



Issue Resolution Protocol Policy and Procedures

MAY 12, 2026



EAO

Environmental
Assessment Office



Issue Resolution Protocol Policy and Procedures

BACKGROUND

The concept of an issues resolution protocol was established through the 2026 amendments to the Environmental Assessment Act, 2018 (the Act). It is a tool to support the Environmental Assessment Office (EAO) and participating Indigenous nations in resolving complex issues related to a reviewable project during an environmental assessment.

The purpose of this policy is to outline the actions to develop an issues resolution protocol:

- Describing the objectives, scope, and process for discussing and developing an issue resolution protocol;
- Identifying circumstances where other models may apply; and,
- Providing a template as a common starting point.

This policy also provides a Standard Protocol that will apply, where a participating Indigenous nation agrees to it or where a project in the environmental assessment (EA) process as of April 16, 2026, has provided a detailed project description, where a tailored issues resolution protocol is not in place.

OBJECTIVES OF AN ISSUES RESOLUTION PROTOCOL

The objectives of an issues resolution protocol between a participating Indigenous nation and the EAO are to:

- Offer a clear, structured process to identify, elevate, and resolve complex issues that may affect a participating Indigenous nation and their rights under section 35 of the [Constitution Act, 1982](#);
- Align how issues are resolved between EAO processes and Indigenous nation's governance systems; and,
- Establish expectations for roles and responsibilities.

TRANSITION PROVISIONS

Under Section 78.3 of the Act, the **Standard Protocol** applies to all projects where a Detailed Project Description has been submitted to the Chief Executive Assessment Officer (CEAO) under Section 15(1) as of April 16, 2026. The Standard Protocol to be used is in **Appendix A**.

Relationship between Issue Resolution and Dispute Resolution

The Issue Resolution Protocol supports consensus-seeking at any stage of the EA process. If issues remain unresolved, dispute resolution is available as a separate, facilitated mechanism at defined phases. See **Appendix B**.

See [Dispute Resolution Policy and Procedures](#).

The **Standard Protocol** is a prescribed Issue Resolution Protocol that applies to transition projects per Section 78.3 of the Act and may be used as guidance for a tailored Issue Resolution Protocol.

ENTERING AN ISSUE RESOLUTION PROTOCOL DISCUSSION

An Issue Resolution Protocol is intended to be developed near the beginning of an environmental assessment to support timely resolution of issues¹. Section 18.1 of the Act allows for an Indigenous nation to provide notice to the CEAO indicating an interest in entering into a written issue resolution protocol with the CEAO respecting the assessment of a reviewable project. An issue resolution protocol can rely on the Standard Protocol or it may be tailored by the EAO and a participating Indigenous nation.

Timing

If the Indigenous nation provides notice the same day as the Indigenous nation provides notice under Section 14(1) regarding being a participating Indigenous nation, the CEAO, or delegate under the Act, must enter into discussions with the Indigenous nation respecting the terms of an issue resolution protocol.

If the issue resolution protocol notice is provided on a day other than the day the Indigenous nation provides notice, regarding being a participating Indigenous nation under Section 14(1), the Standard Protocol will be available and the CEAO may, but is not required to, enter into discussions regarding a tailored issue resolution protocol.

CONSIDERATIONS

For an Issues Resolution Protocol to be an effective tool, it is intended to be agreed by the participating Indigenous nation and the EAO. The considerations for why the CEAO may not enter into discussions on an issue resolution protocol, pursuant to Section 18.4, may be:

- Timing of the request in the environmental assessment process, for example if notice is provided after the early engagement phase of the environmental assessment;
- Involvement of the participating Indigenous nation in the environmental assessment up to that point, for example not involved at all or involved in a different way such as through an agreement;
- Any extenuating circumstances provided by the participating Indigenous nation; and,
- Other tools in place to resolve issues, for example existing applicable agreements.

An Issue Resolution Protocol is a written protocol entered into as a result of discussions between the EAO and a participating Indigenous nation under section 18.1 of the Act.

If the CEAO chooses not to enter into discussions on an issue resolution protocol, the CEAO will provide written notice of their decision, including their considerations and the views of the participating Indigenous nation.

If the CEAO chooses not to enter into discussions, then the Standard Protocol could still apply if agreed to by the CEAO and the participating Indigenous nation. The EAO's consensus seeking obligations remain under the Act.

¹ *Italicized text in this document denotes policy intent to support the implementation of an Issue Resolution Protocol under the Act and provides contextual guidance for the procedures set out in this document.*

DEVELOPING ISSUE RESOLUTION PROTOCOL TERMS

Under the Act, an Issues Resolution Protocol includes common elements to support consistent and effective implementation, while remaining adaptable to participating Indigenous nations' governance systems.

According to Section 18.1(5), the issue resolution protocol must, at a minimum, include terms respecting:

- i. the establishment of a technical table;
- ii. the establishment of a leadership table; and,
- iii. a process for escalating an issue from a technical table to a leadership table.

Beyond these three minimum requirements, the scope of discussions should be focused on consideration of the Indigenous nation's governance, protocols, and procedures into the issue resolution protocol. The scope of discussions does not include broader matters, such as the development of an alternative model for issues resolution, joint decision-making, or the addition of issues that are not directly related to the environmental assessment.

