

## **BILL 14 – 2025**

# **RENEWABLE ENERGY PROJECTS (STREAMLINED PERMITTING) ACT**

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

## PART 1 – INTERPRETATION

### Definitions

- 1 (1) In this Act:
- “**board**” has the same meaning as in section 1 (2) of the primary Act;
  - “**Crown land**” means land, whether or not it is covered by water, that is vested in the government;
  - “**delegated instrument**” means an instrument issued in exercise of a power or performance of a duty referred to in section 9.1 [*delegations and designations under other enactments*] of the primary Act;
  - “**electric transmission line project**” means a project to construct or operate electric transmission lines or related facilities;
  - “**level 1 streamlined project**” means a streamlined project to which Division 1 [*Level 1 Streamlining*] of Part 2 applies;
  - “**level 2 streamlined project**” means a streamlined project to which Division 2 [*Level 2 Streamlining*] of Part 2 applies;
  - “**level 3 streamlined project**” means a streamlined project to which Division 3 [*Level 3 Streamlining*] of Part 2 applies;
  - “**North Coast Transmission Line project**” means the electric transmission line project
    - (a) to upgrade and operate existing electric transmission lines, and related facilities, from around Prince George to around Terrace, and
    - (b) to construct and operate new electric transmission lines, and related facilities, from around Prince George to around Terrace;
  - “**primary Act**” means the *Energy Resource Activities Act*;
  - “**regulator**” has the same meaning as in section 1 (2) of the primary Act;
  - “**renewable energy**” means energy derived from a renewable resource;
  - “**renewable energy activity**” means the construction or operation of
    - (a) a facility for the generation or storage of renewable energy, or
    - (b) an electric transmission line or related facilities;
  - “**renewable energy facility**” means a facility referred to in paragraph (a) or (b) of the definition of “renewable energy activity”;
  - “**renewable energy project**” means a project to carry out renewable energy activities and other activities that are required for or facilitate those renewable energy activities;

**“renewable resource”** means biomass, biogas, geothermal heat, hydro, solar, ocean, wind or a prescribed resource;

**“selected wind energy projects”** means the 9 wind energy projects that were selected by the British Columbia Hydro and Power Authority through its 2024 call for power;

**“streamlined project”** has the meaning given to it in section 2.

- (2) For certainty, paragraph (b) of the definition of “renewable energy activity” in subsection (1) does not imply that construction or operation of an electric transmission line might not be a related activity within the meaning of the primary Act.

#### **Streamlined projects**

- 2 The following are streamlined projects for the purposes of this Act:
- (a) the selected wind energy projects;
  - (b) the North Coast Transmission Line project;
  - (c) a prescribed renewable energy project.

## **PART 2 – STREAMLINED PERMITTING**

### **Division 1 – Level 1 Streamlining**

#### **Application of this Division**

- 3 This Division applies in relation to a streamlined project other than a level 2 or level 3 streamlined project.

#### **Administration of delegated instruments**

- 4 Section 9.1 (1) [*delegations and designations under other enactments*] of the primary Act is to be read as though the section applied in relation to a level 1 streamlined project.

### **Division 2 – Level 2 Streamlining**

#### **Application of this Division**

- 5 This Division applies in relation to
- (a) the North Coast Transmission Line project, and
  - (b) a prescribed streamlined project.

**Application of *Energy Resource Activities Act***

- 6 Subject to the regulations, the primary Act is to be read, in relation to a level 2 streamlined project, as though
- (a) the definition of “energy resource activity” in section 1 (2) of that Act included a renewable energy activity, and
  - (b) a reference to a facility in the following provisions of that Act included a renewable energy facility:
    - (i) section 1 (2), in the definition of “spillage”;
    - (ii) section 49 (4) (g) [*order issued by official*];
    - (iii) section 97 (b) [*prohibitions*].

