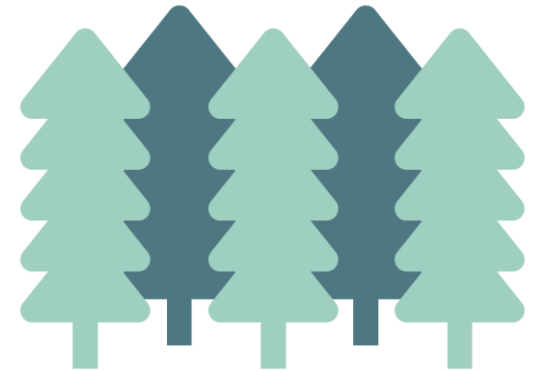


# Dispute Resolution Under the *Environmental Assessment Act*

POLICY IDEAS

CONSULTATION AND COOPERATION

NOVEMBER 18, 20, 25, 2025



**EAO**

Environmental  
Assessment Office



# Today's session: Logistics



## **Use the Chat Anytime**

Share comments or questions throughout.

## **Raise Your Hand**

Pause mid-way and at end for questions.

## **Not comfortable sharing in group?**

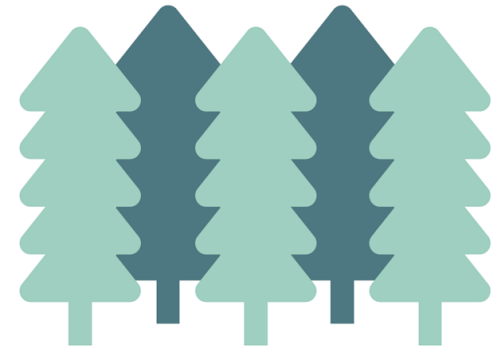
Send your question directly to “Chat Moderator”

## **Your Input Matters**

Feedback may be included in public documents (e.g., engagement summary), without names. Let us know if anything should stay in the room.

## **Technical issues**

Message “Tech issues?” directly in the chat.



# Roadmap for the Session

## Anticipated Time

Welcome, Introductions, Session Logistics

2:00 – 2:10

Recap – Problem Statement and Outcomes

2:10 – 2:20

### Part 1

2:20 – 2:50

- Early Potential Policy Ideas: Revising Dispute Resolution to Achieve Desired Outcomes

*Break (5 minutes)*

2:50 - 2:55

### Part 2

2:55 – 3:50

- Early Potential Policy Ideas: Supporting Consensus-seeking at Relevant Phases of Environmental Assessment
- Early Potential Policy Ideas: Impact to Parties Outside Dispute Resolution