When developing the issue resolution protocol terms, the CEAO expects the Standard Protocol as a starting place to support discussions respecting the terms of an issue resolution protocol.

If the CEAO and the participating Indigenous nation do not agree on the terms of an issues resolution protocol, then the Standard Protocol can apply if agreed to by the CEAO and the participating Indigenous nation.

The issue resolution process is meant to support issue resolution within the legislated timelines of the environmental assessment. Any issue resolution discussions that are relevant to an environmental assessment phase must conclude prior to the end of the legislated timelines for that phase. In order to support resolution of issues prior to the conclusion of the environmental assessment, in the Effects Assessment phase it is recommended that the Technical Table will identify any outstanding issues to be elevated to the Leadership Table at least 90 days prior to the end of the phase.

A **Technical Table** is a forum in which representatives of the EAO and a participating Indigenous nation discuss and attempt to achieve consensus on issues related to a project's environmental assessment.

A **Leadership Table** is a forum in which senior representatives of the EAO and a participating Indigenous nation discuss issues escalated from the technical table to attempt to achieve

SCOPE OF ISSUES FOR RESOLUTION

Issue Resolution Protocols are intended to address complex issues within the EA process, and not all issues that may arise will be appropriate for resolution through an issue resolution protocol.

The following list outlines the eligible and ineligible issues within scope of an issue resolution protocol.

Eligible Issues

- Issues pertaining to the potential effects of a reviewable Project on a participating Indigenous nation and their Section 35 rights.

Ineligible Issues

- Issues that are not germane to the environmental assessment and are beyond the jurisdiction of the environmental assessment process to address;
- Elevation of issues to the leadership table that were not subject to consensus-seeking efforts by the technical table; or,
- Issues that are not applicable to the reviewable project being assessed.

APPLYING EXISTING ISSUE RESOLUTION PROTOCOLS

The Act establishes Issue Resolution Protocols as project-specific tools.

Where appropriate, a participating Indigenous nation and the CEAO may consider re-using or adapting an Issue Resolution Protocol that was previously developed on another project.

In addition, where there are already existing issues resolution processes established with a participating Indigenous nation, such as in other agreements or treaty, then the CEAO and the participating Indigenous nation may agree to follow that process.

APPENDIX A: STANDARD PROTOCOL

Background

The environmental assessment process is intended to support Indigenous nations in making informed decisions in relation to projects that may affect them.

The Environmental Assessment Act, 2018 (the Act) incorporates consensus-seeking with participating Indigenous nations throughout the EA process.

The Act supports B.C.'s commitment to implement the UN Declaration on the Rights of Indigenous Peoples through a process that recognizes the inherent jurisdiction of Indigenous nations, the right to self-determination, and upholds free, prior and informed consent related to project decisions.

The Standard Protocol is intended to support EAO's purpose in carrying out assessments in a thorough, timely, transparent and impartial way.

Purpose

This document provides a framework for the EAO and a participating Indigenous nation to work collaboratively to resolve complex issues in relation to the environmental assessment of a reviewable project, and the potential for impacts from the project on a participating Indigenous nation and their rights within the legislative framework of the environmental assessment.

Tables

- Technical Table
- Leadership Table

Technical Table

The Technical Table is comprised of representatives actively involved in the environmental assessment:

- Representatives of the participating Indigenous nation
- Members of the project team from the EAO.

They will:

- Carry out their respective responsibilities during the environmental assessment;
- Participate in the environmental assessment of the reviewable project to support decision-making of their respective decision makers;
- Seek to resolve issues and achieve consensus in a timely manner and at key milestones in the environmental assessment; and
- Identify any complex unresolved issues pertaining to potential effects to the participating Indigenous nation and their section 35 rights to be escalated to the Leadership Table

Leadership Table

The Leadership Table will be made up of:

- Leadership representatives of the participating Indigenous nation; and,
- Leadership representatives of the EAO.

They will:

- Endeavour to resolve issues referred to it by the Technical Table; and,
- Consider and make recommendations for resolving issues or document unresolved issues, and provide those to their respective decision makers.

Involvement of Other Participants

The EAO and participating Indigenous nation acknowledge that there may be value inviting other participants to support the issue resolution process. If a party wishes to invite another participant, they will inform and solicit the views of the other party in advance.

Process for Escalating Issues from Technical Table to Leadership Table

The issue resolution process is meant to support issue resolution within the legislated timelines of the environmental assessment. Any issue resolution discussions that are relevant to an environmental assessment phase must conclude prior to the end of the legislated timelines for that phase.

In order to support resolution of issues prior to the conclusion of the environmental assessment, in the Effects Assessment phase the Technical Table will identify any outstanding issues to be elevated to the Leadership Table at least 90 days prior to the end of the phase.

Step 1: Identification of Issues

The Technical Table will:

- Use a shared document to track outstanding issues;
- Make reasonable efforts to resolve outstanding issues, including discussing potential solutions, as they arise;
- Document any issues where consensus was not reached; and,
- Discuss if outstanding issues would benefit from Leadership Table involvement.

