

Process Planning Guide

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EAO

Environmental
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Version Control History

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Version 1.0	April 2020	N/A	Kevin Jardine, Deputy Minister of Environment and Parks
Version 2.0	May 2026	Updates to plain language descriptions and links. Added Appendix 1 Identifying and Scoping Valued Components, Appendix 2 Identifying and Scoping Indigenous Interests, and Appendix 3 Guiding Questions for Indigenous Interests	Julie Chace, Senior Executive Director Strategic Services and Compliance

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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Acronyms and Abbreviations

Act	<i>Environmental Assessment Act</i> (2018)
B.C.	British Columbia
CAC	Community Advisory Committee
EA	Environmental Assessment
EAO	Environmental Assessment Office
EPIC	EAO's project information centre
TAC	Technical Advisory Committee
VC	Valued Component

1.0 INTRODUCTION

This document provides guidance for carrying out the Process Planning phase of an environmental assessment (EA) pursuant to the *Environmental Assessment Act* (2018) (the Act), specifically [Section 19](#). During the Process Planning phase, the procedures and methods for the assessment as well as roles of all participants and anticipated timelines are established.

The primary users of this guidance will be Proponents of proposed projects. Other participants in a provincial EA, including First Nations and the public, may also use the guidance document to understand the roles, responsibilities and process requirements during Process Planning. This Process Planning Guide is intended to be read and interpreted in conjunction with the Act.

The Process Planning phase begins when the Chief Executive Assessment Officer (CEAO) or delegate, under [Section 18](#) of the Act, decides that the proposed project may proceed to an EA and issues a Notice of Decision (typically referred to as the ‘Readiness Decision’). Refer to the Readiness Decision Guide, found [here](#), for more information on the Readiness Decision phase. The Process Planning phase has a legislated timeline of 120 days following the Readiness Decision and ends with the issuance of a Process Order.

Note: In this document, “First Nation” has the same meaning as “Indigenous Nation” in the Act.

See Figure 1 below for an overview of the EA phases and associated timelines.

B.C. Environmental Assessment Process

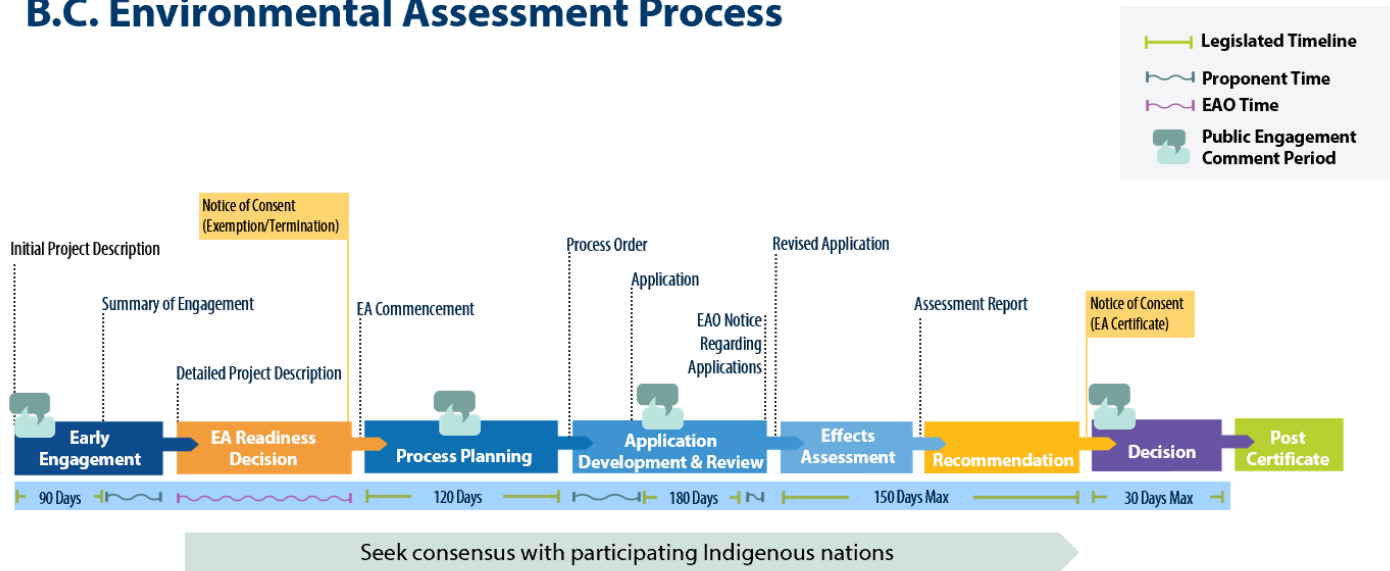


Figure 1. Overview of the EA process and identification of the Process Planning phase within the process

1.1. Purpose of the Process Planning Phase

The purpose of the Process Planning phase is to formalize how the EA will be carried out for the project. The requirements for an EA are outlined in the Process Order and associated documents, and provide details on:

- What facilities and infrastructure will constitute the project to be assessed;
- What information must be provided in the Application by the Proponent;

- How the information must be gathered, including any studies that must be conducted;
- Who must be involved in the EA and how they must be engaged;
- The approximate or anticipated timing of each of the subsequent phases of the EA; and
- How First Nations will participate in the EA, including:
 - The matters that will be assessed in relation to each First Nation (Indigenous Interests);
 - Whether or not a participating Indigenous nation will be conducting a portion of the assessment themselves and the timing by which this portion of the assessment must be completed (see [Section 19\(4\) of the Act](#));
 - The methods that will be used to assess effects on each First Nation (if different from EAO standard methods¹); and
 - Any unique information or study requirements.

The Process Order is developed with input from technical advisors and, through consensus seeking, with participating Indigenous nations. A technical advisory committee (TAC) is formed and a community advisory committee (CAC), if appropriate. The Process Order is issued under [Section 19\(2\)](#) of the Act, at the end of the Process Planning phase.

Achieving the intended outcomes of Process Planning

To optimize the Process Planning phase, the EAO encourages Proponents to:

- As early as possible, inform the EAO of any proposed changes to the [Application Information Requirements](#), having regard for the project's unique circumstances and what was heard during Early Engagement;
- Not change the EAO templates associated with Process Planning without letting the EAO know how things are different;
- Work with First Nations to understand their interests;
- Be flexible when it comes to the EAO's information requests and contact us when there are questions about when and why we are asking for something;
- Carefully review all documents in the Process Order, in particular the draft scope/Schedule A, to confirm the proposed project components and activities.

¹ As set out in the EAO's *Effects Assessment Policy* or a project's Application Information Requirements.

2.0 OVERVIEW OF THE PROCESS PLANNING PROCESS

This section provides more information on the process that occurs during the Process Planning Phase. An overview of the Process Planning process is provided in Figure 2 below.