**Administration of *Energy Resource Activities Act***

- 7 (1) Section 21 [*permit required*] of the primary Act does not apply in relation to a level 2 streamlined project.
- (2) Subject to the regulations, the following provisions of the primary Act do not apply in relation to a level 2 streamlined project:
- (a) section 26 [*actions by regulator*], as it relates to associates;
  - (b) section 32 (1.1) [*expiration of permit and authorizations*];
  - (c) sections 34 (2) [*required ownership, interest or authorization*] and 39 (1) [*suspension of activity*], as those sections relate to an area of land other than Crown land;
  - (d) section 38 (1) (b) [*records, reports and plans*];
  - (e) section 40 (e) [*obligations when permit, permission or authorization expires or is cancelled or spent*];
  - (f) Division 2.1 [*Expanded Responsibility*] of Part 3;
  - (g) Part 3.1 [*Dormant Sites*];
  - (h) Part 4 [*Orphan Sites*];
  - (i) section 49 (1) (a) and (4) (d) and (e) [*order issued by official*], as it relates to a renewable energy activity;
  - (j) section 51 [*access restricted or prohibited*];
  - (k) Division 3.1 [*Public Requests for Investigation*] of Part 5;
  - (l) section 103 [*environmental protection and management*];
  - (m) section 104 [*authorizations respecting environmental protection and management*];
  - (n) section 111 [*energy resource activities*].

### **Division 3 – Level 3 Streamlining**

#### **Application of this Division**

- 8 This Division applies in relation to a prescribed streamlined project.

#### **Application of *Energy Resource Activities Act***

- 9 Subject to the regulations, the primary Act is to be read, in relation to a level 3 streamlined project, as though
- (a) the definition of “energy resource activity” in section 1 (2) of that Act included a renewable energy activity, and
  - (b) a reference to a facility in the following provisions of that Act included a renewable energy facility:
    - (i) section 1 (2), in the definition of “spillage”;
    - (ii) section 49 (4) (g) [*order issued by official*];
    - (iii) section 53 (1) (c) [*control of energy resource activities*];
    - (iv) section 97 (b) [*prohibitions*];
    - (v) section 111 (1) (h.1) and (p) [*board regulations – energy resource activities*].

#### **Administration of *Energy Resource Activities Act***

- 10 Subject to the regulations, the following provisions of the primary Act do not apply in relation to a level 3 streamlined project:
- (a) section 26 [*actions by regulator*], as it relates to associates;
  - (b) sections 34 (2) [*required ownership, interest or authorization*] and 39 (1) [*suspension of activity*], as those sections relate to an area of land other than Crown land;
  - (c) Division 2.1 [*Expanded Responsibility*] of Part 3;
  - (d) Part 3.1 [*Dormant Sites*];
  - (e) Part 4 [*Orphan Sites*];
  - (f) Division 3.1 [*Public Requests for Investigation*] of Part 5.

### **Division 4 – General**

#### **Fees**

- 11 (1) Subject to the regulations and subsection (4) of this section, section 18 (2) (c) (i) [*appropriation*] of the primary Act applies, in relation to streamlined projects, to a fee that
- (a) is imposed by an enactment, and

- (b) relates to an application for or issuance of
  - (i) an authorization referred to in section 18 (2) (c) (i) of the primary Act, or
  - (ii) a delegated instrument that is issued by the regulator or an individual to whom the regulator has delegated an applicable power or duty in accordance with section 9.1 (2) [*delegations and designations under other enactments*] of the primary Act.
- (2) Subject to the approval of Treasury Board, the board, by regulation, may increase, decrease or disapply a fee referred to in subsection (1).
- (3) Section 20 (4) (c) [*regulations*] of this Act and section 112 (2) [*board regulations – general*] of the primary Act apply in relation to a regulation under subsection (2) of this section.
- (4) If a fee is increased, decreased or disappplied by a regulation under subsection (2), the enactment that imposes the fee is to be read as though it imposed the increased or decreased fee or no fee, as the case may be.

