

Certificate Extension Guide

VERSION 1.1

DECEMBER 8, 2025



EAO

Environmental
Assessment Office

Version Control History

Version #	Date (YYYY-MM-DD)	Modification
Version 1.0	2020-04-22	Original document
Version 1.1	2025-12-08	Additional guidance regarding Holder engagement with First Nations and consensus-seeking; updated terminology related to First Nations Extension application changed to 10 months minimum submission time; clarifications added to process steps

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.

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ABBREVIATIONS

the Act	<i>Environmental Assessment Act (2018)</i>
CEAO	Chief Executive Assessment Officer
EA	Environmental Assessment
Certificate	Environmental Assessment Certificate
EAO	Environmental Assessment Office
TAC	Technical Advisory Committee
VC	Valued Component

DEFINITIONS

Certificate Holder: The holder of an environmental assessment certificate.

Indigenous Interests: Refers to rights recognized and affirmed by Section 35 of the Constitution Act, 1982, including Treaty rights and Aboriginal rights and title that may be impacted by a proposed extension of a project Certificate as well as other matters of interest to a participating Indigenous nation under Section 25(1) of the Act that may be affected by a proposed project.

Technical Reviewer: Members of appropriate regulatory agencies, other governments agencies, parties represented on the original Working Group or Technical Advisory Committee (TAC) from a project assessment, as appropriate. The Working Group or TAC is the forum for the detailed, independent technical review of the proponent's documents and technical studies relating to an environmental assessment certificate application.

Valued Component: Components of the biophysical and human environment that are considered by the public, Indigenous nations, the proponent, government agencies, or scientists and other technical specialists involved in the environmental assessment process to have scientific, ecological, economic, social, cultural, archeological, historical, or other importance.

INTRODUCTION

This document provides guidance for Environmental Assessment Certificate (Certificate) holders to apply for an extension to the substantial start deadline in their Certificate pursuant to the [Environmental Assessment Act \(2018\)](#) (the Act), specifically [Section 31](#). The primary intended users are Certificate Holders. Other participants in extension processes, such as First Nations, technical reviewers, or the public may also use this guide to understand their roles, responsibilities, and process requirements.

Under Section 31(1) of the Act, if a project has not been substantially started by the deadline in the Certificate, the Certificate expires. Under [Section 31\(2\)](#) of the Act, a Certificate Holder can apply to the Chief Executive Assessment Office (CEAO) of the EAO for an extension to the deadline by which the project must be substantially started. The fee for an extension application is \$25,000, as described in the [Environmental Assessment Fees Regulation](#).

The CEAO, on one occasion only, can extend the deadline by not more than five years. The CEAO may add new conditions to the Certificate or amend existing conditions at the time an extension is granted. The scope of the extension process is to be focused on identifying novel changes since the issuance of the Certificate, and any changes in the anticipated effects of the Project associated with those changes since issuance of the Certificate. Pursuant to [Section 31\(5\)](#) of the Act, before making a decision with respect to an extension, the EAO must seek to achieve consensus with participating Indigenous nations.

Certificate extensions cannot be granted after the expiry of a certificate. If a certificate extension is granted, the project must be substantially started by the new deadline or the certificate expires pursuant to [Section 31\(6\)](#) of the Act. In the case of an expired certificate, any conditions related to reclamation or decommission remain in effect, and new conditions related to reclamation or decommissioning may be added pursuant to [Section 31\(8\)](#) of the Act.



Figure 2: Extension Application Review Process

Step 1 – Initial discussion

Prior to submitting a Certificate extension application, Certificate Holders should [contact the EAO](#) for an initial discussion about status of the project and the extension process. As a result of that conversation, the EAO will determine if a certificate extension application is necessary and for how many years the extension may be needed. The Certificate Holder and the EAO will also discuss whether there will be sufficient time to consider and process an application before the substantial start deadline.

