an assessment is received after the amended Fees Regulation under the 2018 Act is brought into force
Post-Certificate Fees					
Extension Fee	\$25,000		Application to extend a Certificate is submitted	Within 30 days of receiving an extension application under Section 31(2)	n/a
Amendment Fee	Simple	\$5,000	Amendment application is submitted	Typical and simple – Order issued once the Assessment Procedures and Supplementary Information Requirements are determined	This structure is a general guideline, but actual amounts may vary depending on specific circumstances. The Fees Regulation provides for a range of \$5,000 to \$100,000 and the CEAO determines the fee amount for each amendment
	Typical	\$25,000		Complex – Order issued once the Assessment Procedures and Supplementary Information Requirements are determined or within 14 days of a response from a Holder on EAO decision to increase fees	
	Complex	\$100,000			

Fee	Amount		Project Milestone	Payment Order and Invoice Issued	Comments
Post-Certificate Fees (Continued)					
Management Plan Approval Required by a Certificate	\$10,000		Initial management plan is provided to the EAO for approval	Within 30 days of receiving a plan for approval	Fee is only issued the first time the plan is provided for approval. No fee is issued for revisions or updates
Management Plan Review Required by a Certificate	\$5,000		Initial management plan is provided to the EAO for review	Within 30 days of receiving a plan for review	Fee is only issued the first time the plan is provided for review. No fee is issued for revisions or updates
Mitigation Effectiveness Reports	\$5,000		Mitigation effectiveness report is submitted	Within 30 days of receiving the final mitigation effectiveness report under section 30	n/a
Other Post-Certificate Filings Required by a Certificate	\$5,000		Post-certificate filing is provided to the EAO	Within 30 days of receiving a document specified in a Certificate that must be filed for the EAO’s review or approval prior to the commencement of a specific activity and/or project phase	Examples include: <ul style="list-style-type: none"><li>• Terms of engagement for positions provided for approval (Independent Environmental Monitor, Aboriginal Monitor, etc.)</li><li>• Terms of reference for committee provided for approval</li><li>• Other post-certificate documents that are required by a Certificate and where the EAO is required to review and/or approve before a specific activity or project phase can commence</li><li>• Does not include compliance self-reports</li></ul>
Inspection Fee	0-30 hours	\$0	After the final inspection record is issued for all items inspected against during an inspection	Within 30 days after final inspection record(s) is issued	If an inspection results in multiple inspection records, the invoice will be issued after results for all items inspected against are posted
	30-60 hours	\$5,000			
	Over 60 hours	\$10,000			

Table 1: EAO Fee Schedule



## 2.0 ENVIRONMENTAL ASSESSMENT FEES

### 2.1. Exemption Order Fee

A proponent can seek an exemption from the requirement for an EA and, in accordance with the [Certificate Exemption Policy](#), must clearly indicate this with the submission of the IPD.

The fee for an exemption from an EA is \$25,000. The proponent will be required to pay this when an IPD is filed under Section 13(1) when it is in relation to an application for an Exemption Order under Section 16(2)(b). If the CEAO decides a certificate is required for a project that has sought an Exemption Order, the proponent will be required to pay the DPD filing fee of \$75,000.

### 2.2. Assessment Fees

The EAO has structured assessment fees so that smaller payments are required with the filings of the IPD and the DPD, before the Readiness Decision. This allows proponents to commence the assessment process by filing the IPD and DPD for review without incurring significant financial risk should they decide at a later date not to proceed with the project.

#### 2.2.1. Initial Project Description

The fee for filing an IPD under Section 13(1) is \$25,000.

#### 2.2.2. Detailed Project Description

The fee for filing a DPD under Section 15(1) is \$75,000.

#### 2.2.3. Application Fee

The fee for an application for an EA submitted under Section 27(1) of the Act is \$150,000.

## 3.0 WITHDRAWN APPLICATIONS

For clarity, withdrawal from the review process does not remove the obligation to pay fees after a fee order is issued. Companies that need more time to work on an application can:

- Pay fees within the 30-day payment window, avoiding interest charges;
- Wait to pay fees and accrue interest charges until resubmission;
- Contact the EAO to request an extension on the time for complying with the fee order issued under section 2 of the Fees Regulation; or,
- Contact the EAO to request an extension on the interest window for a specified period, along with an expected date of resubmission.

## 4.0 TRANSITION SCENARIOS

### 4.1. Project without a Section 11 order under the 2002 Act

A proponent of a project that did not yet have a Section 11 order (establishing the formal scope, procedures and methods for the EA) when the 2018 Act was brought into force will be considered under the 2018 Act in the Early Engagement phase, as set out in the Environmental Assessment Transition Regulation ([http://www.bclaws.ca/civix/document/id/crbc/crbc/249\\_2019](http://www.bclaws.ca/civix/document/id/crbc/crbc/249_2019)).

