

British Columbia News

New legislation to put public interest first in resource decisions

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Victoria - The British Columbia government has introduced legislation to modernize the environmental assessment (EA) of major resource projects.

This is designed to provide a clear and timely path for the approval of responsible resource projects, pursue reconciliation with B.C.'s Indigenous peoples, increase public engagement and transparency and deliver stronger environmental protections.

British Columbia was one of the first provinces in Canada to introduce environmental assessment legislation in 1995 and is making its comprehensive regulatory framework stronger.

“By revitalizing our environmental assessment process, we’re striking a better balance for our province, where good projects that respect B.C.’s environment, Indigenous peoples and the public will be approved more quickly,” said George Heyman, Minister of Environment and Climate Change Strategy. “Our province was built upon the wealth of natural resources at our disposal. This legislation reaffirms the continued importance of these resources to British Columbians and enhances public trust by engaging people and communities early to ensure our resources are used sustainably. Growing a strong economy and protecting the environment we all cherish go hand in hand. That’s the legacy we want our kids and grandkids to inherit.”

Revitalizing the environmental assessment process in B.C. is a shared priority between government and the B.C. Green Party caucus, and is part of the Confidence and Supply Agreement.

“Revitalizing the environmental assessment process is a key shared commitment because we both recognize the need to strengthen public trust in government decision-making,” said Sonia Furstenu, MLA for Cowichan Valley. “It is vital to modernize the EA process so that important considerations like climate change, cumulative impacts and new scientific standards are properly incorporated. I look forward to discussing the legislation further, so we can ensure that the wealth of our natural resources and the well-being of our ecological systems can be enjoyed by British Columbians for generations to come.”

In introducing the environmental assessment act, Heyman said Indigenous participation in environmental assessments will also be greatly enhanced. If passed, the legislation will result in an EA process delivering timely, evidence-based decisions where the public can more actively participate. The legislation reflects government’s commitment to reconciliation and implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

“Having Indigenous collaboration from the beginning means a more certain and efficient process where good projects can move forward more quickly, providing benefits to Indigenous peoples while respecting their rights, values and culture.” said Heyman. “We want to reduce the potential for the types of legal challenges we’ve too frequently seen in B.C. These have impacted our province’s economic development, eroded public trust, alienated Indigenous communities and left project proponents trying to navigate through a costly, time-consuming process.”

The legislation will also provide:

- Increased clarity and certainty to project proponents through an early engagement phase that will identify the focus areas for the project assessment prior to proceeding through an environmental assessment.
- Enhanced public engagement including additional comment periods and earlier collaboration between the Environmental Assessment Office and local communities, coupled with funding to support public participation.
- The ability to more fully assess positive and adverse environmental, economic, social, cultural and health effects, including greenhouse gas emissions, and require their consideration in decisions.
- Strengthened compliance and enforcement for approved projects, along with audits, to make sure conditions included in EA certificates are mitigating identified adverse effects as intended.

Government has been engaging extensively on a revitalized EA process for over one year, consulting with Indigenous peoples, industry, communities, environmental organizations and the public. This included:

- Establishing an EA advisory committee that included a cross-section of members from industry, academia, non-governmental organizations, Indigenous peoples and local governments. The committee met for over 75 hours and produced a report recommending changes to the current EA process and legislative framework.
- Direct engagement with a variety of key stakeholders including industry and business associations, environmental organizations, local governments and EA practitioners.
- Extensive engagements with Indigenous peoples through bilateral meetings and regional workshops.
- A public-comment period on a discussion paper outlining the proposed changes, which received over 2,500 public comments and 60 formal submissions from Indigenous peoples, industry and stakeholders.

Quotes:

Grand Chief Stewart Phillip, President of the Union of BC Indian Chiefs –

“I am relieved that the day has finally come when we are beginning to see the legislative and policy shifts that are necessary and essential to facilitate genuine reconciliation. Recognizing Indigenous governments, laws, jurisdictions and decision-making is an essential part of this, and the legislation today is a small step in the right direction. The Province of British Columbia has committed to fully implement the United Nations Declaration on the Rights of Indigenous Peoples, including free, prior and informed consent, and we are looking forward to seeing this realized on the ground through environmental assessments under the new process. We are hopeful that the new legislation will ensure the sustainability of our precious lands and waters for our children and grandchildren, and all British Columbians. While much more legislative and policy change is urgently needed, today is a good day.”

Grand Chief Edward John, First Nations Summit Political Executive –

“Government and proponents who plan to use and develop lands and resources in First Nations territories are legally required to fully engage the impacted First Nations. The environmental assessment legislation tabled today recognizes First Nations' inherent jurisdiction and sets out a structured process to ensure compliance with Indigenous engagement standards determined by the Courts and those in the United Nations Declaration on the Rights of Indigenous Peoples. Indigenous peoples' consent for a project impacting their rights is essential. At the end of the day, First Nations governments will have to make important decisions about development in their territories, and as with any other government, will need the necessary background to make an informed decision.”

Regional Chief Terry Teegee, BC Assembly of First Nations –

“The progress made on the Environmental Assessment legislation is the result of much debate and perseverance between B.C.'s First Nations and the provincial government, and begins to convey the meaning and spirit of the UN declaration. We will continue to come together to work on this as we negotiate the weight of First Nations' voices and determinations in the decision process. B.C.'s First Nations will stand by their convictions and achieve their goal to ensure thriving nations on healthy territories far into the future,”

President and CEO, Mining Association of BC (MABC), Bryan Cox –

“B.C.'s mining industry is committed to ensuring that responsible, community-supporting natural resource projects have a clear, fair and timely path to approval under the modernized Environmental Assessment legislation. The mining sector employs tens of thousands of British Columbians and supports suppliers in every corner of the province. Importantly, as a significant private sector employer of Indigenous peoples and a major partner with Indigenous businesses in British Columbia, B.C.'s mining sector is a leader in advancing reconciliation. B.C.'s mining sector also plays an essential role in our transition to a low carbon economy through the commodities we mine. MABC will continue to work with government, Indigenous peoples and other important stakeholders to provide critical input to ensure the smooth transition and practical implementation of British Columbia's new Environmental Assessment Act.”

Gavin Smith, staff counsel, West Coast Environmental Law Association –

“Environmental assessment has a critical role to play in ensuring decisions about development are driven by rigorous evidence and aligned with the needs of ecosystems, the vision of B.C. communities, and the rights and authority of Indigenous peoples. Today's bill introduces some significant improvements to the current environmental assessment process that move us toward that goal. We are encouraged that the Province acknowledges there is more work ahead and we look forward to contributing.”

Learn More:

For more information on environmental assessment revitalization, please visit the Environmental Assessment Office's revitalization portal: www.gov.bc.ca/eao/revitalization

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