



September 2025

REVIEW OF THE 2018 ENVIRONMENTAL ASSESSMENT ACT

The Province revitalized the Environmental Assessment Act in 2018 to provide a clear and timely path for responsible resource projects, advance reconciliation with First Nations, increase public engagement and transparency, and deliver stronger environmental protections.

The legislation sets out the responsibilities of the Environmental Assessment Office (EAO) and the process for conducting assessments of major projects proposed in British Columbia, along with monitoring, management, compliance and enforcement activities if a project is granted an environmental assessment certificate.

The new law represented a significant shift in how the EAO works with First Nations, and was the first law in Canada to commit to implementing the UN Declaration on the Rights of Indigenous Peoples.

Implementation of the act

The legislation came into force in December 2019. The EAO, other provincial and federal regulators, proponents, First Nations and local governments now have more than five years of experience implementing it.

This has shown that the new law created a comprehensive and robust assessment process that promotes sustainable economic development while protecting the environment over the life of every project approved, with

meaningful consultation with First Nations throughout.

Though the 2018 act achieved many of the objectives of revitalization, there also have been challenges. Some areas central to the purpose of the act are not fully achieving the outcomes intended, for example decision-making with First Nations, including consensus-seeking and dispute resolution, and predictability of process and timelines.

2018 Environmental Assessment Act

By the numbers

- 18 projects currently actively under assessment
- 3 projects assessed and certified under the new act
- 1 project exempted from the requirement for an assessment
- 64 amendments completed on 32 previously approved projects
- 7 dispute resolutions processes completed with First Nations on three different assessments

Legislated review of the act

The Environmental Assessment Act included a clause requiring the law to be reviewed after five years to make sure it is working well and as intended, and to provide an opportunity to make changes if needed. This could include changes to the act or associated regulations and policies. The review was initiated in 2024.

The review aims to evaluate how effectively the act has created timely and predictable assessment processes for proposed major projects. It will also look at whether the law is consistent with the UN Declaration on the Rights of Indigenous Peoples and with the current direction of the provincial government.



EAO

Environmental Assessment Office



Review preparation



As a first step in the act review in 2024, the EAO carried out preliminary engagement with First Nations, industry associations and government partners to better understand what is and is not working from their different perspectives.

Key areas of improvement identified

Throughout implementation of the act, the EAO has heard consistent emphasis from government, First Nations and industry on the need for a predictable, efficient and effective regulatory system. This applies not only to project approvals, but also post-assessment project changes, monitoring, compliance and enforcement.

Specific topics identified in preliminary engagement as priorities include:

- **From First Nations** – involvement in decision-making; free, prior and informed consent; dispute resolution; capacity and funding; timelines; Indigenous knowledge; Indigenous-led assessments; collaboration.
- **From industry** – reviewable projects regulation; timelines; duplication and inefficiencies; post-certificate process; technical advisory committee roles; Indigenous participation.
- **From government partners** – process timelines; duplication and coordination in regulatory reviews; integrating planning; project notifications and designations; enforcement tools; substantial start criteria.



Preparing to review the act: engagement

Who participated

- **35** First Nations, Indigenous governing bodies & First Nations organizations
- **12** industry groups
- **11** provincial ministries & agencies
- Impact Assessment Agency of Canada
- Union of BC Municipalities

Mandates from government

The Minister of Environment and Parks received a [mandate](#) in January 2025 with direction to support cross-agency work to recognize Indigenous rights and title, safeguard the environment and promote sustainable economic growth. Targeted actions were also mandated, including working with key ministries to expedite authorizations for major projects, and exempting relevant classes of projects from EAO assessments where duplicative or of limited value.

In addition, in May 2025, the provincial government passed the Infrastructure Projects Act. This requires an expedited environmental assessment process for designated priority projects to be developed through a new regulation under the Environmental Assessment Act.

The EAO's response to these mandates has been integrated into the act review.

2018 Environmental Assessment Act

Co-governance with First Nations

The Province and EAO entered into the first two consent-based decision-making agreements under the 2018 Environmental Assessment Act and 2019 Declaration on the Rights of Indigenous Peoples Act, for the assessments of two mining projects.

The EAO also has two collaboration agreements under the 2018 act with two First Nations to work together on future environmental assessments.

These agreements represent concrete steps to advance co-governance relationships with First Nations.



Priorities for the act review

Regulatory predictability, process effectiveness and timelines, and First Nations participation and decision-making, have emerged as central priorities for the act review.

These priorities were informed by: preliminary engagement on the act review; experiences of EAO staff, First Nations and industry with environmental assessments under the new act; direction from government mandates; and on-going consultation with First Nations.

Legal, regulatory and operational changes coming out of the act review will aim to:

- Address pressing implementation challenges
- Improve confidence among all participants in environmental assessments
- Support clarity in decision-making processes with First Nations

Any changes under the act will be developed in alignment with the Province's [interim approach to consultation and cooperation](#) with First Nations under the Declaration on the Rights of Indigenous Peoples Act.



Next steps

Through ongoing consultation and cooperation with First Nations, and engagement with industry, government partners, other stakeholders and the public, the EAO will determine targeted adjustments to strengthen the act and address issues that have arisen from implementation. The EAO will take a sequenced approach to the work, addressing near-term priorities first and then tackling other priority issues.

