



# **BC Streamlining Legislation and lessons learned for the C-5 One Canadian Economy Act context**



**British Columbia  
Assembly of First Nations**

# OPENING COMMENTS

- Canadian economies dependent on natural resource and energy development
- Trade war exacerbates financial forecast in dire straits
- Political answer is to accelerate economic development by removing project barriers, especially FN reconciliation
- Currently, core consultation participatory mechanisms is through environmental assessment, regulatory permitting and limited G2Gs
- Bills 14 & 15 designed to cut **FN red tape** with overreaching powers to exempt any deemed “renewable” or “infrastructure” project from the EA & permitting process
- Result may trigger unprecedented breaches of the duty to consult and have the on-the-ground effect of a repealing of UNDRIP legislation
- Bills 14/15 unprecedented opposition by FNLC, UNBCM, ENGOS, BC Chamber of Commerce



# Bill 14

- Bill creates a new designation of “streamlined projects” exempting them from EA:
  - a) the selected wind energy projects;
  - b) the North Coast Transmission Line project (“NCTL”); and
  - c) prescribed renewable energy projects.
- If deemed a streamlined project:
  - Level 1- BC Energy Regulator may have sole jurisdiction to regulate;
  - Level 2 – Exempt from Energy Resource Activities Act and key environmental statutes such as Wildlife Act, Water Sustainability Act and FRPA
- Bill provides Cabinet with unfettered power to deem projects as “renewable energy”, “streamlined” or and resource as “renewable”

# Bill 15

- Intent **to streamline approvals of major public and private infrastructure projects** across BC, including hospitals, schools, transportation projects including other developments deemed **provincially “significant”** in supporting economic growth, such as critical mineral supply and **replacement of US imports**
- **Cabinet may designate any project an “infrastructure project”** to expedite existing approvals without clear criteria or parameters
- Executive power to:
  - authorize expedited regulatory review through permitting prioritization processes;
  - streamline EAs via the creation of regulatory “certifications” issued by “qualified professionals” instead of through the established environmental permitting; and
  - accelerate approval timelines through removal or alteration of approval authorities’ roles in addressing constraints or issues within regulatory framework.

# Closing Comments

- BC says DTC will be honoured, BUT **removed EA and processes** where DTC is fulfilled
- BC says that no project will proceed without First Nations consent BUT neither bill provides any consent mechanism
- BC misrepresents that every project has consent and equity participation, study demonstrates that there is no unanimous consent for any project and equity participation is not provided for all affected First Nations
- BC is enabling itself to bypass environmental protections and exclude First Nations from decisions that directly affect their rights and territories.
- Legal challenges to Bills likely once a project is deemed and there is not true consent achieved but project intends to proceed