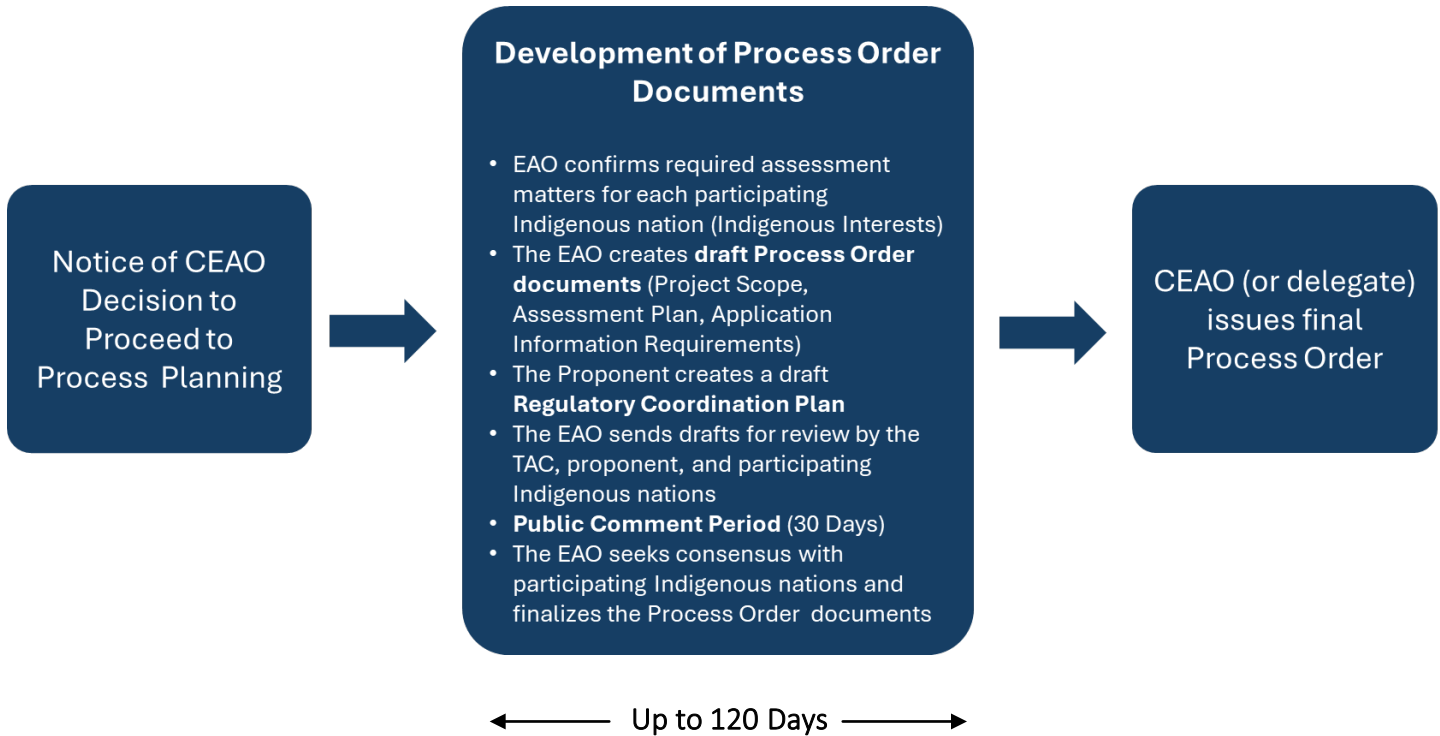


Figure 2. Overview of the Process Planning Phase Process

The **Process Order** is the main regulatory tool that the CEAO uses to establish project specific requirements for the EA process set out in Section 19(2). The Process Order is made up of a **main body of the Order** and three appendices:

1 – Schedule A

Part A – Scope of the Project and the Assessment – outlines the facilities and activities that form the Project and the scope of the potential effects that will be included in the EA

Part B – First Nations – outlines the First Nations who are participating Indigenous nations as well as other First Nations who will be consulted in relation to the EA.

2 – Schedule B – Assessment Plan - outlines how the EA process will be conducted including roles and responsibilities of various parties.

3 – Schedule C – Application Information Requirements (AIR) - establishes the information that a Proponent must provide in its Application.

While not explicitly referenced in the Act, the EAO also typically requests that the proponent provide a draft **Regulatory Coordination Plan** during Process Planning which is updated throughout the EA process. The Regulatory Coordination Plan outlines the required permits for the project and how project-related issues are to be handled, including through the EA, subsequent permitting, or other regulatory processes or government initiatives. This plan helps to provide regulatory

clarity to the Proponent and helps EA participants better understand how the EA process fits within the broader regulatory framework for a project.

The EAO develops the Process Order through engagement with the Proponent, First Nations, technical advisors, and the public.

The information used to develop the Process Order includes the following:

- The Proponent's Detailed Project Description;
- Information provided by the Proponent regarding any proposed changes to standard list of valued components (VCs)² in the EAO's [Application Information Requirements Guidelines](#);
- Information identified by the EAO or the Proponent in consultation with First Nations during Early Engagement, including:
 - Any proposed Indigenous Interests to address, based upon the current understanding of First Nations Section 35 rights and other interests of concern in the area of anticipated direct or indirect effects of the project;
 - Any proposed information or study requirements in relation to Indigenous Interests;
 - Any identified procedural needs or requirements for the EA process; and
 - Any requirements in relation to EAs established in treaties or agreements.
- The EAO's Summary of Engagement issued during Early Engagement under [Section 13\(5\)\(a\)](#) of the Act;
- The EAO's engagement with local governments³ to inform their participation in the EA (for example in the TAC or CAC, timelines), and the structure of any CAC;
- Early engagement with stakeholders and the public informs the design of subsequent public engagement approaches and the role of any CAC; and
- The Readiness Decision, including key issues identified in Early Engagement, consensus-seeking with participating Indigenous nations, and any recommendations resulting from a dispute resolution.

During Process Planning, the EAO also confirms the membership of the TAC and any CAC(s). The roles of these committees are typically set out in the Assessment Plan.

At the end of the Process Planning phase, the EAO issues the Process Order, including its appendices, and posts it to the [EAO's Project Information Centre](#) (EPIC). The Regulatory Coordination Plan is also posted on EPIC, but it can be updated later in the EA when additional permitting requirements or updates to permitting timelines are made.

2.1.1. Undertaking Assessments with First Nations

The effects of a project on First Nations and their rights (Indigenous Interests) must be assessed in every EA (see [Section 25\(1\)](#) of the Act). The assessment of effects to Indigenous Interests is informed by the information provided in the Proponent's application and any additional information that may be provided by a First Nation. Other information collected during the assessment (see [Section 25\(2\)](#) of the Act) also informs the consideration of effects to Indigenous Interests.

The EAO confirms the following requirements with First Nations during Process Planning:

² See Appendix 1 for more information on VCs

³ Local governments include municipalities and regional districts.

- How each First Nation will be involved in the EA including if they will be writing a portion of the provincial Assessment Report under [Section 19\(4\)](#) of the Act;
- How each First Nation will work with the Proponent, and the effects on Indigenous Interests that the Proponent will need to address in its Application (each First Nation may have different interests); and
- The information required from the Proponent in the Application in relation to each Indigenous Interest including any unique study requirements.

In some cases, First Nations may wish to bring forward additional information to inform the Proponent's Application and the Assessment Report. Ideally this should be identified early in the process and described in the Assessment Plan or AIR including an outline of the information to be provided and time by which it must be provided.

2.1.1.1. Indigenous-Led Assessments

It is the EAO's responsibility to ensure there is an assessment of the impacts of a project on each potentially-affected First Nation. In some cases, First Nations may wish to take an increased role in EA processes. The following are some of the common approaches that the EAO can accommodate this under the Act.

Collaboration with the Proponent on the Application

In some cases, First Nations wish to collaborate with the Proponent during the development of the Application. This can include participating in conducting studies or gathering information or, in some cases co-drafting chapters of the Proponent's Application.

The EAO can order the Proponent to involve the First Nation in studies or information gathering and can also order the Proponent to consult with First Nations, including engaging First Nation communities. These requirements would be outlined in the Assessment Plan. The EAO also does not prescribe specific capacity funding requirements for First Nation participation in the Application development including associated studies, but the EAO does expect that Proponents will seek to provide reasonable funding that is proportionate to the work expected from the First Nation.

The EAO also does not compel a Proponent to allow a First Nation to draft chapters of its Application; however, the EAO does encourage Proponents to be responsive to such requests wherever possible. If a Proponent and a First Nation agree to collaborate in this manner, the EAO does not mediate conflicts or disagreements in relation to this collaborative effort including in relation to capacity funding.

Drafting a Portion of the Provincial Assessment Report

Section 19(4) of the Act allows participating Indigenous nations to state that they would like to draft a portion of the Assessment Report. If a participating Indigenous nation decides to do this, the Process Order must state the portion of the assessment to be carried out by the participating Indigenous nation, and the date by which the portion of the assessment carried out by the participating Indigenous nation must be completed.