Closing and Wrap Up

3:50 – 4:00

*Let's continue the conversation....*

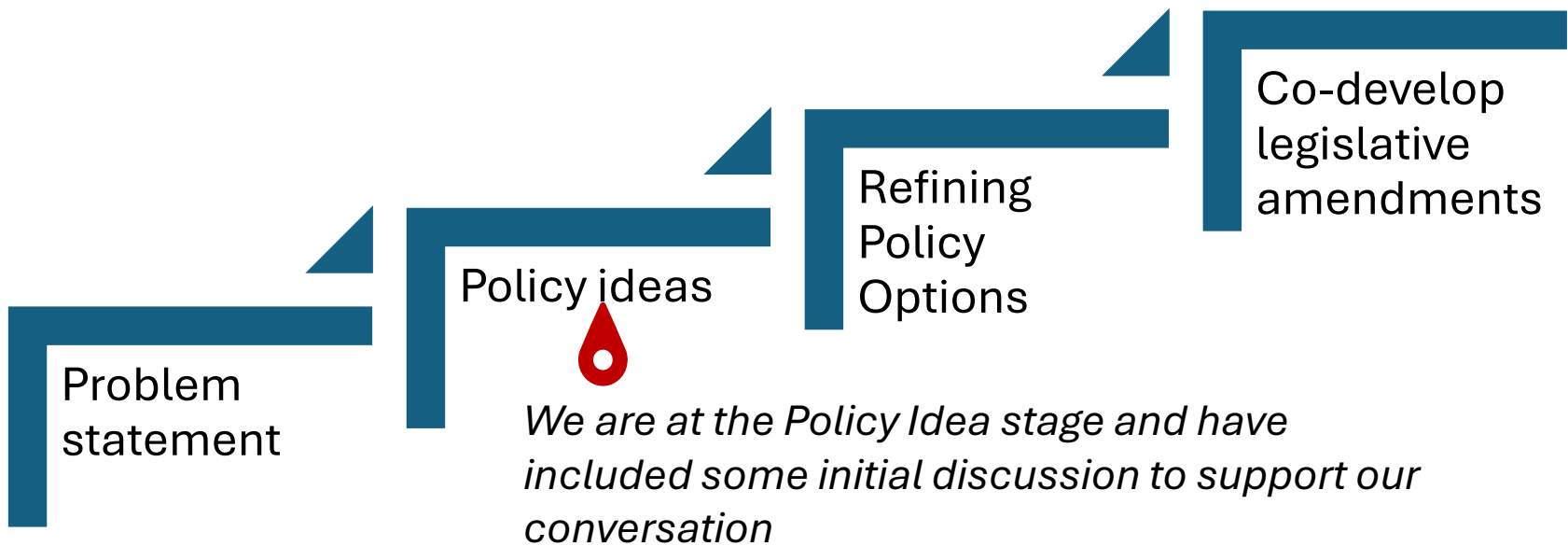


# Context

# Process Design



*Reflects Four Stages of Consultation & Cooperation*



# Dispute Resolution: Objectives, Challenges Outcomes

## Objectives:

- ▶ To reach consensus at specific milestones
- ▶ To support reconciliation through consistency with UNDRIP
- ▶ To support timeline predictability by supporting consensus

## Implementation Challenges

- ▶ Does not effectively support consensus-seeking
- ▶ Ambiguity respecting matters subject to dispute resolution
- ▶ Purpose and appropriateness of confidentiality
- ▶ Viewed as not recognizing the unique rights, laws, and governance of First Nations
- ▶ Has significant impact on EA predictability & timelines

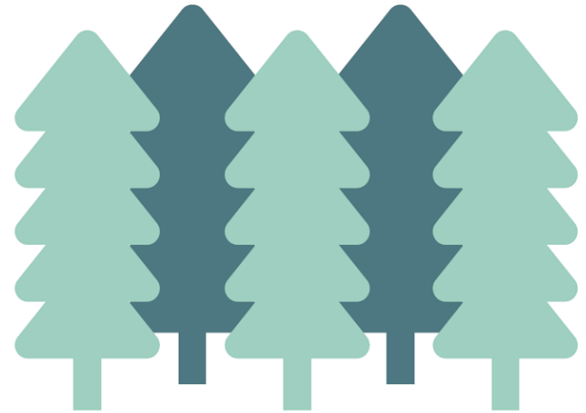
## Desired Outcomes

- ▶▶▶▶ Assist in reaching consensus
- ▶▶▶▶ Provide environmental assessment (EA) process and timeline certainty
- ▶▶▶▶ Support reconciliation
- ▶▶▶▶ Respect First Nations governance
- ▶▶▶▶ Be proportional to potential impact



# Proposed Problem Statement

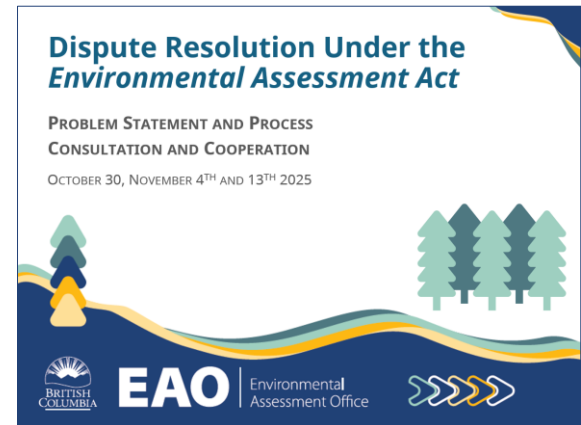
**Dispute resolution under the Act is not achieving the intended outcomes to support consensus-seeking, contribute to reconciliation, and increase environmental assessment predictability. Recent dispute resolution processes point to rising conflicts, extended assessment timelines, and deepening mistrust.**



# Introduction to Policy Ideas

- Implementation experience has identified challenges
- Direction for changes by Spring 2026 to address them
- Want to work in partnership to find path to solve them
- Today: deeper conversation on early policy ideas to help shape revisions to meet desired outcomes, and to support submissions by December 5<sup>th</sup>

*Materials shared previously to support the conversation*



# Early Potential Policy Ideas

# Proposed Outcomes from a Revised Dispute Resolution Regulatory Framework

The EAO has identified five key desired outcomes in a revised dispute resolution regulatory framework

- ▲ **assist in reaching consensus**
- ▲ **respect First Nations governance**
- ▲ **be proportional to potential impact**
- ▲ **provide EA process and timeline certainty**
- ▲ **support reconciliation**

## The Question We Asked:

Do you have any initial ideas on how the current dispute-resolution framework could be revised to achieve the desired outcomes above?