**Recovery of expenses**

- 12** Section 110 [*recovery of expenses*] of the primary Act is to be read, in relation to streamlined projects, as though
- (a) the section authorized a levy for the purposes of recovering expenses arising out of the administration of the primary Act and this Act in a fiscal year beginning in 2024 or a later calendar year, and
  - (b) subsection (1) (a) (i) of the section also referred to a person, or class of persons, holding an authorization or a delegated instrument, whether or not the authorization or instrument was issued by the regulator.

**Power to modify *Energy Resource Activities Act***

- 13** (1) Subject to subsection (2), the Lieutenant Governor in Council may make regulations as follows for the purposes of this Act:
- (a) providing that section 6 or 9 [*application of Energy Resource Activities Act*] does not apply in relation to an enactment that refers to
    - (i) the primary Act, or
    - (ii) an energy resource activity;
  - (b) for the purposes of section 7 (2) or 10 [*administration of Energy Resource Activities Act*], applying, disapplying or modifying a provision of the primary Act in relation to a streamlined project;

- (c) without limiting paragraph (b), if Part 4 [*Orphan Sites*] of the primary Act is applied in relation to a streamlined project,
  - (i) establishing a fund, similar to the fund continued by section 45 (3) [*reclamation of orphan sites*] of that Act, for a streamlined project or class of streamlined projects, or
  - (ii) providing that section 47 [*orphan site restoration levy*] of that Act is to be read as though paragraph (a) (i) of that section referred to one or more of the persons or classes of persons set out in section 12 (b) [*recovery of expenses*] of this Act.
- (2) A regulation may not be made under subsection (1) in relation to provisions of an enactment respecting engagement with Indigenous peoples, as defined in the *Declaration on the Rights of Indigenous Peoples Act*.

### **PART 3 – APPLICATION OF OTHER ENACTMENTS**

#### **Application of *Environmental Assessment Act***

- 14** The *Environmental Assessment Act* does not apply in relation to the following streamlined projects:
- (a) the selected wind energy projects;
  - (b) the North Coast Transmission Line project;
  - (c) a wind energy project that is prescribed for the purposes of this section;
  - (d) any of the following electric transmission line projects that is prescribed for the purposes of this section:
    - (i) a project to upgrade, construct or operate electric transmission lines, or related facilities, from around Terrace to around Bob Quinn Lake, Prince Rupert, Ridley Island or Kitimat;
    - (ii) another electric transmission line project that is related to the North Coast Transmission Line project.

#### **Application of *Agricultural Land Commission Act***

- 15** (1) In this section:
- “**Act**” means the *Agricultural Land Commission Act*;
  - “**agricultural land reserve**” has the same meaning as in section 1 (1) of the Act;
  - “**non-farm use**” has the same meaning as in section 1 (1) of the Act;
  - “**soil or fill use**” has the same meaning as in section 1 (1) of the Act.

- (2) Subject to the regulations, the regulator may permit, with or without limits or conditions, any of the following for the purposes of facilitating the carrying out of a streamlined project:
  - (a) a non-farm use or soil or fill use of land in the agricultural land reserve;
  - (b) a subdivision of land in the agricultural land reserve.
- (3) Sections 20 (1) [*non-farm use*] and 20.3 (1) [*soil or fill use*] of the Act do not apply in relation to a use of land that is permitted under
  - (a) subsection (2) (a) of this section, or
  - (b) the regulations.
- (4) Sections 18 (5), 19 (2) and 21 (1) [*subdivision*] of the Act do not apply in relation to a subdivision of land if the subdivision is permitted under
  - (a) subsection (2) (b) of this section, or
  - (b) the regulations.
- (5) Section 7 (5) and (6) [*power of commissioner to subdelegate*] of the primary Act applies in relation to a power referred to in subsection (2) of this section.

**Application of *Heritage Conservation Act***

- 16** For the purposes of this Act, the *Heritage Conservation Act* is to be read as though
- (a) a delegation under section 20.1 (1) [*ministerial delegation*] may also be made to the regulator, and
  - (b) a person, or class of persons, employed by the regulator may also be authorized to be an authorized official in relation to a streamlined project.