The portion of the assessment conducted by a participating Indigenous nation under Section 19(4) is typically relates to the assessment of effects of the Project on the Indigenous Interests of the specific Nation, as identified in the AIR. The Assessment Plan identifies the portion of the Assessment Report that the participating Indigenous nation will be writing, and a timeline for completing and submitting it to the EAO (generally no later than day 30 of the Effects Assessment phase). A target timeline for providing drafts may also be included.

It is important to note that Section 19(4) assessments form a part of the assessment, which must meet the requirements of the Act. It is helpful for participating Indigenous nations and the EAO to seek a shared understanding of the methods that will be used including whether these methods are in alignment with provincial requirements. If a participating Indigenous nation's methods deviate significantly from provincial methods, the EAO may need to supplement what has been carried out by the participating Indigenous nation with additional information. Discussions on methods during the Process Planning phase can help to prevent issues arising later in the EA process. The EAO must also provide

supplementary information to the ministers regarding whether or not the EAO believes the duty to consult has been discharged appropriately.

Coordination of the Provincial EA Process with an Independent First Nation-Led Process

Some First Nations have their own EA processes established under their own Indigenous laws. These processes are not regulated by the Act and the EAO cannot compel a Proponent to participate in them. The EAO can however seek to coordinate provincial EA requirements to align with and support these independent processes where possible. This is done under the CEAO's power to set out procedures and methods for the assessment (s. 19(2)(b)) and determine information requirements (s. 19(2)(c)). This coordination typically involves aligning information requirements and timelines and specifying how the outcomes of an independent EA process may inform the provincial process.

The degree to which the EAO will coordinate the provincial EA with an independent First Nation led EA process and how an independent EA will inform the provincial process will vary with the circumstances. The EAO is not obligated to coordinate with independent processes and will consider contextual factors such as the potential for serious and direct effects on the First Nation when determining whether to coordinate.

It is important to note that the requirements and results of these independent processes are not legally binding upon the provincial EA. Timeline extensions or changes to the provincial EA are not guaranteed if there are unforeseen issues or delays in the independent process. The EAO also cannot compel the Proponent to provide funding to support these independent processes.

Conducting Independent Studies

In some cases, First Nations may conduct independent studies of their own in relation to a proposed project. If a First Nation would like an independent study to be considered during an EA, the study may, at the discretion of the EAO, be included in the AIR as an information source that must be considered in the Application or referenced as information that will inform the EAO during the Effects Assessment Phase. The study must be relevant to the assessment of the project being assessed in order to be considered.

The EAO does not regulate studies that are not required from the Proponent in the AIR and conducted under the independent authority of a First Nation. The EAO cannot compel the Proponent to participate in these studies. The EAO also does not fund these studies and cannot compel the Proponent to fund these studies.

The Assessment Plan should identify the timing by which these studies will be completed and when information will be provided. The EA process typically cannot be paused to accommodate delays in the provision of this information.

2.1.2. Public Engagement

The EAO conducts a public engagement period of at least 30 days on the draft Process Order and draft Regulatory Coordination Plan to obtain feedback on these documents. The types of engagement used will depend on the public engagement needs identified during Early Engagement but will, at a minimum, consist of an online comment period on the draft Process Order and the Regulatory Coordination Plan. Other public engagement activities could include public open houses, community workshops, and meetings with interested individuals, organizations or local knowledge-holders.

Refer to the [Public Engagement Policy](#) for further information.

2.2. Amendments to the Process Order

The EAO may amend the Process Order and its appendices, including where new information is presented that alters the scope of the project or the EA, engagement requirements or timelines. The EAO will approach amendments to the Process Order through a consensus-seeking process with participating Indigenous nations and through engagement of the Proponent, with feedback from members of the TAC and any CAC where necessary.

3.0 PROCESS ORDER

This section provides more detail on each portion of the Process Order, which is the set of documents developed and issued during the Process Planning phase.

3.1. Schedule A: Scope of the Project and the Assessment

The CEAO must determine the scope of an assessment under Section 19(2)(a) of the Act. This includes the scope of the project to be assessed (physical components and activities, set out in the order as the Project Description) and the scope of the assessment of effects referred to in [Section 25\(2\)\(a\)](#) of the Act (positive and negative direct and indirect effects of the reviewable project to be assessed, including environmental, economic, social, cultural and health effects, cumulative effects, and Indigenous Interests).

The Project Description includes facilities at the main site of the reviewable project, any of its off-site facilities, and any activities needed to construct and operate the Project. This may include modification of change in the use of existing infrastructure.

In scoping the assessments, the CEAO exercises wide discretion. This will commonly include consideration of the following criteria, amongst others:

- The nature of potential effects in areas of provincial interest;
- The nature of potential effects on First Nations and their rights;
- Any available information regarding public concern with respect to the potential effects of facilities and activities related to matters of provincial interest;
- The geographic extent and temporal boundaries within which it would be reasonable to attribute potential effects to a facility or activity (for example, the extent to which the shipping component of a project in B.C. is scoped in); and
- The extent to which the potential effects of the project would be considered and mitigated through other regulatory and EA processes, including permitting, or strategic or regional EAs (under Sections [35](#) and [73](#) of the Act).

The EAO will generally not revisit the scope determination unless new information becomes available. As described above, the EAO must seek to achieve consensus with participating Indigenous nations on the project components and activities and assessment scope.

3.1.1. Assessments with Federal Government Involvement

To provide the basis for a single comprehensive EA for projects, the EAO will aim to identify a single project and assessment scope with the federal government where it also has the authority to conduct an EA in respect of the project.

3.1.2. Participating Indigenous Nations

The scope of assessment is based in part on the Province's understanding of a project's potential direct or indirect impacts. This understanding guides the Province in identifying which First Nations it has a duty to consult, and only those First Nations are eligible to be participating Indigenous nations in the EA process. An initial list of participating Indigenous nations is shared with the Proponent during the Early Engagement phase in the Summary of Engagement. The final list is confirmed in the Process Order once the scope of assessment is finalized.

The Process Order also identifies any other First Nations who will be consulted but who have not chosen to be participating Indigenous nations.

3.2. Schedule B: Assessment Plan

The Assessment Plan will typically specify:

- Roles and responsibilities for all subsequent phases of the EA including those of the Proponent, the EAO, participating Indigenous nations, the TAC and any CAC;
- Consultation and engagement requirements for the Proponent as they develop their Application including reviews that must be undertaken of information in their application, parties that must be involved or engaged in conducting studies, and timelines by which information must be provided; and
- The process that will be followed for the Application Review and Effects Assessment phases including how the application will be reviewed (for example, review phases, approaches to commenting and seeking additional information), approaches to public engagement (for example, open houses and public comment periods), the role of experts in reviewing application information and the assessment report, and the role of the TAC and any CAC.

In some cases, additional details may be included in the Assessment Plan in relation to:

- Commitments made by the Proponent and participating Indigenous nations regarding collaboration on Application development;
- First Nations that will be writing portions of the Assessment Report (under Section 19(4)) and the timing by which these portions must be completed;
- Any unique procedural requirements to support coordination of the provincial EA with an independent First Nation led assessment; and
- Any unique legal obligations established under Treaty or through other agreements with First Nations.

To support clarity of understanding of complex arrangements with specific First Nations, the EAO may develop a separate First Nation focused plan that outlines procedural expectations for that First Nation. These separate plans do not form a part of the Process Order but help the EAO and participating Indigenous nations to seek consensus on their EA expectations, roles, responsibilities, etc.

The EAO will engage the Proponent, First Nations, and members of the TAC and any CAC in the development of the Assessment Plan to ensure that all EA participants are informed of their roles and responsibilities and are able to commit to the timelines identified.

3.3. Schedule C: Application Information Requirements

The AIR establishes the information that a Proponent is required to provide in their Application for an EA certificate under [Section 27\(4\)](#) of the Act. The AIR includes:

- The Indigenous Interests, VCs and other Section 25 matters to be assessed (required assessment matters);
- The information requirements, sources of information, and methods by which the information needs to be collected or analyzed; and
- Requirements for studies (in some cases including study methods), plans or other documents and the timelines for their development and review.