# Policy Ideas

## ▶▶▶ Mutual agreement by parties:

- ▶ A key principle of alternative dispute resolution is to be "voluntary." How could the regulatory framework be designed to support mutual agreement of the parties to enter dispute resolution?

## ▶▶▶ Evaluate when dispute resolution could be most effective:

- ▶ How well do current opportunities for dispute resolution support consensus-seeking?

## ▶▶▶ Differentiated approach to dispute resolution:

- ▶ How might the availability and/or implementation of dispute resolution reflect the distinct and varied title and rights of First Nations participating in the assessment?

## ▶▶▶ Proportionate to potential impact:

- ▶ How might proposed project's predicted impact on a Nation's title and rights inform the availability of dispute resolution?



# Consensus Seeking & Dispute Resolution

Dispute resolution was included in the Act to support reaching consensus at key decision points in an assessment process. The intent was that dispute resolution is available at each of these points to help address specific issues relevant to the specific assessment phase:

- ▲ **Readiness** – decision to commence an assessment
- ▲ **Process Order** – decision on scope, procedures, information requirements
- ▲ **Assessment Report and Recommendations** – decision on final materials that will be referred to ministers

## The Questions We Asked:

- How can a revised dispute-resolution framework better support consensus at different phases of the assessment process?
- What suggestions do you have to make dispute resolution at each of these phases more effective?



# Policy Ideas

## ▶▶▶ Define "matters pending decision":

- ▶ Prescribe the specific statutory decisions for which dispute resolution is available to eliminate ambiguity.

## ▶▶▶ Define scope and/or issues for dispute resolution:

- ▶ Issues and/or concerns raised for consensus-seeking may not be resolvable through dispute resolution – e.g., issues outside EAO's jurisdiction to regulate
- ▶ What would be relevant consensus-seeking issues at each assessment phase with opportunity for dispute resolution?

## ▶▶▶ Facilitator requirements:

- ▶ What additional skills or knowledge should a dispute-resolution facilitator have to ensure they are equipped to support achieving consensus (E.g., training on environmental assessment)?



# Parties in the Dispute Resolution Process

Dispute Resolution under the Environmental Assessment Act is a facilitated process between two parties. The way it is currently set up, however, affects everyone involved in the environmental assessment.

## The Questions We Asked:

- How can dispute resolution be meaningful and respectful of the parties involved, and minimize unintended effects on others?
- How can dispute resolution be respectful of the diversity of Indigenous laws and traditions and respect participants that are external to the dispute?
- How can dispute resolution be structured to address the interests of parties with divergent or opposing interests?



# Policy Ideas

## Identify roles for other parties outside of the dispute:

- ▶ How should other parties in the assessment (proponent, other participating Indigenous nations, ministries) be involved in the dispute-resolution process?
- ▶ How can we balance the publicly transparent regulatory process with potential need for government-to-government dialogue?

## Clear and predictable timing:

- ▶ Consider setting clear deadlines/timelines for when dispute resolution is available and must end. What factors should influence these timelines?

## What ideas could we consider to support reconciliation in consensus-seeking and dispute resolution?



# Next Steps and Final Questions

# What's Next



## Short term (Nov-Jan):

- ▶ Feedback from the policy ideas sessions to inform options to consider
- ▶ EAO to bring forward early policy ideas to Government
- ▶ Written submissions from First Nations and other interested parties:
  - **Submit by December 5<sup>th</sup>**
- ▶ Refine policy options to mid-December & into January as needed

## Longer Term (Jan-March):

- ▶ Co-development of legislative changes to begin in new year for Spring 2026 amendments

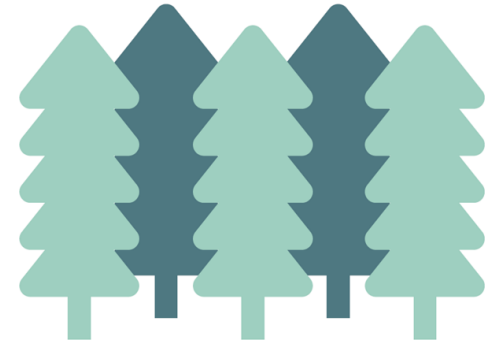


# Ways to stay connected

## Email

Questions, suggestions, requests, submissions

[EAO.ActReview@gov.bc.ca](mailto:EAO.ActReview@gov.bc.ca)



## Website

General information & materials

<https://www2.qa.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/environmental-assessment-process/act-review>



# Thank You