Scenario	Initial Project Description	Detailed Project Description	Transition Fee	Application
Obtained Section 10 order under the 2002 Act and considered at Early Engagement phase of 2018 Act	\$25,000	\$75,000	n/a	\$150,000

Table 2: Project without a Section 11 Order Under the 2002 Act

The CEAO will begin issuing fee orders for IPDs for projects that are in receipt of a Section 10 order under the 2002 Act after April 1, 2020.

## 4.2. Project with a Section 11 order under the 2002 Act

A proponent of a project with a Section 11 Order under the 2002 Act (establishing the formal scope, procedures and methods for the EA) when the 2018 Act is brought into force can proceed under the 2002 Act or transition to the 2018 Act in accordance with Section 78(6) of the 2018 Act. Proponents who elect to transition to the 2018 Act will be charged the Transition Fee of \$150,000 at the time the application for an EA is submitted under Section 27(1). The “application fee” noted above would not apply.

Scenario	Initial Project Description	Detailed Project Description	Transition Fee	Application
Obtained Section 11 Order under 2002 Act and elected to transition to the 2018 Act	n/a	n/a	\$150,000	n/a

Table 2: Project with a Section 11 Order Under the 2002 Act

## 5.0 POST-ASSESSMENT FEES

Post-assessment fees are charged for:

- Services that the EAO must provide to Holders for the maintenance of their Certificate or Order; and,
- For costs incurred by the EAO to administer the Act.

Holders may require post-assessment services such as:

- Extensions;
- Amendments;
- Mitigation effectiveness reports;
- Review and/or approval of a management plans;
- Review and/or approval of other post-certificate filings; or,
- Inspections.

### 5.1. Certificate Extension Fee

The duration and effect of a Certificate is set under Section 31 of the Act. Certificates are generally valid for 10 years when they are issued and before a decision on whether a project is substantially started. Holders may need to apply for a deadline extension if the project is not substantially started within that time.

To allow for sufficient review time by the EAO, Holders must apply for a deadline extension no later than nine months (270 calendar days) before the date of expiry set out in the Certificate. However, the EAO may accept an application made with less than nine months remaining if they are satisfied that sufficient time remains to appropriately review the application.

The application for an extension under Section 31(2) is \$25,000.

## 5.2. Amendment Fee

An application for an amendment to a Certificate or an Order may be made under Section 32(1) of the Act or an amendment may be initiated by the EAO under Section 32(5) of the Act.

The EAO has set a fee range for amendments to recognize:

- The various reasons why a Holder may seek an amendment; and,
- The range of complexity that may arise from an EAO initiated amendment under Section 32(5).

The EAO will issue a fee order once the Assessment Procedures and Supplementary Information Requirements are determined.

### 5.2.1. Amendment Fee Levels

In most cases, fees for an amendment will be \$25,000 (typical amendment) unless the reasons for seeking the amendment are administrative in nature, in which case fees payable may be reduced to \$5,000 (simple amendment).

Alternatively, the EAO may decide to increase fees for complex amendments to \$100,000 as a result of anticipated costs to government. If the EAO decides that the amendment is complex and that increased fees are required, they will provide the Holder of a Certificate an opportunity to respond in writing.

The Holder will have up to 14 business days to send a response, indicating their reasons for disagreement. The EAO will consider this response and will either confirm the original decision or decide that a typical amendment fee is more appropriate, given the information provided.

Type of Amendment	Fee Amount
Simple Amendment	\$5,000
Typical Amendment	\$25,000
Complex Amendment	\$100,000

Table 3: Amendment Fee Amounts

This structure is a general guideline, but actual amounts may vary depending on specific circumstances. The Fees Regulation provides for a range of \$5,000 to \$100,000 and the CEO determines the fee amount for each amendment.

See the Amendments Policy, available on the EAO's guidance documents website for the Act, for information on the criteria that will be applied to determine if an amendment is considered simple, typical or complex.

### 5.3. Management Plans

Management plans are typically:

- Required through a Certificate based on the wording in the relevant condition;
- Include groupings of mitigation measures to address a common objective or valued component; and,
- Provided to the EAO for review and/or approval prior to a specific activity or project phase occurring based on the wording in the relevant condition.

Management plans are sometimes also called mitigation plans or monitoring plans. For the purpose of the Fees Regulation, any plan required in a Certificate related to management, mitigation, monitoring, or similar purpose is considered to be a “management plan” subject to the Fees Regulation. Holders should confirm with the EAO which plans will be subject to the fees below prior to providing their plans to the EAO.

When a Holder provides a plan to the EAO for review and/or approval, the EAO must:

- Always review the plan;
- Sometimes engage government subject matter experts or third-party qualified professionals or persons to conduct an independent review; and,
- Sometimes must also approve the plan, often before a specific activity or project phase can commence.

There is a large workload and expense associated with reviewing and approving plans. To address this, the EAO will charge fees for plan review or approval as detailed in the table below.