**Application of *Safety Standards Act***

- 17** Section 3 (3) [*non-application – energy resource facilities and pipelines*] of the *Safety Standards Act* applies in relation to a level 3 streamlined project as though the reference to a facility included a renewable energy facility.

**Application of *Wildlife Act***

- 18** (1) For the purposes of this Act, the minister responsible for the administration of the *Wildlife Act* may delegate to the regulator, with or without limits or conditions, one or more of the following powers under that Act:
- (a) a power under section 4 (4) [*use of land or resources*] of a regional manager to grant permission for the purposes of that section or section 7 (1) [*damage to land set aside*];
  - (b) a power under section 7 (4) [*prohibition orders*] of a regional manager to make an order;
  - (c) a power under section 10 (1) [*financial responsibility*] of the minister to require bonding;



- (d) a power under the following sections of a regional manager or director in relation to a permit, other than the power to authorize another person to issue a permit:
  - (i) section 19 [*permits*];
  - (ii) section 20 [*permit applications and fees*];
  - (iii) section 25 (1) [*suspension and cancellation of permits*];
  - (iv) section 25 (2) as it relates to confirming, reducing, extending or terminating a suspension of a permit;
  - (v) section 100.1 [*submission of reports and other records*].
- (2) If the power to issue a permit is delegated under this section to the regulator,
  - (a) the regulator may authorize a transfer of the permit, and
  - (b) section 81 [*documents not transferable*] of the *Wildlife Act* does not apply in relation to a transfer that is authorized by the regulator.

## PART 4 – GENERAL

### Application of *Offence Act*

- 19** Section 5 of the *Offence Act* does not apply to this Act or the regulations.

### Regulations of Lieutenant Governor in Council

- 20** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) The authority to make regulations under another provision of this Act does not limit subsection (1).
- (3) The Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing a resource for the purposes of the definition of “renewable resource” in section 1;
  - (b) specifying whether a facility is related to an electric transmission line for the purposes of the definitions of “electric transmission line project” and “renewable energy activity” in section 1;
  - (c) specifying whether a renewable energy activity or other activity does or does not form part of a streamlined project referred to in section 2 (a) or (b) [*streamlined projects*];
  - (d) prescribing a renewable energy project for the purposes of section 2 (c), other than a hydroelectric project that includes a dam;
  - (e) prescribing a streamlined project for the purposes of
    - (i) section 5 (b) [*application of Division 2 – level 2 streamlining*], or
    - (ii) section 8 [*application of Division 3 – level 3 streamlining*];

- (f) providing that section 11 (1) [*fees*] does not apply in relation to a fee or a portion of a fee;
  - (g) prescribing a streamlined project for the purposes of section 14 (c) or (d) [*application of Environmental Assessment Act*];
  - (h) for the purposes of section 15 (2), (3) or (4) [*application of Agricultural Land Commission Act*], respecting the permission of a use or subdivision of land.
- (4) In making a regulation under this Act, the Lieutenant Governor in Council may do one or more of the following:
- (a) delegate a matter to
    - (i) a minister,
    - (ii) the regulator, or
    - (iii) a person who is employed in the government or by the regulator;
  - (b) confer a discretion on
    - (i) a minister,
    - (ii) the regulator, or
    - (iii) a person who is employed in the government or by the regulator;
  - (c) make different regulations in relation to different projects or facilities or different classes of projects, facilities, persons, things, circumstances or other matters.