Step 2: Initiation of Escalation

- If the members of the Technical Table agree to elevate any of the outstanding issue(s) to the Leadership Table, an Issue Notification will be sent jointly by the Technical Table to the Leadership Table outlining the issue(s), all relevant information, including why the issue(s) are considered eligible, and potential solutions. Issue(s) will not be elevated if the Technical Table members do not agree to do so. The format of the Issue Notification should be structured as precisely and succinctly as possible to assist the Leadership Table in understanding the issue and does not need to be a formal document.

Step 3: Leadership Consideration

The Leadership Table will:

- Consider the suggested potential solutions provided by the Technical Table in the Issue Notification;
- Develop any additional potential solutions; and,
- If one or more of the suggested potential solutions provided is agreeable to the EAO and the participating Indigenous nation, then the issue may be considered resolved.

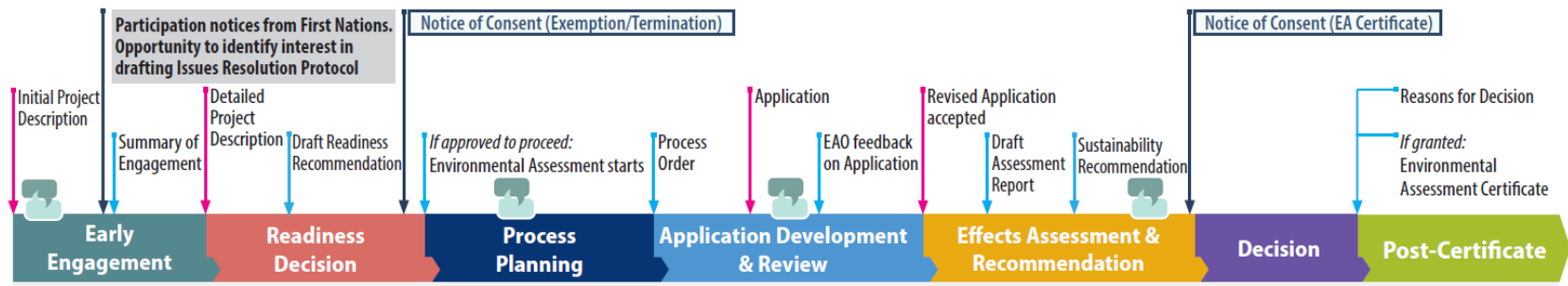
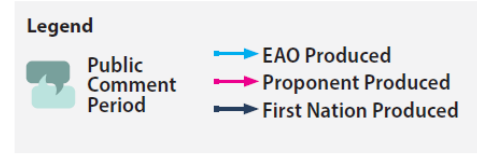
Resolution

- Resolved and unresolved issues at the Technical Table will be captured in the shared document to track outstanding issues;
- Resolution of issues by the Leadership Table will be captured as a recommendation to the relevant decision maker(s); and,
- If an issue at the Leadership Table remains unresolved by the end of the environmental assessment phase, the non-consensus will be documented and shared with the relevant decision maker(s) prior to their decision on that phase of the environmental assessment.

APPENDIX B: ISSUE RESOLUTION AND DISPUTE RESOLUTION AVAILABILITY DURING THE ENVIRONMENTAL ASSESSMENT PROCESS

Issue Resolution Protocol and Dispute Resolution

Issues Resolution Protocol and Dispute Resolution are available tools to support consensus seeking.



Seek consensus with participating Indigenous nations throughout the process						
Issues Resolution Protocol available to help, if needed						
Dispute resolution available to help, by agreement						
<p>To resolve a dispute about a First Nation's notice to participate in an environmental assessment of a project - s. 14(1)*</p> <p>To resolve a dispute on a CEAO decision that a proposed project would not adversely affect First Nation's rights, preventing designation as a participating Indigenous nation in the assessment - s. 14(2)*</p>	<p>To seek consensus on CEAO decision on whether to proceed with the EA - s. 16(2)</p>	<p>To seek consensus on the CEAO decision to issue a process order (documents setting the scope, methods, procedures and information requirements for the environmental assessment) - s. 19(2)</p>	<p>EAO and participating Indigenous nations seek consensus on whether to accept the proponent's revised application.</p>	<p>Seek consensus on:</p> <ul style="list-style-type: none"> • draft EAO assessment report (which assesses potential project impacts) • draft Environmental Assessment Certificate (EAC) conditions (requirements to address potential impacts) • recommendation by CEAO on consistency of project with sustainability 	<p>Minister offers to meet any participating Indigenous nation whose consent notice differs from the EAO sustainability recommendation, to seek to achieve consensus - s. 29(5).</p>	<p>Seek consensus with respect to the amendment of an EAC or exemption order - s. 32(7)**</p>

*Dispute resolution over this matter is also available to any participating Indigenous nation that has provided a notice of their intent to participate in the assessment under Section 14(1) of the Act. In all other sections of the Act, dispute resolution is available only to participating Indigenous nations or the Chief Executive Assessment Officer (CEAO).

**Dispute resolution is available related to the participating Indigenous nation designation, per s. 14