Section 38 of the Act allows the minister or CEO to impose a time limit for doing anything under the Act. If it's considered appropriate in the circumstances, a time limit can be imposed regarding the submission of an extension application.

Important: An extension application should be submitted at least ten months prior to the certificate expiry date in order to allow sufficient time for the application to be considered.

Prior to submitting an application, the Certificate Holder should begin engagement with First Nations and any appropriate review parties or government agency representatives. Certificate Holders should refer to the [EAO's website](#) or contact the EAO and First Nations directly to obtain further information about the Nations' interests specific to a project.

The Certificate Holder should begin working with First Nations to:

- Build an understanding of each First Nation's Indigenous interests, and how those interests may be adversely affected by the proposed extension;
- Identify if new information exists in the region that may change the understanding of impacts on Indigenous interests; and
- Identify each First Nation's decision-making processes and information needs in relation to the extension application so those can be included in the application.

Certificate Holders are strongly encouraged to share a draft application with First Nations prior to submission to the EAO to ensure it includes the specific information needs of each First Nation. Certificate Holders should track concerns raised through an issues tracking document (summarizing the documents provided and to whom, any feedback received and how the feedback was addressed) and an engagement log that tracks how and when a First Nation or other reviewer has been contacted. The EAO encourages applicants to provide these documents along with their applications.

Step 2 – Application Development and Submission

The extension application must be submitted to the CEO. The extension application from the Certificate Holder must include:

- Certificate #, project name, and name of Certificate Holder;
- Statement of why the Certificate Holder is seeking a Certificate extension and why project development is delayed;
- The length and expiry date of the original Certificate and any reasons given for that length;
- A description of work the Certificate Holder has done to advance the project;
- A description of plans with timelines the Certificate Holder has for advancing the project if the Certificate is extended;
- Detailed engagement information (with whom, when, how, what was heard and Certificate Holder response(s)) including from First Nations, stakeholders, and government agencies; and

- Any new information that has come to light since the original Certificate was granted that could require additional conditions in the EAC, including an analysis of whether the new information may change the characterization of potential effects in the original EA. This could include (but is not limited to):
 - New scientific, technical, or regulatory information (e.g., new data for a key valued component (VC) or a new best management practice);
 - Physical changes to the airshed, watershed, landscape, community, or equivalent (e.g., reintroduction of salmon to a watershed, new sources of air pollution not contemplated in the original EA);
 - Previously unknown or undetected effects (for example, a VC that was not a key concern during the initial EA has had a substantial change in condition that makes it a key concern presently); or
 - New information regarding potential impacts to First Nations and their s. 35 rights.

Fees:

Typically, within 30 days of receipt of an extension application, a fee order and an invoice will be issued to the Holder. The fee for an extension application is \$25,000. The fee order will be posted on [EPIC](#) soon after it is issued. See the [Fee Guideline](#) document on the EAO's website for further information.

Step 3 – Participating Indigenous Nations Identification

In this step, the EAO will confirm which First Nations will be participating Indigenous nations for the extension application review process. Participating Indigenous nations are afforded procedural rights in the Certificate extension process. Consensus with participating Indigenous nations is sought throughout the Certificate extension process. Limited EAO capacity funding is available. Certificate Holders are expected to provide additional capacity funding.

For projects with a Certificate issued under the Act, the list of participating Indigenous nations will usually be the same participating Indigenous nations for the original EA. However, in some cases, this may vary on the type and potential effects of the extension and the Crown's evolving understanding of the nature of s. 35 rights of First Nations in the project area.

Prior to the 2018 Act, former EA Acts in B.C. did not identify participating Indigenous nations. As such, for projects with a Certificate issued under a former Act the EAO will work collaboratively with First Nations to understand how their rights and interests may be potentially affected by a Certificate extension. Identification and confirmation of the participating Indigenous nations for the Certificate extension application and specific requirements regarding engagement with First Nations will be determined by the EAO.

Additionally, the EAO will discuss the extension process with the participating Indigenous nations to understand any information requirements needed to support consensus seeking.