The EAO encourages Proponents to consider, as early as possible, recommendations on the customization of the project-specific [Application Information Requirements](#), with consideration for the proposed project's unique circumstances and what was heard during Early Engagement. This includes rationale for proposed changes to the standard list of VCs contained in the AIR Guidelines. For more information on VCs, please see Appendix 1. Any proposed changes and supporting rationale may be submitted to the EAO at the time of submission of the Detailed Project Description in Early

Engagement to promote a successful Process Planning phase, given the limited time provided in the Act for Process Planning, namely 120 days.

The EAO also encourages Proponents to work with each participating Indigenous nation to inform the VC selection process and effects to the Indigenous Interests to be assessed for each participating Indigenous nation. For more information on identifying Indigenous Interests, please see Appendix 2.

The EAO considers the Proponent's proposed customization, if provided, and seeks to achieve consensus with participating Indigenous nations on the AIR, including the VCs, Indigenous Interests and associated information and study requirements. The EAO also engages the members of the TAC and any CAC in customizing the AIR Guidelines for each assessment during Process Planning. The EAO involves the Proponent in this customization to help ensure that the required information can be collected and submitted in the indicated timeframe.

4.0 REGULATORY COORDINATION PLAN

The purpose of the Regulatory Coordination Plan is to identify the key required permits for the project and outline how issues that arise in an EA are to be addressed or managed, whether through the EA, subsequent permitting, or other regulatory processes or government initiatives. The Regulatory Coordination Plan evolves from its first creation in Process Planning, through the end of the EA. The Regulatory Coordination Plan supports the coordination of multiple processes to help ensure that issues raised in the EA are broadly understood and managed by the appropriate agencies.

The Regulatory Coordination Plan provides clarity to EA participants, including the general public, regarding:

- The primary permits, licenses and authorizations (regulatory instruments) required for the proposed project;
- The Proponent's anticipated submission dates of permit applications;
- Known Indigenous and public engagement activities associated with the regulatory instruments; and
- Under which authorizations key issues identified in the EA are expected to be addressed, showing how information generated in the EA supports the subsequent permitting or other regulatory process.

The Proponent maintains and updates the Regulatory Coordination Plan throughout the EA through discussions with other agencies, adding details with respect to how issues are or will be addressed through other regulatory requirements or government initiatives specific to the issues raised. When issues arise in the EA that are best addressed by another agency, the Regulatory Coordination Plan tracks these issues and sets out the roles of other agencies in addressing the issue.

The Regulatory Coordination Plan provides staff from other provincial agencies engaged in the EA an early opportunity to understand potential key issues that may need to be addressed during permitting, other regulatory processes or government initiatives. There may also be an opportunity to carry forward relevant information from the EA into those processes. The Regulatory Coordination Plan is intended to be updated at each EA phase and informs the development of a list of issues that are expected to be considered during permitting, other regulatory processes or government initiatives. The list is part of the referral package assembled at the end of the assessment and serves as a helpful hand-off from the EA and the EAO to subsequent permitting processes and government agencies.

APPENDIX 1 – IDENTIFYING AND SCOPING VALUED COMPONENTS

EAs in British Columbia (B.C.) typically use a VC-based framework to promote a comprehensive, yet focused, understandable and accessible assessment of potential effects of a project. These VCs are determined for each Project during Process Planning and are set out in the Process Order.

VCs are used to organize an effects assessment so that the most important potential effects are identified, assessed and mitigated. VCs and their assessment boundaries, including spatial and temporal boundaries, provide the foundation for the effects assessment.

In an EA, VCs are identified based on comprehensive issues scoping and engagement, which reveals the values that may be affected by the project and priorities of First Nations, the public, local governments, provincial and federal government agencies, and stakeholders. Initial identification of VCs begins in Early Engagement with the review of best available knowledge, including science, Indigenous knowledge and local knowledge and as key areas of interest and concern are identified.

To be well-defined and effective, selected VCs must have the following attributes:

- Clearly linked to the values reflected in the issues raised in respect of the project, including environmental, economic, social, cultural and health matters and Indigenous Interests;
- Comprehensive so that, taken together, the VCs selected for an assessment should enable an understanding of the potential effects of the project;
- Representative of the important features of the biophysical and human environment likely to be affected by the project (i.e., there is an effects pathway);
- Responsive to the potential effects of the project; and
- Concise, so that the nature of the interactions between the project and the VCs can be clearly articulated and understood and redundant analysis is avoided.

VCs will vary by project, industry and geographic region, to reflect the nature of the potential project effects and the environmental, economic, social, cultural, health, and Indigenous context within which the project is located. Not every value identified will become a VC. Candidate VCs may be considered through an assessment or may be identified as a pathway for a broader VC assessment. The EAO's [AIR Guidelines](#), which include a standard VC list, should be used as a starting place for the project-specific list of VCs.

Data limitations should not prevent the assessment of a VC for which effects, including cumulative effects, are expected. Where data are not readily available, practitioners may rely on surrogate or modelled data outputs, undertake new data collection, or apply existing scientific, local and traditional knowledge.

VCs that have been identified in the B.C. Cumulative Effects Framework (CEF) or in regional cumulative effects assessments should be chosen over similar VCs that have not, provided they capture the issues of concern identified in the scoping stage and the key functions of the value and are at an appropriate scale. The list of selected VCs will vary for each project to reflect the characteristics of the project and of the region, and context within which it is located. The scoping and evaluation process outlined above is intended to be flexible to meet project-specific requirements.

Sub-components may also be identified for a VC to divide broadly defined VCs and help frame the analysis.

Subcomponents are smaller distinct aspects of a VC that can be used to classify, assess, or characterize the effects

Valued Components (VCs) are parts of the biophysical and human environment that are considered by Indigenous nations, the TAC, any CAC, the public, local governments, provincial and federal government agencies, and stakeholders involved in the EA process to have scientific, ecological, economic, social, cultural, archaeological, historical, Indigenous or other importance.

assessment into meaningful parts. For example, 'wildlife' as a VC may have 'ungulates', 'fur-bearers' and 'birds' as subcomponents.

The EAO seeks input from appropriate technical advisors (government agencies and participating Indigenous nations identified during Early Engagement prior to the TAC being formed in Process Planning) to select appropriate project-specific VCs.

When selecting VCs for assessment, appropriateness is a more important criterion than quantity. The selection of fewer well-defined, meaningful VCs that display the attributes is generally preferable to the selection of more but less appropriate VCs.

When considering whether a VC is relevant to the project, the EAO will consider:

- Is the component present in the local or regional project area? If the component is known to be absent from the project area, it is unlikely to be affected by the project and will not warrant assessment.
- Does the project and its related activities have the potential to interact with and positively or negatively affect the component? A component may occur in the project area, but if the project does not result in some emission, effluent, or other source of effect (direct or indirect) on that component, assessment may not be warranted.
- Have community residents, land and resource users, First Nations or government agencies raised issues or concerns related to how the project could interact with the component?
- Has this component been identified as an Indigenous Interest of a First Nation or as a necessary subcomponent of a broader Indigenous Interest?
- Do changes to the component due to the project and related activities have the potential to affect biophysical factors that support ecosystem function? Such as: habitats supporting ecosystem function; pattern, quantity, size and connectivity of habitat patches; continuation of key natural disturbance regimes; structural complexity; hydrologic or oceanographic patterns; nutrient cycling; purification services; biotic interactions; population dynamics and genetic diversity (Refer to Effects Assessment Guidance on biophysical factors that support ecosystem function for more detailed descriptions of these biophysical factors).
- Is there is a legally binding government requirement (for example, regulation, management framework) already in place to protect the component? Provincial and/or federal regulation, standards, or codes of practice may exist, governing certain types of project activities and/or protecting certain components. Government management plans or policy frameworks may also exist for certain components. Such regulatory frameworks typically have been developed based on a wealth of information and knowledge about the activity and/or component to which the frameworks apply and are intended to avoid potential adverse effects. Additional detailed analysis in the context of an EA may therefore not be needed.
- Does the component reflect a legislative, regulatory, or other requirement or provincial, federal, or Indigenous government management priority (for example, species at risk)?
- Is there potential for adverse cumulative effects on the component (for example, are there known stressors already occurring on the land base that will also affect the component)?
- Would climate change projections or other future activities on the land base result in the inclusion of a component that may have reduced resilience and might not otherwise have been considered in the current state?
- Can the potential effects of the project on the VC be measured and monitored? Is the VC better represented by another VC? In some cases, it may be difficult to measure the key characteristics of a component that may be affected by the project, or to monitor the effectiveness of mitigation designed to protect that component. In such

cases, it may be appropriate to select an alternative component that is likely to experience similar effects which can be mitigated in a similar way but is more easily measured and monitored.