Action	Fee Amount
Post-certificate management plan review	\$5,000
Post-certificate management plan approval	\$10,000

Table 4: Management Plan Fee Amounts

Please note, only one fee will be charged for each plan. If a plan must be provided for review only and there is no requirement in the condition for the EAO to approve the plan, the fee will be \$5,000. If the plan must be provided to the EAO for review and it must also be approved by the EAO, the fee will be \$10,000. The fee will only be charged when the initial plan is provided for review and/or approval as required by the Certificate. There will be no charge for subsequent revisions or updates as required by the Certificate.

### 5.4. Mitigation Effectiveness Reports

Under the Act the EAO will be introducing a requirement for mitigation effectiveness reports on all new Certificates. The EAO will work with the proponent, participating Indigenous nations, technical advisory committee, and community advisory committee to select a limited number of effects for annual mitigation effectiveness monitoring. The EAO will review the mitigation effectiveness reports when they are submitted to determine if the outcomes identified during the EA are being achieved through the implementation of mitigation measures required by the Certificate.

The fee for mitigation effectiveness reports is \$5,000 each time a final report is submitted.

## 5.5. Post-Certificate Filings

In addition to management plans, Certificates sometimes have requirements for other post-Certificate filings. These include documents that are submitted to the EAO for review and/or approval prior to an action or project phase being allowed to commence. The EAO must review and/or approve these documents. Examples of post-Certificate filings include:

- Review and approval of terms of engagement for monitor positions such as Independent Environmental Monitors, Indigenous Monitors, or other types of monitors;
- Review and approval of terms of reference for committees or tables that are created post-certificate to track implementation of mitigation measures and other items identified through a condition; or,
- Other post-certificate documents that are required by a Certificate and where the EAO is required to review and/or approve before a specific activity or project phase can commence.

The fee for post-certificate filings required by a Certificate is \$5,000 each time a filing occurs. As with management plans, the fee will only be charged when the initial post-certificate filing is provided for review and/or approval as required by the Certificate. There will be no charge for subsequent revisions or updates.

## 5.6. Inspection Fees

The EAO incurs costs to administer the Act when it conducts compliance oversight. To address this, the Fees Regulation includes a fee for inspections conducted under Section 49 of the Act. Inspections are used by the EAO to verify compliance with the Act, its regulations, Certificates and Orders.

Inspection fees are calculated based on the total number of hours required to conduct an inspection. This includes:

- Pre-inspection work such as review of documents;
- Conducting the inspection.
  - This includes inspections conducted in the field and administrative inspections that may or may not have a field component associated with them; and,
- All work required to finalize inspection results and post the inspection results on the EAO's website.

Because inspection fees are based on the total hours required to conduct an inspection, Holders can reduce costs by being responsive to Officers and providing relevant and accurate information promptly when requested.

Action	Fee Amount		
Compliance inspection	0-30 hours	\$0	Within 30 days after the final inspection record(s) is issued for all items inspected against during the inspection
	30-60 hours	\$5,000	
	Over 60 hours	\$10,000	

Table 5: Inspection Fee Criteria and Amounts

## 6.0 FEE WAIVERS

Under Section 2(6) of the Fees Regulation, the EAO has the ability to waive fees after considering:

- The size, scope and location of the project;
- The current condition of the land base on which the project is located; and/or,
- The potential for significant adverse environmental, economic, social, cultural or health effects of the project.

For inspections, the CEAO can waive a fee if the inspection is required as a result of the actions of a person other than the proponent or Holder of a Certificate or Order. This provision has been included in the Fees Regulation to allow the EAO the ability to waive a fee in situations where instances of mischief, sabotage or trespass, are the reason an inspection has occurred and where the EAO determines it is appropriate to waive the fee.

## 7.0 PAYMENT DETAILS

### 7.1. How to Pay

The EAO now offers the convenience of electronic invoicing and your choice of payment methods.

If you would like to pay by Electronic Fund Transfer, please contact: [EAO.AccountsPayable@gov.bc.ca](mailto:EAO.AccountsPayable@gov.bc.ca) to make direct arrangements.

If you choose to pay by cheque, it must be:

1. Made payable to the **Minister of Finance**; and,
2. Remitted within the 30-day interest-free payment period to:

Business Services Coordinator  
Environmental Assessment Office  
PO Box 9426 STN PROV GOVT  
Victoria BC V8W 9V1

### 7.2. Late Payments

Fee orders are posted to the EAO's website along with other legal orders issued under the Act.

Section 3 of the Fees Regulation describes the consequences of not complying with a fee order. If payment of the principle and any interest remain outstanding, the EAO may refuse to continue work on an assessment or application. The EAO may also choose to refuse to consider a future application (e.g., a subsequent application for a Certificate extension).

Your electronic invoice will specify a due date for payment. Payments received on or before the due date will not incur interest charges. Late payments will be subject to the interest charges and other rules set out in the [Interest on Overdue Accounts Receivable Regulation](#).