

The Era of Consultation Is Ending. Most Companies Haven't Noticed.

In British Columbia, Indigenous consent is a legal requirement, not a courtesy. Companies positioned for that shift built their relationships years before the shift arrived.

The resource and infrastructure companies that thrive long-term in BC don't just get their permits. They're called back. First Nations leadership asks to work with them again.

That distinction has always mattered. It is now becoming a competitive advantage that is very difficult to manufacture on short notice, because the legal ground beneath consultation has shifted and is still shifting.

The Ground Has Already Shifted

BC passed the Declaration on the Rights of Indigenous Peoples Act in November 2019. Canada followed with federal implementing legislation, which received royal assent in June 2021. For several years, much of industry regarded these as statements of principle - important, but not operationally binding.

That reading is now out of date.

Sections 6 and 7 of B.C.'s Declaration Act allow the Province to enter into agreements with Indigenous governing bodies on statutory decisions. Under a joint agreement, the Province and the Nation make decisions together. Under a consent-based agreement, both parties must approve before a project can proceed.

These are no longer theoretical:

- In June 2022, my Nation's governing body, the Tahltan Central Government, signed the province's first consent-based decision-making agreement for the environmental assessment of the Eskay Creek Revitalization Project.
- In November 2023, the Tahltan signed a second agreement governing the future operation of the Red Chris mine.
- In January 2026, the first project ever assessed under one of these agreements was approved. B.C. issued an environmental assessment certificate for Eskay Creek, with the Tahltan Nation's consent embedded in the certificate and 38 legally binding conditions, several of which were co-developed with the Nation.
- In July 2026, the Province and Simpcw First Nation signed a consent agreement covering the proposed Yellowhead Copper project northeast of Kamloops and potential future mining projects within Simpcw territory.

The old line - that the legal threshold for consultation is a floor - remains true. But the floor is rising, and in an increasing number of territories, the Nation across the table is no longer offering an opinion on your project. It is making a decision about your project.

Companies that have spent two decades optimizing their consultation paperwork are about to realize they optimized the wrong thing.

You've Been Sold a Process. First Nations Can Tell.

The consultation industry has quietly done something harmful over the past twenty years: it has taught companies to treat Indigenous engagement as a compliance function. Show up, document the meeting, note the concerns, file the record. Repeat.

Chiefs and Councils have sat across the table from this approach hundreds of times. They recognize its rhythm. The carefully worded engagement summaries. The community liaisons who arrive with pre-set agendas. The project timelines that have clearly been set before the first conversation.

In our work with Nations across the country, the response we hear most often is not hostility toward industry. It is fatigue. Communities have been consulted for decades and are still waiting to see what genuine respect looks like in practice.

Box-checking breeds distrust, and that distrust does not reset when your project closes. It carries forward, shows up in the next company's first meeting, and compounds.

This is also why process improvements so rarely fix anything. A more thorough consultation record, a tighter engagement log, or a third-party engagement firm: none of these can rebuild trust that was never established in the first place or that was quietly eroded over years of transactional interactions.

When a project stalls, the instinct is to diagnose a process failure. The wrong form was filed, the right person wasn't notified, or the timeline was too tight. Fix the process to prevent the problem next time.

That instinct is usually wrong. In our experience, opposition to a project almost always stems from something older than the project in front of you - an accumulated history of concerns acknowledged on paper but ignored in practice, and of promised benefits that never arrived or arrived in forms nobody asked for.

The delay is a symptom. The relationship, or its lack, is the cause.

The question worth asking is not "where did the process break down?" It is "when did we stop treating this as a relationship?"

Consultation and Partnership Are Not the Same Word

Here is the distinction that matters: consultation asks, “Do you have concerns?” Partnership asks, “What do your priorities require?”

In a consultation model, the project is largely fixed before engagement begins. Industry teams gather, document, and respond to feedback, but the scope of what gets built, when, and how is rarely up for discussion. The Nation is a stakeholder to be managed.

In a partnership model, the Nation’s priorities inform the project’s design. Economic participation, environmental thresholds, employment and contracting commitments, and cultural protocols for land access aren’t concessions extracted during negotiation. They’re part of the architecture from the start.

That’s a structural difference, not a semantic one. It changes who is in the room, when those conversations occur, and what authority the people in that room have.

Companies that understand this don’t arrive with a finished plan seeking a signature. They arrive with a problem they need help solving and mean it.

You Cannot Build a Relationship When You Need Something

This is where most companies make their costliest mistake.