- Can the potential effects on the VC be effectively considered within the assessment of another VC? Sometimes, multiple VCs may be affected by the project in the same or similar ways. In such cases, it may be appropriate to select only one of the VCs for detailed analysis, to avoid redundancy in analysis. For example, members of the same family or group of species may occupy a common ecological niche and display similar ecological functions and requirements. A socio-economic example may include the consideration of one or more land uses within a VC such as Land and Resource Use, instead of separate land use VCs.

EFFECT PATHWAYS

There must also be a linkage to a potential effect, or ‘effect pathway.’ This refers to the cause-effect linkage between a project and components of the biophysical or human environment. Understanding the effect pathways and the interaction between effects helps to clarify the relationship between candidate VCs and can be used to focus the assessment. In some cases, the pathway between a project and a component of the biophysical or human environment is direct, while in others the project may affect the component indirectly, by causing changes in the biophysical or human environment on which the component depends.

It is impractical and unnecessary to assess all effect pathways and all components to understand the potential effects of a project in an EA. It is necessary to identify effect pathways and components of greatest importance and subsequently to select those that are best suited for assessment (including those that have the key attributes set out on page 16). When selecting a suite of VCs for assessment, the EAO strives to ensure that important effect pathways and components are represented, either directly or by proxy (for example, represented by another component) and key ecological, economic, or socio-cultural system linkages are not overlooked.

Example of an effect pathway

Instream work may cause mortality of fish directly through stranding, entrainment, or other means. The instream work may also cause mortality of fish *indirectly* by reducing fish health and reproductive success through the degradation of water quality. For example, road work may change hydrologic patterns and *indirectly* result in degradation of habitat and water flow.

Effects pathways can be used to focus the assessment and identify appropriate VCs. There may be cases where a candidate VC may not be selected as a VC, but the pathway effects would still be assessed under other VCs. For example, benthic invertebrates may not be a VC if Fish and Fish Habitat is a VCs or fishing may not be a VC if Land and Resource Use is a VC. The assessment on benthic invertebrates and fishing would still occur as this data are required for assessment of the receptor VC.

INDICATORS

Indicators represent an aspect of the VC that is important to its integrity and can be used to understand and evaluate the potential effect of the project on the VC. Indicators are qualitative or quantitative metrics used to assess and report on the condition and trend of a VC and should be clearly identified in order to better understand the interactions between the project and the selected VC. Parameters may be used to provide a means to determine the level or amount of change in an indicator and facilitate quantitative or qualitative measurement of potential effects. To be effective and useful, indicators must have the following attributes:

- Relevant: Relate directly or indirectly to the selected VC;
- Practical: There must be a practical way to evaluate the indicator, using existing or achievable data, predictive models, or other means;

- Measurable: The measurement of the selected indicator must generate useful data that inform our understanding of the potential effect on the VC;
- Responsive: To the potential effects of the project;
- Accurate: In reflecting changes to the VC; and
- Predictable: In terms of their response to the project⁴.

Indicators may directly measure the condition of the VC (state indicators, or metrics used to directly measure and report on the condition of a component) or the pressures affecting the VC (pressure indicators, or metrics used to measure and report on processes that act upon or influence the condition of a component). Scientific, Indigenous and local knowledge should be used in selecting relevant indicators for a VC. In some cases, indicators selected for the assessment of cumulative effects may be different than the indicators selected for project-level effects assessment, to reflect the scale of the cumulative effects assessment boundary.

Where possible and appropriate, indicators should be chosen that align with indicators used in provincial initiatives including the [B.C. CEF](#). Selection of these same indicators will allow for supporting data and benchmarks already developed for those indicators to be used in the assessment of project-level effects, including cumulative effects. Project assessment results for these indicators can improve the province's knowledge base informing regional cumulative effects initiatives. See the example below.

EXAMPLE OF HOW THE PROVINCIAL CUMULATIVE EFFECTS FRAMEWORK CAN INFORM THE SELECTION OF PROJECT SPECIFIC INDICATORS

The B.C. CEF assessment protocol for grizzly bear describes several indicators selected to reflect the key factors affecting the condition of grizzly bear populations and habitat. When the provincial assessment protocol was used to assess the condition of grizzly bear in the northeast, regional experts recommended that resource managers focus management attention on the most precise and relevant indicators for the northeast context: Core security areas, hunter day density, road density and quality habitat protected. Except for hunter day density, these indicators were developed by applying geographic data analyses to provincial mapping data reported at the landscape unit scale. Hunter day density relied on provincial data available at the wildlife management unit scale derived from hunter questionnaires and guide outfitter declarations.

An EA considering grizzly bear as a VC or as a sub-component of a Wildlife VC might assess project effects using relevant indicators described in the CEF assessment protocol for grizzly bears. For example, indicators for effects to grizzly bear may include indicators such as habitat capability, core security habitat and road density. In addition, project-specific indicators such as proximity of grizzly bear habitat to project infrastructure may be used to capture the potential impacts of sensory disturbance, increased mortality risk and habitat alteration resulting from the project. The methods used to obtain habitat information may go beyond GIS data analysis to include field studies in the project area.

⁴ In some circumstances there may be uncertainty in the response of indicators to the project, in which case the uncertainty must be clearly identified and described.

DOCUMENTATION

The EAO will document the issues identified through issues scoping, particularly issues raised during Early Engagement by First Nations, the public, local governments, provincial and federal government agencies, and stakeholders, as well as in published reports, databases or other materials.

The rationale should also identify the applicable legislative or regulatory, or Indigenous source from which the VC may be derived. If an issue or concern is not addressed in the assessment because it is not affected by the project or is not relevant to the assessment for another reason, those reason(s) should be explicitly noted. Where an important component of the biophysical or human environment is expected to be affected by the project but is not selected as a VC, the rationale for its exclusion as a VC or other method for assessment must be provided by the Proponent (for example, well-protected through other government legal requirements). The AIR Guidelines provide a column to document this rationale.

Establishing Assessment Boundaries

Assessment boundaries serve to define the limits of the assessment both temporally and spatially. Boundaries should be established and articulated separately for each VC, to reflect the characteristics specific to each VC, as explained more fully below. Assessment boundaries are developed by Proponents during the development of the draft AIR, and they should work with participating Indigenous nations and technical advisors to identify appropriate assessment boundaries. The final assessment boundaries or processes to establish these boundaries will be confirmed by the EAO in the Process Order.

For the most part, the boundaries will determine the scope of information required to support the assessment. In some cases, the assessment boundaries may change as new information becomes available during the assessment, such as a better understanding of the extent of potential project or cumulative effects or the selection of a final project design component. Engagement with participating Indigenous nations and the TAC may be required should any changes to assessment boundaries be considered. If the assessment boundaries in the Application differ from those specified in the Process Order, the rationale for any such change must be clearly documented in the Application.

SPATIAL BOUNDARIES

Spatial boundaries encompass the areas within which the project is expected to have potential effects on the VCs. Spatial boundaries should consider the spatial characteristics of the VC, such as appropriate population units or other VC-specific parameters, to provide the necessary context for the meaningful evaluation of residual effects and determination of significance.