Step 4 – Further information and supplementary materials (if required)

The EAO may circulate the extension application to participating Indigenous nations and appropriate technical reviewers to conduct an initial review of the application to determine if any further information, engagement, or supplementary materials are required to understand the potential effects of the extension. The EAO may ask reviewers at this point if new information has come to light since the original Certificate was granted that could require additional information to understand the potential effects of the extension.

The EAO may then request the Certificate Holder to provide further information and/or conduct further engagement to supplement the extension application. If there is new information about previously unknown or undetected effects (e.g., a VC that was not a key concern during the initial EA has had a substantial change in condition that makes it a key concern

presently), the Holder may be asked to provide an assessment and conclusions and identify potential mitigation measures based on the new information that has come to light since the Certificate was issued. This may include, but is not limited to, updated modelling, reporting, and analysis.

Step 5 – Application Reviewed

Once the EAO is satisfied that the extension application is complete and any further information and supplementary materials have been submitted, the application and any additional information and supplementary materials (if required), will be posted to the public EPIC website and circulated to participating Indigenous nations and technical reviewers for review.

The EAO Project Lead will set the review timelines when the application is distributed, which would typically be three to five weeks, depending on the size and timing of the application. The EAO may request specific information from reviewers, such as:

- Do you have comments on the Certificate Holder’s reasons or additional information to provide on why the project development has been delayed? And what work the Certificate Holder has done to advance the project?
- Are the original reasons, if provided, for the length of the original Certificate still applicable?
- Has the Certificate Holder engaged you or your organization since the issuance of the Certificate, including in relation to management plan development, and do you have any additional information to provide or comments on the Certificate Holder’s engagement?

Any comments received on the extension application will be circulated to the Certificate Holder for response. The Holder should use a tracking table to organize the comments and responses (using a template provided by the EAO).

The EAO Project Lead may include a public comment period during the review of the extension application, if there may be strong public interest in this process.

Step 6 – Draft extension report and recommendation developed

The EAO will then prepare an extension report for the CEO that includes a recommendation on whether to grant the extension including any appropriate changes or additions to the Certificate (including to the conditions or certified project description). The EAO may, as appropriate, circulate a draft of the extension report to the Certificate Holder, participating Indigenous nations and technical reviewers. The EAO will consider comments received and seek to resolve issues as required while revising the report as appropriate. Where appropriate, the Certificate Holder will be given an opportunity to respond.

Changes to Certificate Conditions

In determining whether additional conditions are appropriate, the EAO will take into consideration, amongst other things, potential new significant adverse effects and relevant new statutes, regulations, case law, policy, practices or guidelines that have arisen since the granting of the Certificate. Additional conditions will require an amendment to the Certificate and may be added to the Certificate by the CEO at the time of an extension, under [Section 31\(4\)\(a\)](#) of the Act. The CEO may also amend the Certificate under [Section 32\(5\)\(d\)](#) of the Act. Any Certificate amendment procedures will typically take place concurrently with the extension application review process.

The EAO will seek to achieve consensus with participating Indigenous nations on the draft extension report and the recommendation on whether to make the extension (including any changes or additions to the Certificate). Consensus-seeking at this stage is aimed at resolving any outstanding matters pertaining to new information regarding potential impacts to First Nations and their Indigenous interests.

Matters of consensus and non-consensus from participating Indigenous nations will be documented in the final extension report to inform the decision-maker. See the EAO's [Guide to Consensus-Seeking](#) for more information on documentation of consensus.

Step 7 – Report finalized and decision

The EAO will refer the extension report, including any recommended changes to the Certificate, to the CEAO for decision. The CEAO will determine whether to grant an extension of the deadline specified in the Certificate and, if so, whether additional or revised conditions are included.

Following the decision, the Certificate Holder and participating Indigenous nations will be notified of the decision, which may include reasons provided by the CEAO. Documents related to the decision will be posted to EPIC.