

## British Columbia, Canada

**Country:** [Canada](#) [1]

**EIA Law:** Environmental Assessment Act 2018

**Law Link:** [Link](#) [2]

**EIA Regulations:** Various

**Regulations Link:** [Link](#) [3]

**EIA Guidelines or Other Guidance:** Various

**Guidance Link:** [Link](#) [4]

**Projects Requiring EIA:** Government projects  
Private Projects

**Abridged Assessments:** Yes

**Assessment Detail:** "Class Assessments" are a streamlined EA process to assess the potential environmental, economic, social, cultural, or health effects of a specified category or group of reviewable projects. This practice does not seem to be fully developed or implemented in British Columbia. See EA Act, sec. 34; EAO User Guide, sec. 1.5.3 ("Typically, a class assessment is applied to routine or recurring projects that are well-defined, with anticipated impacts that are predictable or well understood, and relatively easily managed through standard mitigation measures.")

**Best Practices in Lieu of EIA:** No

**Who Conducts Screening:** Government

**Who Conducts Screening Detail:** See Reviewable Projects Regulation (available at [https://www.bclaws.ca/civix/document/id/complete/statreg/243\\_2019](https://www.bclaws.ca/civix/document/id/complete/statreg/243_2019))

**Criteria for Screening:** List or appendix of project or activity types  
Proposed project or activity may cause significant environmental impact

**Criteria for Screening Detail:** Projects that are subject to environmental assessment are listed in the Reviewable Projects Regulation (available at [https://www.bclaws.ca/civix/document/id/complete/statreg/243\\_2019](https://www.bclaws.ca/civix/document/id/complete/statreg/243_2019)). Also, the minister may by designate a proposed project as reviewable if the impacts are comparable to listed reviewable projects or if the project could have effects on an Indigenous nation and the rights recognized and affirmed by section 35 of the Constitution Act, 198. EA Act, secs. 11, 12.

**Who Prepares EIA:** Project Proponent (with or without contractor)

**Who Prepares EIA Detail:** The EA Act is not entirely clear, but it appears that the project proponent is responsible for preparing an application, which includes the environmental assessment. See also EAO User Guide, sec. 8.1 ("The proponent is responsible for preparing their Application as instructed in the Process Order but will engage the EAO, participating Indigenous nations, and Advisory Committee members to provide feedback during application development.")

**Who Pays for EIA:** Project Proponent

**Who Pays for EIA Detail:** EA Act, sec. 47.

**EIA Contractor Qualifications:** No

**Conflict of Interest:** No

**Terms of Reference:** Yes

**Terms of Reference Detail:** The TOR is called a "process order" and is described in sec. 19(2) of the EA Act.

**Days for Decision Maker Review:** 180 days (150 days + 30 days after referral to Minister)

**Automatic Approval:** No

**Written Decision:** Yes

**Written Decision Detail:** Ministers issue an Environmental Assessment Certificate. EA Act, sec. 29(4)

**Authority to Impose Conditions:** Yes

**Authority to Impose Conditions Details:** The Ministers must "issue an environmental assessment certificate to the proponent and attach any conditions to the certificate that the ministers consider necessary, including, without limitation, conditions respecting payments to be made for initiatives to mitigate effects of the project." EA Act, sec. 29(4)

**Expiry of Decision:** Up to 10 years

**Expiry of Decision Detail:** EA Act. sec. 30.

**Financial Assurances or Bond:** Sometimes

**Financial Assurances Detail:** The environmental assessment certificate may include "conditions to the certificate that the ministers consider necessary, including, without limitation, conditions respecting payments to be made for initiatives to mitigate effects of the project." EA Act, sec. 29(4).

**Interdisciplinary Team:** No

**Range of Alternatives:** Yes

**Range of Alternatives Detail:** The environmental assessment must consider "alternative means of carrying out the project that are technically and economically feasible, including through the use of the best available technologies, and the potential effects, risks and uncertainties of those alternatives[.]" EA Act, sec. 25(2)(i).

**No Action Alternative:** No

**No Action Alternative Detail:** Although alternatives must be included, there is no requirement that there be a "no action" alternative.

**Type(s) of Impact Analysis:** Direct environmental impacts

Cumulative environmental impacts

Social impacts

Cultural impacts

Health impacts

Gender equity

**Mitigation:** Yes

**Mitigation Detail:** EA Act, sec. 25(2)

**Monitoring Plans:** No

**Monitoring Plans Detail:** Monitoring plans are not expressly required by the EA Act. It is likely they are included in practice, however.