Spatial boundaries are typically defined through consideration of:

- Potential interactions (direct and indirect) of the project with environmental, economic, social, cultural and health considerations;
- Potential interactions (direct and indirect) of the project with Indigenous Interests;
- Information collected during Early Engagement including any key issues or concerns raised by First Nations, the public, local governments, provincial and federal government agencies, and stakeholders;
- Best available science, Indigenous knowledge and local knowledge; and
- Current or traditional land and resource use by Indigenous nations.

Spatial boundaries and the rationale for selection should be documented for each VC. Defining suitable spatial boundaries ensures the collection of appropriate baseline data and consideration of all-important potential effects, including cumulative effects.

There are usually several scales of spatial boundaries that are relevant to an assessment:

- **Project footprint** – The smallest scale includes the footprint of temporary and permanent physical works associated with the project and the area within which physical activities associated with the project will occur.
- **Local Assessment Area (LAA)** – Typically comprised of a larger area than the project footprint within which all (or most) potential project effects are expected to occur. The LAA encompasses the project footprint and the zone of influence of the project, including areas that may be affected by direct and indirect project effects, such as air contaminants, noise, light, effluents and wastes, employment and use of services and infrastructure.
- **Regional Assessment Area (RAA)** – The RAA is used to provide context for the assessment of potential project effects and includes the LAA. The RAA is typically based on a natural transition (for example, watershed boundary, ecological zone) or an artificial delineation (for example, political or economic district or zone) that is relevant to the VC in order to understand the context for the effect. The RAA boundary should be at an appropriate scale that provides relevant context for consideration of project direct and indirect effects, offers useful and meaningful data and neither over-emphasizes nor under-emphasizes the scale of the project effects.
- **Cumulative Effects Assessment Area** – The RAA may be used as the spatial boundary for the assessment of potential cumulative effects, or a different boundary may be chosen that better reflects the nature of cumulative effects relevant to the project's potential effects. The spatial boundary for cumulative effects assessment for a VC should encompass the area within which the residual effects of the project are likely to interact cumulatively with the effects of other past, present and reasonably foreseeable future projects and activities on that same VC. Boundaries may be informed by the B.C. CEF or other available CEFs and through engagement with First Nations, the TAC, any CAC, the public, local governments, provincial and federal government agencies, and stakeholders.

In some cases, spatial boundaries may extend to areas outside of B.C. Transboundary spatial boundaries should be identified where transboundary effects may occur.

TEMPORAL BOUNDARIES

Temporal boundaries encompass the periods of time during which the project is expected to have potential effects on the VCs. Where appropriate, VC-specific temporal boundaries relevant to the assessment should be documented. There are two types of temporal boundaries that must be considered in an assessment:

- The temporal limits of the project are expressed at a large scale as the different phases of the project for which an assessment is required (for example, construction, operation and decommissioning) and at a finer scale as the timing of specific project activities. These are normally relevant to all VCs.
- The temporal characteristics of the VCs are important to understand when and for how long certain VCs may be affected by the project. The temporal characteristics will vary by VC. For example, the timing and duration of sensitive or critical life stages of biological VCs (for example, spawning, nesting, over-wintering) and of important human activities (for example, seasonal rounds, economic cycles, or busy tourism and recreation seasons).

If potential effects are predicted after project decommissioning or abandonment, this should be taken into consideration in defining temporal boundaries.

ADMINISTRATIVE BOUNDARIES

Administrative boundaries refer to the limitations imposed on an EA by political, economic, or social constraints. Administrative boundaries may not apply to every VC or every assessment. Where administrative boundaries have constrained the identification and/or assessment of potential effects of a reviewable project, the nature of the administrative boundaries and their effect on the assessment should be documented.

Administrative boundaries may include existing datasets that are collected based on regional or provincial boundaries that are not the same as the spatial boundaries of the selected VCs and may therefore constrain the assessment of potential effects in some way. For example, some social and economic data are compiled based on Statistics Canada or BC Stats boundaries, such as Census subdivisions. These areas may not align with the LAA or RAA and may constrain the assessment (for example, make it difficult to determine existing conditions in the study area or attribute changes to the project). Administrative boundaries may also include limits imposed on the assessment due to fiscal or other resourcing constraints.

TECHNICAL BOUNDARIES

Technical boundaries refer to the constraints imposed on an EA by limitations in the ability to predict the potential effects of a project. Technical boundaries may not apply to every VC or every assessment. Where technical boundaries have constrained the identification and/or assessment of potential effects of a project, the nature of the technical boundaries and their limiting effect on the assessment should be documented.

Technical boundaries may include difficulties in accessing parts of a study area (for example, in rugged or hazardous areas) or challenges associated with sampling reclusive species or gathering data on the human use of an area, leading to a gap in information about a selected VC. The use of models to predict project effects on a VC may also impose technical limitations on the analysis (for example, assumptions that may affect the margin of error).

APPENDIX 2 – IDENTIFYING AND SCOPING INDIGENOUS INTERESTS

What is an Indigenous Interest?

The Act requires every EA to assess the effects of a project on First Nations and their Section 35 rights. An Indigenous Interest is a matter or concern that will be assessed as a component of the Provincial Environmental Assessment. Indigenous Interests include but are not limited to Section 35 rights.

Indigenous Interests provide a manageable structure for the assessment of effects in relation to a First Nation. Environmental Assessments do not need to look at every matter of concern to a First Nation but rather should focus on priority matters with an emphasis on effects to Section 35 rights. Indigenous Interests are First Nation specific. Assessing effects on Indigenous Interests helps to inform the First Nation on whether they will consent to the project proceeding and also informs provincial decision makers in relation to whether the duty to consult has been fulfilled. Some matters raised by a First Nation may be addressed by the EAO directly with the First Nation as a component of the EAO fulfilling its duty to consult even if those matters are not ultimately included in the Indigenous Interests that must be assessed as a part of the Environmental Assessment.

Indigenous Interests are geographically specific. In order to include an Indigenous Interest in an EA, there must be clear evidence of an effects pathway from the project to the Indigenous Interest in relation to the Assessment Scope.

What is a Section 35 right?

Section 35 rights, as recognized under Canada's *Constitution Act, 1982*, refer to the inherent rights of Indigenous peoples, including Aboriginal and Treaty rights, that are protected and affirmed. These rights stem from practices, customs, or traditions that were integral to the distinctive culture of a First Nation prior to European contact. For a practice to qualify as a Section 35 right, it must demonstrate continuity with pre-contact activities, though it need not be identical to historical practices. These rights often encompass survival activities such as hunting, fishing, trapping, and gathering, which were central to the cultural and economic life of the First Nation. For site-specific rights, the activity must have occurred at the location where the First Nation was at the time of European contact, without requiring exclusive use of the area or permission from another First Nation. Section 35 rights are collective in nature, held by the First Nation and are intended to protect their cultural heritage and way of life, though they may be subject to reasonable limitations.

Aboriginal title is a distinct subset of Aboriginal rights under Section 35, representing an interest in land. It arises when a First Nation can demonstrate sufficient and exclusive occupation of a specific area of land at the time of Crown assertion of sovereignty (which is 1846 in BC). Aboriginal title grants the right to exclusively use and occupy the land, the right to manage the land, including its resources, as well as a right to the economic benefits of the land.

Treaty rights, also protected under Section 35, arise from certain agreements between First Nations and the Crown. These rights are specific to the terms of the treaty and may include guarantees to hunt, fish, or manage resources, as well as access to land or financial compensation. Treaty rights differ from Aboriginal rights in that they are negotiated and defined through formal agreements. Treaties are interpreted in a way that upholds the honour of the Crown.

How does an Indigenous Interest differ from a Section 35 right?

An Indigenous Interest is an inclusive category designed for the EA process, encompassing Section 35 rights but extending to and including matters that support holistic consideration of effects on a First Nation. This allows an EA to provide a more comprehensive assessment of project impacts on a First Nation.

Indigenous Interests are not constitutionally protected themselves, although they may represent or include constitutionally protected rights. Section 35 rights impose a duty on the Crown to consult and accommodate when the right may be impacted by government actions or approvals. Section 35 rights carry constitutional weight, meaning they cannot be unjustifiably infringed and can form the basis for legal challenges if consultation is not delivered adequately.

