


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

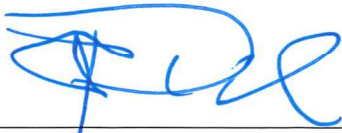
Order in Council No. **585**, Approved and Ordered December 15, 2025


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the Renewable Energy Projects (Streamlined Permitting) Regulation, B.C. Reg. 93/2025, is amended as set out in the attached Schedule 1,
- (b) the Environmental Protection and Management Regulation, B.C. Reg. 200/2010, is amended as set out in the attached Schedule 2, and
- (c) the Reviewable Projects Regulation, B.C. Reg. 243/2019, is amended as set out in the attached Schedule 3.



Minister of Energy and Climate Solutions



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Renewable Energy Projects (Streamlined Permitting) Act*, S.B.C. 2025, c. 12, s. 20; *Energy Resource Activities Act*, S.B.C. 2008, c. 36, ss. 95 and 103; *Environmental Assessment Act*, S.B.C. 2018, c. 51, s. 9

Other: OIC 321/2025; OIC 435/2010; OIC 607/2019

R20936617

SCHEDULE 1

- 1** *The Renewable Energy Projects (Streamlined Permitting) Regulation, B.C. Reg. 93/2025, is amended by adding the following heading before section 1:*

PART 1 – INTERPRETATION .

- 2** *Section 1 is amended by adding the following definitions:*

“**high-output**”, in relation to a wind or solar energy project, means a project with a rated nameplate capacity greater than 5 MW;

“**land-based**”, in relation to a wind energy project, means a project with turbines that are all located on land other than land covered by water; .

- 3** *The following heading is added before section 3:*

PART 2 – STREAMLINING .

- 4** *Section 3 is repealed and the following substituted:*

Level 2 streamlining

- 3** The following streamlined projects are prescribed for the purposes of section 5 (b) [application of Division 2 – level 2 streamlining] of the Act:

- (a) wind energy projects not prescribed as level 3 streamlined projects;
- (b) solar energy projects not prescribed as level 3 streamlined projects;
- (c) the North Montney Transmission Line project;
- (d) the North of Terrace Transmission Line project.

- 5** *The following section is added:*

Level 3 streamlining

- 3.1** The following streamlined projects are prescribed for the purposes of section 8 [application of Division 3 – level 3 streamlining] of the Act:

- (a) high-output wind energy projects;
- (b) high-output solar energy projects, other than agrivoltaic projects.

- 6** *Section 4 is repealed and the following substituted:*

Application of Environmental Assessment Act

- 4** (1) Land-based wind energy projects are prescribed for the purposes of section 14 (c) [application of Environmental Assessment Act] of the Act.
- (2) The North of Terrace Transmission Line project is prescribed for the purposes of section 14 (d) of the Act.

- 7** *The following section is added:*

Application of Environmental Protection and Management Regulation

- 4.1** (1) Section 6 of the Environmental Protection and Management Regulation, B.C. Reg. 200/2010, applies in relation to a wind energy project that is a level 3 streamlined project as though
- (a) the section prescribed as an objective that energy resource activities be carried out at a time and in a manner that minimizes physical disturbance to birds or bats or their habitat, including disturbance during sensitive seasons and critical life-cycle stages, and
 - (b) paragraph (b) of that section did not apply in relation to birds or bats or their habitat.
- (2) A permit holder for a wind energy project that is a level 3 streamlined project must, in accordance with any applicable conditions of the permit,
- (a) monitor bird and bat mortality associated with the project, and
 - (b) prepare and maintain a record of that mortality.

8 *The following heading is added before section 5:*

PART 4 – INDIGENOUS RELATIONS .

9 *The following sections are added:*

Policies in relation to level 3 streamlined projects

- 6** For the purposes of section 35 of the *Constitution Act, 1982*, the regulator must exercise its power and discretion under section 25 (1) and (2) (b) [*permits and authorizations issued by regulator*] of the primary Act in relation to a level 3 streamlined project consistently with the following policies:
- (a) the regulator must provide first nations an opportunity to share Indigenous knowledge;
 - (b) the regulator must consider
 - (i) any Indigenous knowledge shared under paragraph (a), and
 - (ii) any effects on first nations and rights recognized and affirmed by section 35 of the *Constitution Act, 1982*, including, without limitation, positive and negative direct and indirect effects and adverse cumulative effects.

Direction in relation to formerly reviewable wind energy projects

- 7** (1) In this section:
- “formerly reviewable wind energy project”** means any of the following that is not a reviewable project within the meaning of the *Environmental Assessment Act*:
- (a) a land-based wind energy project with 15 or more turbines;
 - (b) a wind energy project with a rated nameplate capacity equal to or greater than 50 MW;
- “participation provisions”** means

- (a) sections 22.3.1 and 22.3.2 of the final agreement of the Maa-nulth First Nations,
 - (b) paragraphs 3 and 4 of Chapter 13 of the final agreement of the Tla'amin Nation, and
 - (c) clauses 7 and 8 of Chapter 15 of the final agreement of the Tsawwassen First Nation.
- (2) If a permit for a formerly reviewable wind energy project locates an operating area on treaty lands of a treaty first nation, section 34 (2) (a) [*required ownership, interest or authorization*] of the primary Act applies in relation to the operating area and, for that purpose, is to be read as requiring that the permit holder either
- (a) is the treaty first nation, or
 - (b) has acquired the consent of the treaty first nation for the energy resource activities permitted by the permit to be carried out in the operating area.
- (3) The regulator is directed, for the purposes of section 25 (1.1) [*permits and authorizations issued by regulator*] of the primary Act, not to issue a permit for a formerly reviewable wind energy project unless the participation provisions have been upheld.
- (4) For the purposes of subsection (3), the participation provisions are to be read as though
- (a) a reference to a Provincial Project were a reference to a formerly reviewable wind energy project, and
 - (b) a reference to participation in an assessment of environmental effects were a reference to participation in the process by which the regulator
 - (i) assesses the environmental effects of a formerly reviewable wind energy project, and
 - (ii) determines under section 25 of the primary Act whether to issue a permit and what conditions are to be imposed on the permit.

SCHEDULE 2

- 1 *Section 1 (1) of the Environmental Protection and Management Regulation, B.C. Reg. 200/2010, is amended by repealing the definition of “wildlife tree”.***

SCHEDULE 3

- 1 *Section 11 of the Reviewable Projects Regulation, B.C. Reg. 243/2019, is amended in the definition of “another power plant” by striking out “the sun, the wind or” and substituting “the sun or”.***
- 2 *Table 7 is amended in column 2 opposite project category 1***
- (a) *in subsection (1) (c) by striking out “subsections (2) to (5)” and substituting “subsection (4) or (5)”, and***
 - (b) *by repealing subsection (2).***