**Public Notice of Draft EIA:** Yes

**Draft EIA Available:** Yes

**Draft EIA Available Detail:** EA Act, sec. 27(2)

**Draft EIA Locations:** Internet

**Public Notice of Final EIA:** Yes

**Public Notice of Final EIA Detail:** On completion of the assessment, the the chief executive assessment officer or assessment body must publish a summary report of the assessment process and a draft environmental assessment certificate. EA Act, sec. 28(2). The public has 30 days to comment on these documents.

**Final EIA Available:** Yes

**Final EIA Available Detail:** The final EIA is likely made available on the Environmental Project Information Centre site: <https://www.projects.eao.gov.bc.ca/>

**Final EIA Locations:** Internet

**Fee to View EIA Documents:** No

**Availability of Reference Studies:** Yes

**Availability of Reference Studies Detail:** B.C. Reg. 373/2002 (Public Consultation Policy Regulation), sec. 6

**Public Notice of Final Decision:** Yes

**Public Notice of Final Decision Detail:** B.C. Reg. 373/2002 (Public Consultation Policy Regulation), sec. 6(1)(c)

**Public Scoping:** Yes

**Public Scoping Detail:** Under early engagement, the chief executive assessment officer must publish a description of the proposed project and engagement plan for at least 30 days and, during that period, invite comment from the public on the description. EA Act, sec.16(4).

**Public Review of TOR:** Yes

**Public Review of TOR Detail:** Before making a process order describing the scope of the assessment and other factors, the chief executive assessment officer must publish the proposed order for at least 30 days and, during that period, invite comment from the public on the proposed order." EA Act, sec. 19(5)

**Public Participation Opportunities:** Scoping

Terms of reference

Review of draft EIA

Public Meetings and/or public hearings

**Public Meetings:** Yes

**Public Meetings Detail:** Although the EA Act does not require public meetings or hearings, public engagement plans are developed for each project. The EAO User Guide indicates that public engagement may include in-person or online mechanisms to gather input. EA Act, sec. 27(2)(a); EAO User Guide, sec. 3.3.

**Public Input at Meeting:** Yes

**Public Input at Meeting Detail:** Although the EA Act does not require public meetings or hearings, public engagement plans are developed for each project. The EAO User Guide indicates that public engagement may include in-person or online mechanisms to gather input. EA Act, sec. 27(2)(a); EAO User Guide, sec. 3.3.

**Criteria to Hold Public Meeting:** Ministry or agency has discretion to decide whether to hold a meeting and/or hearing

**Public Comments on Draft EIA:** Yes

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**Public Comments on Draft EIA Detail:** EA Act, sec. 27(2)

**Public Comments on Final EIA:** No

**Public Comments on Final EIA Detail:** The public has an opportunity to comment on an environmental assessment summary report and draft environmental assessment certificate, but not the final/revised environmental assessment. EA Act, sec. 28(2).

**Response to Public Comments:** Yes

**Response to Public Comments Detail:** "On completion of the assessment, the chief executive assessment officer or assessment body, as applicable, must consider the public comments received and prepare final versions of the documents referred to in paragraph (a), adjusting those documents as the chief executive assessment officer or assessment body, as applicable, considers appropriate." EA Act, sec. 28(2).

**Facilitation of Public Participation:** Yes

**Facilitation of Public Participation Detail:** There are provisions to encourage participation from First Nations. See, e.g., EA Act, secs. 14, 19, 22, 28. The project proponent may be required to provide funds to defray the costs incurred by First Nations to participate in the assessment process and/or engage in monitoring. EA Act, sec. 41.

**Citizen Administrative Review:** No

**Citizen Judicial Review:** Yes

**Citizen Judicial Review Detail:** Only if there are legal grounds to support judicial review through the Judicial Review Procedure Act.

**Project Monitoring:** Yes

**Project Monitoring Detail:** "The holder of an environmental assessment certificate must, in accordance with the direction of the chief executive assessment officer, report to the chief executive assessment officer respecting the effectiveness of mitigation measures specified in the certificate." EA Act, sec. 30; see also Part 7 (Compliance and Enforcement).

**Enforceability of EIA:** No

**Enforceability of Permit:** No

**Province:** British Columbia

**Days for Public to Review Draft EIA:** 30 days

Modified: November 23rd, 2020

**Source URL:** <https://elaw.org/eialaw/british-columbia-canada>

## Links

[1] <https://elaw.org/countries-and-regions/canada>

[2] <http://www.bclaws.ca/civix/document/id/complete/statreg/18051>

[3] <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/act-regulations-and-agreements/2018-act-regulations-and-agreements>

[4] <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/guidance-documents/2018-act-guidance-materials>