From fall 2025 through spring 2026, the EAO will consider adjustments to the dispute resolution framework and then work to develop a regulation to enable an expedited environmental assessment process for designated priority projects. Initial legislative and

Areas of focus

Near-term priorities— for action by Spring 2026

- Dispute resolution provisions
- Regulation for expedited environmental assessment process

Medium-term areas of focus — to address from 2026-27

- Framework for First Nations participation
- Approaches to free, prior & informed consent
- Process efficiency & effectiveness
- Types of projects that should be assessed
- Others identified through ongoing engagement

The Province's commitment to alignment with the UN Declaration remains a core pillar. Key provincial ministries, industry, proponents and other groups will also be engaged throughout the act review.

Other areas of focus may also emerge as the review moves ahead.

regulatory changes on these near-term priorities are targeted for spring 2026, to be developed in consultation and cooperation with First Nations.

The EAO will seek to address additional areas of focus as the act review progresses, include the framework for First Nations participation and decision-making in environmental assessments, approaches to First Nations free, prior and informed consent, the types of projects that should be assessed, and ways to make the assessment process more efficient and timely. Other areas of focus may also emerge from ongoing engagement as the act review continues through 2026 and 2027.



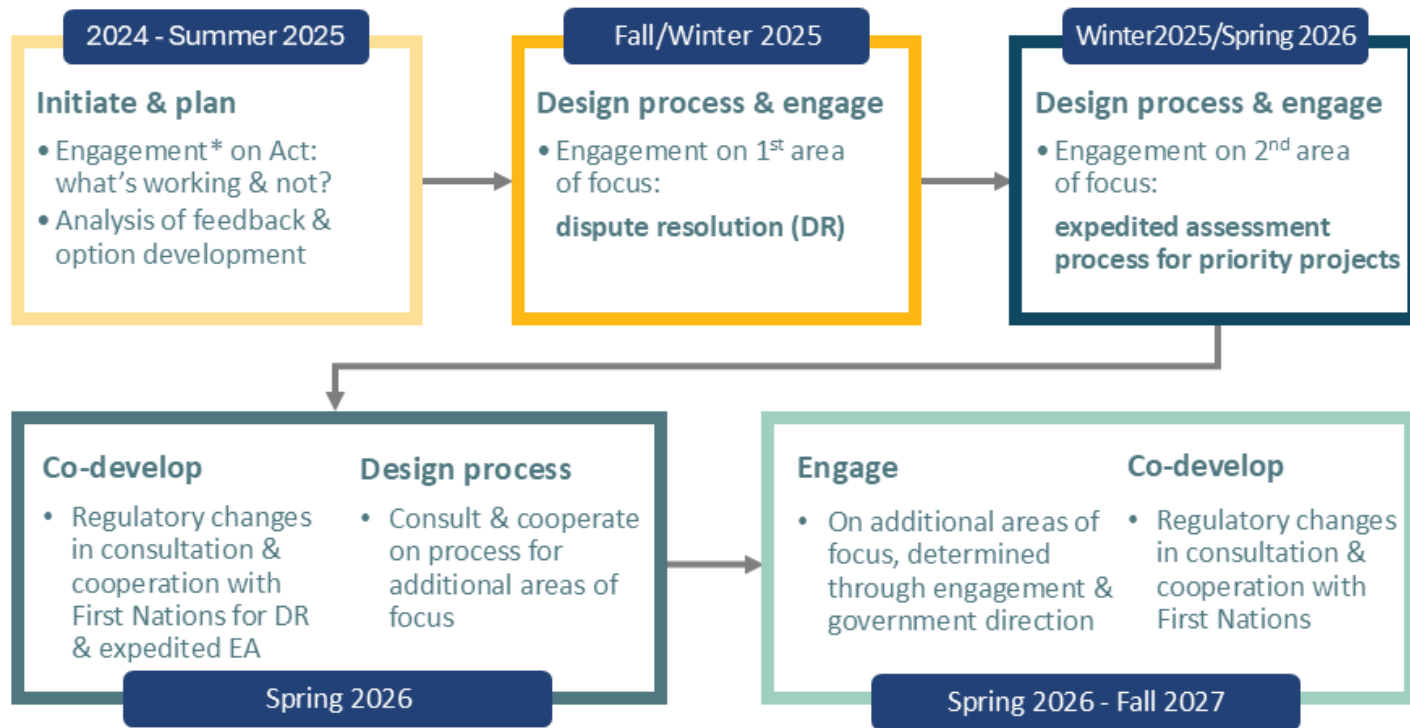
Opportunities to engage

The EAO will provide ongoing opportunities for consultation and cooperation with First Nations and engagement with other groups that have an interest in environmental assessment in the coming months. Details will be posted on the EAO website at:

www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/environmental-assessment-process/act-review

For questions about the act review, including First Nations consultation and cooperation, please email: EAO.ActReview@gov.bc.ca

Act Review - preliminary timeline



* "Engagement" includes consultation & cooperation with First Nations + engagement with government agencies, industry & others

Note: Timelines are estimated and may be adjusted in response to engagement and as policy work gets underway.



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