### **Validation Provision**

#### **Validation – regulator actions in relation to streamlined projects**

- 21** (1) In this section:
- “**commissioner**” has the same meaning as in the primary Act;
  - “**official**” has the same meaning as in the primary Act;
  - “**validation period**” means the period of time beginning on April 1, 2024 and ending on the date this section comes into force.
- (2) All things done by the board, the commissioner, the regulator or an employee or official of the regulator during the validation period that would have been validly done had this Act been in force during that period are conclusively deemed to have been validly done.
- (3) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

## Transitional Provisions

### Transition – initial funding

- 22 (1) In this section:
- “**authorization**” has the same meaning as in section 1 (2) of the primary Act;
  - “**permit**” has the same meaning as in section 1 (2) of the primary Act;
  - “**specified proponent**” means any of the following:
    - (a) in relation to the North Coast Transmission Line project, the British Columbia Hydro and Power Authority;
    - (b) in relation to another streamlined project, a person who holds a permit, authorization or delegated instrument for the project, whether or not issued by the regulator;
  - “**transitional period**” means the period beginning on April 1, 2024 and ending on June 30, 2026.
- (2) The commissioner, for the purposes of recovering expenses arising during the transitional period out of the administration of the primary Act, as it relates to renewable energy projects, and this Act, may issue a certificate to a specified proponent requiring the specified proponent to pay an amount specified in the certificate.
- (3) A certificate under subsection (2) must
- (a) be served on the specified proponent, and
  - (b) published on a publicly available website maintained by or on behalf of the regulator.
- (4) A specified proponent to whom a certificate under subsection (2) is issued must pay to the regulator the amount specified in the certificate.
- (5) For certainty, the commissioner may issue more than one certificate under this section in a calendar year or in relation to a streamlined project.

### Transition – existing wind energy projects

- 23 (1) In this section:
- “**environmental assessment certificate**” has the same meaning as in section 1 of the *Environmental Assessment Act*;
  - “**existing wind energy project**” means a level 3 streamlined project
    - (a) that is a wind energy project, and
    - (b) for which a person holds a valid environmental assessment certificate issued before January 1, 2025.

- (2) If an existing wind energy project is prescribed for the purposes of section 14 (c) [*application of Environmental Assessment Act*],
  - (a) the environmental assessment certificate for the project is cancelled, and
  - (b) the person who held that certificate immediately before its cancellation is deemed to have been issued, on the date of the cancellation, a permit under the primary Act that
    - (i) permits the person to carry out the project, and
    - (ii) is subject to any conditions that were attached to that certificate.
- (3) A condition referred to in subsection (2) (b) (ii) is to be considered a valid condition within the meaning of section 25 (2) (b) [*permits and authorizations issued by regulator*] of the primary Act whether or not the condition may be imposed under that section.

## **Consequential and Related Amendments**

### ***Agricultural Land Commission Act***

- 24    *Section 2 of the Agricultural Land Commission Act, S.B.C. 2002, c. 36, is amended by adding the following subsection:***

- (1.3) Subsection (1) and section 3 do not apply in relation to the *Renewable Energy Projects (Streamlined Permitting) Act*.

### ***Energy Resource Activities Act***

- 25    *The Energy Resource Activities Act, S.B.C. 2008, c. 36, is amended by adding the following section:***

#### **Delegations and designations under other enactments**

- 9.1    (1)** For the regulation of energy resource activities and other activities that are required for or facilitate energy resource activities,
- (a) the regulator may exercise a power or perform a duty that is delegated to the regulator under another enactment, and
  - (b) an employee or official of the regulator may exercise a power or perform a duty that is conferred or imposed on the employee or official, as the case may be, under another enactment.
- (2)** Section 7 (5) and (6) [*power of commissioner to subdelegate*] applies in relation to a power or duty referred to in subsection (1) (a) of this section.

**26    *Section 34 is amended***

***(a) in subsection (1) by adding the following definitions:***

“**Crown land**” means land, whether or not it is covered by water, that is vested in the government;

“**specified facility**” means a facility referred to in paragraph (e) (i) of the definition of “energy resource activity” in section 1 (2), other than a facility for the production of hydrogen from a well; ,

***(b) in subsection (2) by striking out “subsection (3)” and substituting “subsections (2.1) and (3)”, and***

***(c) by adding the following subsection:***

(2.1) Subsection (2) (a) does not apply in relation to the construction or operation of a specified facility on an area of land other than Crown land.

**Commencement**

**27    This Act comes into force by regulation of the Lieutenant Governor in Council.**