It is important that First Nations, the Province, and Proponents have a shared understanding of the Provincial perspective on each participating Indigenous nation's Section 35 rights and associated provincial consultation obligations.

In some cases, an Indigenous Interest may align closely with a Section 35 right. In other cases, an Indigenous Interest may include a Section 35 right as well as other matters or focus on matters that are not Section 35 rights but are important to a First Nation. Often this broader category of analysis is designed to align with Indigenous ways of understanding their interests and concerns. An EA seeks to understand effects on these matters and identify options to mitigate effects. What is appropriate in terms of mitigation or accommodation options will depend upon the nature of an Indigenous Interest and any relationship to Section 35 rights.

Criteria that the EAO considers when confirming Indigenous Interest

Indigenous Interests will vary depending on the Nation, the project, and the location that the project could potentially affect. Indigenous Interests should be identified early on through an iterative process with the First Nation to identify and refine those interests that may be affected by the project. While the EAO does have significant flexibility on what may be included in an EA, there are a number of considerations that may inform what is ultimately included. Matters to be assessed are at the discretion of the CEAO and as required by the Act.

First, the EAO seeks to ensure that matters that constitute asserted or established Section 35 rights including treaty rights are prioritized in terms of which Indigenous Interests are included in an EA. The EAO has distinct constitutional obligations to First Nations in relation to these rights.

Second, the EAO prioritizes matters where there is a clear effects pathway. This means that there is a reasonable possibility that the Indigenous Interest stands to be impacted by the project in the area of anticipated direct or indirect effects. This also means that the EAO typically needs more information than broad assertions about interests to justify including them in an EA. Potential for adverse impact must not be speculative. First Nations must show an appreciable, clearly understood (i.e. mechanisms, risks and pathways are known), evidence-based (i.e. supported by reliable information) potential for possible impact. First Nations should be prepared to explain their interest or concern in relation to the specific area of anticipated effect to justify including it in an EA.

Third, a matter needs to constitute something that is suitable for an EA process or relevant to the fulfillment of the duty to consult. Matters that are too high level or political in nature or better suited for subsequent permitting are difficult to include because the EAO cannot effectively identify project effects in relation to the matter or because the EA process is not best positioned to address the issue or concern.

It is important to note that the inclusion or lack of inclusion does not constitute a determination on whether a matter is of importance to a First Nation. Inclusion of an Interest also does not determine whether or not the EAO will fulfill its duty to consult in relation to the matter. The EAO is not a rights determining body but rather focused on conducting defensible EA processes within the responsibilities given to it by the Act. Regardless of what is included, the EAO will still engage with the First Nation as appropriate to meaningfully respond to all concerns raised in alignment with the duty to consult even if a matter is not included in the AIR for the proponent's application.

Questions when identifying Indigenous Interests:

- 1) Is the Indigenous Interest an Aboriginal right or Treaty right?
- 2) Does the First Nation consider the interest to be a key information requirement when determining whether to consent to the project proceeding?
- 3) Is the Indigenous Interest listed as a standard Indigenous Interest in an agreement with the EAO or in policies established by the First Nation?
- 4) Is the Indigenous Interest in the LAA? Does the project have the potential to interact with the interest?
- 5) Are there specific concerns or issues raised by the First Nation regarding how the project could interact with the interest?

Relationship between Indigenous Interests and Valued Components

In some cases, First Nations may have a direct interest in a VC itself and should be engaged in the identification of proposed indicators and parameters to assess and measure effects to the VC. In other cases, a VC may provide key information to inform the assessment of effects to an Indigenous Interest. VCs selected for the project should allow for an efficient and robust assessment of project effects, including effects to Indigenous Interests. During Early Engagement, proponents are encouraged to engage First Nations to ensure proposed VCs are informed by First Nations concerns including the information requirements for proposed Indigenous Interests.

Subcomponents

Subcomponents are elements of an Indigenous Interest that can help the proponent better understand the interest to inform more thorough and relevant analysis. Subcomponents, when taken together, paint a comprehensive/complete picture of an Indigenous Interest. This can typically include biophysical components, specific sites and places of importance, as well as social, cultural, spiritual or experiential components. Aboriginal title or treaty rights may also have their own unique subcomponents.

Assessment Boundaries

Assessment Boundaries serve to define the scope or limits of the assessment. In many cases, First Nations may have similar interests to one another, but those interests will interact with the project differently depending on the First Nation. Where relevant, each Indigenous Interest should have defined assessment boundaries.

Spatial – the interest exists in one area and not another (i.e. the spatial scope of potential impact is broader or narrower than for other First Nations with a similar interest). Note: the scope of the assessment of effects must be within the LAA, where direct effects from the project are predicted to occur. Spatial boundaries for Indigenous Interests must not exceed this LAA except in relation to discussing cumulative effects.

Temporal – the interest will only be affected by certain phases of the project, or the Interest only occurs at certain times.

Administrative – limitations imposed by political, economic, legal, or social constraints. A key administrative interest is the clarification of the nature of the Interest in relation to Section 35 rights.

Technical – an Interest is of a nature that there may be certain technical constraints in measuring impact. This may include an inability to accurately measure the effects of a project, due to an inability to determine existing conditions in relation to suitable indicators or an inability to attribute changes to the project. This may warrant alternative indicators or approaches.

Guiding Questions for Indigenous Interests

Guiding questions are factors that are considered to better understand the effects of the project on an Indigenous Interest. Guiding questions are qualitative or quantitative metrics. Guiding questions will vary depending on the nature of an Indigenous Interest. Some guiding questions will be appropriate to include in the information requirements for the proponent application. Other guiding questions may be better addressed by the EAO (for example if information is sensitive or better addressed through government-to-government engagement). The EAO will work with First Nations to determine the appropriate guiding questions to include in the AIR for the proponent and which questions will be addressed separately. See Appendix 3 for standard guiding questions.

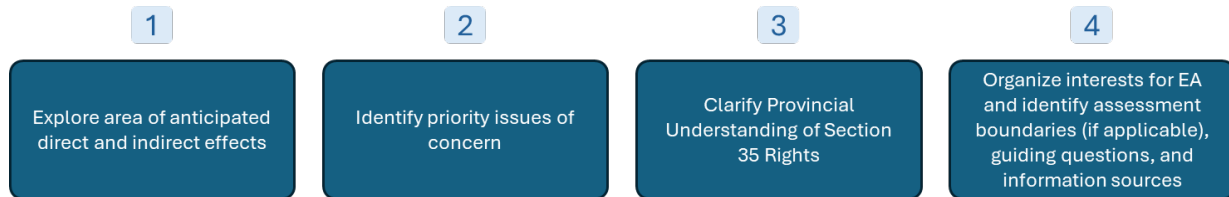
Information Sources

In addition to the information identified for VCs, First Nations may have unique considerations and information sources. This may include the Nation's unique ethnography, language, governance, economy, population, communities, reserves, and health and social conditions. This may also include consideration of Indigenous knowledge or any other contextual information the Nation's views as important to understanding the potential effects of the project on their interests.

What about Assessments conducted under Section 19(4)?

Assessments conducted under Section 19(4) of the Act form a part of the provincial EA. These assessments also impose requirements upon the Proponent of which the EAO is the regulator. As such, Indigenous Interests that may be included in an assessment under Section 19(4) of the Act are determined by the same process used when the EAO is conducting the assessment.

Process to identify Indigenous Interests



PRIOR TO AN EA BEGINNING

Proponents are encouraged to engage First Nations as early as possible to begin conversations about the project, the project location, and how the EA will unfold. It is important that proponents manage expectations as many of the details will not be addressed until later in the EA process (for example, who can participate, what the scope of the EA will be, etc.). The purpose of these early conversations is to set the foundation for meaningful dialogue during the Early Engagement phase. Proponents should focus conversations on First Nations where there is a clear overlap between a First Nation's territory and the areas of most significant anticipated direct or indirect effects. This can be identified by uploading a representative shape file to the public consultation area database tool. This tool will provide a list of First Nations to contact as well as contact information.

