# Regulation of renewable energy projects in B.C.: Streamlined approval processes for project development

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## What to know

Building capacity for renewable energy projects is a key priority for the current British Columbia government and they have recently announced that they will introduce new legislation for renewable energy projects in the spring of 2025. If passed, the legislation will expand the authority of the British Columbia Energy Regulator (BCER) to oversee renewable energy projects, such as wind and solar. The legislation will aim to create a single window permitting process, creating a more streamlined approval process for renewable energy projects.

BLG has extensive experience in advising proponents through the BCER's regulatory process for project approval and environmental assessments (federal, provincial, and Indigenous led). For further information please contact the authors below or any member of BLG's Environmental or Energy, Resources and Renewables groups.

## Streamlined approval processes for renewable energy projects

In December 2024, the government announced its intention to exempt nine wind projects and all future wind projects in British Columbia from environmental assessment.

The British Columbia's planned legislation for spring 2025 will make the BCER the primary regulator for wind, solar, and potentially other types of renewable energy projects. Giving the BCER authority over renewable energy projects could reduce the number of government agencies that proponents need to deal with, instead providing a single regulator to oversee the lifecycle of renewable energy projects.

The *Clean Energy Act* and the *Clean or Renewable Resource Regulation* currently classify biomass, biogas, geothermal heat, hydro, solar, ocean, wind, biogenic waste, waste heat, and waste hydrogen as "clean or renewable resources." It remains to be

seen whether the new legislation will apply to all of these resources. However, for now, it appears that the incoming legislation will contemplate a staged approach to regulating renewable energy projects, with the BCER initially focusing on BC Hydro's North Coast Transmission Line, other prescribed high-voltage transmission lines, and wind and solar projects.

## Expansion of the BCER's authority

Before 2022, the BCER was known as the British Columbia Oil and Gas Commission. Through the *Energy Statutes Amendment Act, 2022*, the Oil and Gas Commission became the BCER, with its authority expanding to include overseeing hydrogen, ammonia, and methanol. For further information on these previous reforms, see our three-part series from December 2022 on changes to clarify the regulation of hydrogen production in B.C., increased liability of directors and officers under the *Energy Resources Activities Act*, and changes to the regulation of carbon capture and storage.

The *Energy Resources Activities Act* currently gives the BCER authority to administer certain environmental and land use laws as they relate to energy resource activities. Among other things, the *Energy Resources Activities Act* grants the BCER powers to issue permits for energy resource activities, regulate the conduct of an energy resource activity throughout its lifecycle, and impose requirements for permit holders and other persons to undertake environmental protection measures. The BCER has delegated authority under a number of other Acts.

With the British Columbia government now planning to bring solar, wind, and other renewable energy projects under the remit of the BCER, proponents will need to understand what specific powers the government will ultimately grant to the BCER with respect to renewable energy projects.

Even with the British Columbia government's proposed legislation, certain renewable energy projects may still need to undergo environmental assessments. The British Columbia government has indicated that it is not contemplating other changes to the environmental assessment riggers for renewable energy projects. The government has also stated that environmental assessments will still be required for projects that exceed thresholds identified in the *Reviewable Projects Regulation*. Further, in designing new approval processes for renewable energy projects, the British Columbia government and the BCER will need to consider how to engage with First Nations and other persons potentially impacted by projects.

## Moving forward

Streamlining the approval processes for renewable energy projects should help proponents speed up development timelines and reduce costs of regulatory compliance. However, the exact details of the British Columbia's planned legislation remain unclear at this point. We will continue to monitor developments in the regulation of renewable energy projects and the regulatory framework for energy in British Columbia.

By

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