



BC ASSEMBLY OF FIRST NATIONS

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BCAFN SPECIAL CHIEFS ASSEMBLY
March 4 & 5, 2026
In person & online via Zoom

Resolution 06/2026

SUBJECT: RENEWED COMMITMENT TO REFORMING THE ENVIRONMENTAL ASSESSMENT ACT

MOVED BY: CHIEF JERRY JACK, MOWACHAHT/MUCHALAHT FIRST NATION

SECONDED BY: CHIEF GREG GABRIEL, PENTICTON INDIAN BAND

DECISION: CARRIED

WHEREAS:

- A. First Nations hold inherent and constitutionally protected title, rights and treaty rights to their lands, waters, and resources, which cannot be delegated, overridden, or bypassed by federal or provincial governments, delegated agencies or advisory bodies;
- B. In 2019, the *Environmental Assessment Act* (EAA) came into force with a provision to review the EAA every 5 years. In 2024, the Environmental Assessment Office (EAO) began the review and announced that they are taking an incremental approach and it will be complete in late 2027;
- C. The EAO intends to evaluate whether the EAA is meeting the purposes of promoting sustainability and reconciliation with Indigenous peoples in the Province of BC (BC) and is consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) as required by the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act);

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- D. Following the implementation of the Declaration Act, BC amended the *Interpretation Act* to include Section 8.1, which requires that every Act and regulation “must be construed as being consistent with the Declaration” and that every enactment “must be construed as upholding and not abrogating or derogating from the aboriginal and treaty rights of Indigenous peoples as recognized and affirmed by section 35 of the *Constitution Act, 1982*”;
- E. The UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:
Article 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in international human rights law;
Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from discrimination in the exercise of their rights;
Article 3: Indigenous peoples have the right to self-determination;
Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights;
Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them;
Article 38: States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration; and
Article 43: The rights recognized in the Declaration constitute the minimum standards for the survival, dignity, and well-being of the Indigenous peoples of the world;
- F. by BCAFN Resolution 04/2018 *Reforming the BC Environmental Assessment Act*, the BC Chiefs-in-Assembly supported a complete review and legislative reform of the EAA and urged BC to undertake this reform in consideration of First Nations title, rights and treaty rights in line with the Tsilhqot’in decision, the Calls to Action of the Truth and Reconciliation Commission and full implementation of the UN Declaration;
- G. as part of the 5-year review, and in compliance with the Interpretation Act, the EAO has engaged with the Union of BC Indian Chiefs, the BC Assembly of First Nations, and the First Nations Summit, working together as the First Nations Leadership Council (FNLC), on dispute resolution mechanisms in the EAA, and will be engaged in ongoing work to reform the EAA;
- H. In 2025, BC quickly passed fast-tracking legislation in the form of the *Renewable Energy Projects (Streamlined Permitting) Act* (Bill 14) and *Infrastructure Projects Act* (Bill 15), with the latter containing provisions to expedite the environmental assessment process, overriding the EAA.

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The bills were not developed in alignment with the Declaration Act or the Interpretation Act;

- I. by BCAFN Resolution 39/2025 *Call for the Repeal of Federal and Provincial Fast-Tracking Legislation*, the Chiefs-in-Assembly directed the Regional Chief and BCAFN staff, together with the FNLC, to develop a legal strategy to challenge Bill 14 and 15 (subject to resourcing), engage with the provincial and federal governments on scoping legislative amendments and regulatory co-development on fast-tracking legislation to reflect the rights, title and interests and priorities of First Nations in BC and seeks their free, prior and informed consent prior to any finalizations, and call on BC and Canada to provide adequate funding and timelines to ensure the full participation of First Nations in BC in co-development of any fast-tracking legislative amendments or regulatory developments;
- J. as a result of Bill 15, the EAA has also been mandated to develop regulations for an expedited environmental assessment process for “provincially significant projects,” and in the future they will focus on types of projects that should be assessment and ways to make the assessment process more efficient, while also working on approached to free, prior and informed consent and First Nations’ participation in environmental assessments; and
- K. in the engagements to date, the FNLC has remained steadfast under the direction of the Chiefs-in-Assembly to ensure that First Nations title, rights and inherent jurisdiction is respected, and that free, prior and informed consent and consultation mechanisms are embedded in any legislative amendments and related regulatory development.

THEREFORE, BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly re-affirms the provincial government's legislative obligations to undertake a 5-year review process of the *Environmental Assessment Act* (EAA) that must ensure First Nations inherent title, rights and treaty rights are respected and upheld in full alignment with the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) and the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) and Section 8.1 of the *Interpretation Act*;
2. the BCAFN Chiefs-in-Assembly directs the Regional Chief and BCAFN staff, working with the First Nations Summit and the Union of BC Indian Chiefs, jointly as the First Nations Leadership Council, to continue monitoring and engaging with the Environmental Assessment Office to ensure that any amendments and regulatory developments to the EAA are aligned with the UN Declaration and uphold process that respect free, prior and informed consent and consultation and cooperation mechanisms; and
3. the BCAFN Chiefs-in-Assembly call on the government of BC to provide adequate funding to meaningfully engage with rights and title holders in ensuring fast-tracking legislation and related regulatory, policy and legislative development or reform are aligned with the UN Declaration,

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Declaration Act and Section 8.1 of the Interpretation Act.

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A handwritten signature in blue ink, appearing to read 'Terry Teegee', is written over a horizontal line.

Terry Teegee, BC Regional Chief