DURING EARLY ENGAGEMENT

As a part of the process of confirming participation, the EAO engages with First Nations to gain a foundational understanding of their Section 35 rights in relation to the area that may be impacted by the project. This understanding helps to clarify depth of consultation obligations and will also inform which Indigenous Interests make sense to include in the EA. The EAO also discusses with the First Nation any other matters of concern in relation to the area affected by the project. The EAO summarizes the results of these early conversations in the Summary of Engagement that is shared with the Proponent on day 90 of the Early Engagement phase. This information should inform the Proponent when proposing VCs for the EA. For the remainder of the Early Engagement phase, the EAO continues to work with First Nations to better understand their interests and organize a meaningful structure for the analysis that will be required in the Proponent application.

DURING PROCESS PLANNING

During Process Planning, the EAO will review the anticipated areas of direct or indirect effects associated with the project and based on this information confirm with each First Nation the Indigenous Interests that are reasonable to include in the EA. In order for an Indigenous Interest to be included in an EA, there needs to be reasonable evidence that there is an effects pathway from the project on the Indigenous Interest. These interests must be specific matters in relation to a specific geographic area, not general or broad assertions. The inclusion or lack of inclusion of an Indigenous Interest should not be seen as an interpretation by the EAO of the importance of the Indigenous Interest but rather an assessment on whether there is a reasonable possibility that the project may affect the Indigenous Interest based on the evidence available to the EAO at the time.

The EAO will then confirm with each participating Indigenous nation the Indigenous Interests that will be assessed including any subcomponents, guiding questions, assessment boundaries and information sources that must be referenced. This information will be outlined in the AIR for the proponent.

Any concerns identified by a First Nation that do not get included in the AIR will still be responded to by the EAO in alignment with the duty to consult.

DURING THE REMAINING EA PROCESS

In some cases, new information may arise over the course of the remaining process that requires adjustments to the Indigenous Interests included in an EA. As the application is developed, proponents and First Nations may request adjustments to the Indigenous Interests that are listed in the AIR. Additionally, the EAO will confirm the Indigenous Interests with each participating Indigenous nation at the beginning of the Effects Assessment phase prior to drafting the Assessment Report to address any need for adjustments.

APPENDIX 3 – GUIDING QUESTIONS FOR INDIGENOUS INTERESTS

Note: some of these questions may be more appropriately answered by the EAO or a First Nation. The EAO will identify the specific questions that a proponent should address in their application in the AIR.

For Land Based Rights

BIOPHYSICAL EFFECTS

- What species are harvested in this area?
- What are potential effects of the proposed activity to those species' health and mortality? *Consider also whether species are already subject to conservation concerns - if so, what is the current status/baseline condition of that species?
- What are the potential effects of the proposed activity on species habitat/food source quantity and quality? (*Consider also existing state of habitat/food source, e.g. nearby areas impacted by existing/past development)
- What are the potential effects on species distribution?
- How long will the biophysical components be disturbed?

SPECIFIC SITES OR PLACES OF IMPORTANCE

- Are there specific sites of traditional use / sites where the activity/practice/custom/tradition occurs? Were they used previously? Are currently? Will be in the future?
- Where do they occur? Do they overlap with the project footprint and project components? What is their proximity to the project?
- To what extent would the proposed project directly affect members' access to and use of these sites? (consider proximity, frequency, and timing, any decrease in FN ability to access, increased public access)
- To what extent is the proposed activity likely to indirectly affect members' access to and use of these sites? (consider site alteration, restriction in access, increase in public access, tenure status of the land now and post decision).
- How long will the access to and use of these sites be disturbed?

SOCIAL, CULTURAL, SPIRITUAL AND EXPERIENTIAL EFFECTS (FROM THE PERSPECTIVE OF THE FIRST NATION)

- What are the social, cultural, spiritual and experimental aspects of the exercise of this activity/practice/custom/tradition in this area?
- What are the potential direct effects of the proposed project on the experience of using the area, on socio-cultural institutions, teaching and knowledge transfer, and ceremonial/spiritual practices associated with the activity/practice/custom/tradition in this area? What are the potential indirect effects?
- Does the activity/practice/custom/tradition result in the harvest of a resource to be used for food or medicine? Sharing within the community/family? Ceremonial/spiritual purposes? Trade/bartering? Teaching/knowledge transfer?
- What are the potential effects of the proposed project on socio-cultural institutions for sharing and reciprocity, teaching and knowledge transfer, and ceremonial and spiritual practices, associated in this area?
- In what way would the proposed activity affect the member's experience of the exercise of this activity/practice/custom/tradition in this area? (e.g. relating to health, peaceful enjoyment, safety and security, consumption)?
- *What is the relative importance of the area of the proposed project, and its surroundings, to the exercise of this activity/practice/custom/tradition for the First Nation? Are there any special characteristics or unique features of this area?

For Aboriginal Title

OCCUPATION AND USE

- The degree/extent of the alienation of the area (in hectares).
 - How many hectares/other is the activity footprint?
 - Is the entire area currently Crown land? If not, what portion is Crown if any? What portion is currently fee simple?
 - Will the First Nation be prevented from using the area post-decision (due to nature of activity)?
 - How long will the First Nation be prevented from using the area post-decision?
- The degree of disturbance to the area or the functional effect of disturbance on the attributes of the land resulting from the proposed project (all activities associated with the project). Consider the existing state of the area, including impacts of existing/past development.
 - What is the degree of disturbance to the area or the functional effect of disturbance on the attributes of the area resulting from the proposed project (all activities associated with the project)?
 - What is the nature of the potential impacts (*consider the existing state of the area, including impacts of existing/past development)?
 - How long will be the area be disturbed?
- Extent of any new restriction/effect on First Nation access to this area resulting from the proposed activity. Note that if land is fee simple, consider whether land put to "visible and incompatible use" or if owner provided permission to allow First Nation access.
 - To what extent would the proposed project directly affect member's access to and use of this area? (consider proximity, frequency, and timing, any decrease in ability to access; consider if land is fee simple whether it has been put to a visible and incompatible use)

- Do First Nation's members currently access the area? If yes, will they continue to be able to access area post-decision? Will public access to area increase post-decision?
- What is duration of any change in access?
- In what way would the proposed project affect the First Nation member's enjoyment, experience, and use of the area, now and in the future?

DECISION MAKING

- Changes in legal interests in the area
 - Is the proponent requesting a land/resource tenure change (e.g. Land Act fee simple/lease; Mineral lease, forestry tenure)?
 - If so what is the type and duration?
- Involvement in Project Decision Making
 - To what degree is the First Nation involved in the decision-making process for the proposed project?
 - Is there a decision making / consultation agreement in place? If yes, was it followed?
 - Has consensus been reached regarding proposed use?
 - Was there any change in governance structure or management processes that would improve or detract from the First Nation participation post-decision?
- Ability to manage area and make decisions
 - In what way would the proposed project affect the First Nation's ability to manage and make decisions over this area (e.g. in accordance with their traditions, cultures and/or customs), now and in the future?
 - Is there a Land Use Plan developed with First Nation input, or any agreement that spells out uses of the area, in place, and is this decision consistent with that plan?
 - In what way would the proposed project be consistent/inconsistent with any cultural/other objectives for management in this area?

ECONOMIC BENEFITS

- Ability to derive direct and or indirect economic benefits from the area, now and in the future
 - Does the First Nation currently derive economic benefits from the area? If so, how would this be affected by the proposed project?
 - Will the First Nation have the ability to derive direct and/or indirect economic benefits from the area post-decision?
- Extraction of resource by third party
 - Does the proposed project involve third party extraction of a resource? If yes, what type of resource is being extracted?
 - What is the value of resource being extracted?
 - To what extent is the resource renewable?
- Economic Development Aspirations

- In what way would the proposed project affect the First Nation's economic development aspirations for the area, now and in the future? Consider any FN land use, stewardship and economic development plans relevant to the area.