The application is filed, and the regulatory timeline begins. Now the company needs to engage, which, in this context, means approaching a First Nation with whom it may have no prior relationship and asking for its support.

That is not relationship-building. That is relationship extraction.

Nations that have experienced this pattern, and most have, are not skeptical without reason. They have learned, accurately, that industry interest arrives when industry needs something and disappears when it doesn’t.

Trust is not built during an engagement process. It is built over years before you even start. By the time you are at the table with an active timeline, you are either drawing on a relationship or realizing you never built one.

What Partnership Actually Looks Like

Partnership is a word worn smooth by overuse. Here is what it looks like when it is real, drawn from projects operating in British Columbia right now.

Ownership, not benefits. The clearest example in the province is the Haisla Nation’s position in Cedar LNG, the floating liquefied natural gas facility near Kitimat in Haisla territory. The Haisla hold a 50.1 percent majority stake in partnership with Pembina Pipeline Corporation in a multibillion-dollar export

facility. Reporting on how the deal came together is instructive: Pembina's original concept placed the Haisla in a minority position. The Haisla had a different vision from the outset and held to it. The project reached a positive final investment decision in June 2024 and is expected to be operational in 2028.

The key point is not the percentage. It is the level at which the Nation participated. Cedar LNG was not a project designed elsewhere and then softened with a benefits agreement. The Nation set the terms of its own participation at the ownership level.

Decision authority, not input. At Eskay Creek, several of the 38 binding conditions attached to the certificate were co-developed with the Tahltan, including conditions on fish and air quality monitoring and on minimizing community effects in culturally appropriate ways. These are not concerns merely noted and filed. They are requirements the proponent now operates under, shaped by the people who identified them.

Capacity, honestly funded. Nations receive far more referrals than they have staff to assess. Expecting a community to review a technical submission on your timeline, using their own resources, is an unfunded transfer of your costs onto them, and it is read exactly that way. Companies serious about partnership fund the community's capacity to evaluate the project properly, without tying that funding to a favourable outcome.

Information symmetry. Something always changes. Scope, schedule, ownership, financing. The companies that get asked back are the ones that tell the community when it happens, in plain language, before it surfaces elsewhere. They report; they don't manage the message.

Duration beyond the transaction. The relationship either endures after the ribbon-cutting or it never was a relationship. Who is still at the economic development conference when there is nothing on the table? Who came back after the project closed?

If You Recognize Your Own Company Here

Most companies reading this are somewhere in the middle: neither cynical nor malicious, but operating a consultation function designed for a legal environment that is disappearing.

You cannot retroactively manufacture a ten-year relationship. But there are things you can do that are better than pretending you have one.

Name the gap out loud. A company that says, "we know we're arriving late, and we know what that usually means," is more credible than one that pretends to be familiar with something it hasn't earned.

Make your first approach something other than an ask. If your first contact with a Nation is a project introduction with a ticking regulatory clock, you have already told them what kind of company you are.

Fund capacity before you need to make a decision.

Accept that the first year is slow. Companies that try to compress the trust-building phase are not saving time. They are borrowing time, only to face a later delay that costs more.

Identify who actually holds authority and over what, including whether a consent agreement exists or is under negotiation in that territory. That is now a material question about your project's approval pathway, not a matter of courtesy.

The Firms Worth Working With Are Asked Back

A simple way to gauge whether a company has figured this out is to ask the Nations it has worked with whether they would do it again.

Not whether they signed. Not whether the project was permitted and completed. Whether, if that company came back tomorrow with something new, the community's leadership would lean in or look for reasons to slow it down.

The firms that are asked back are usually not the ones with the largest community investment funds or the most sophisticated benefit-sharing structures. They are the ones whose word proved reliable. Who told the community when something changed. Who gave Indigenous partners real authority over what mattered and then respected the decisions that came back.

Those companies are operating in BC right now. Their projects move faster, their regulatory processes go more smoothly, and their standing in the communities that determine their long-term operating licence is genuinely strong. That is not an accident, nor is it the product of a better consultation process. It is the result of treating economic partnership with First Nations as what it is: a long-term relationship built on shared interests, mutual respect, and the understanding that the community's success and the project's success are not at odds.

The legal environment is now catching up to what the best operators already understood. The question is no longer whether Nations will hold decision-making authority over projects in their territories. In BC, they already increasingly do.

The only question left is what kind of company you will be upon arrival.

ICDPRO is a 100% Indigenous-owned and -operated consulting firm specializing in Indigenous community economic development across Canada. We work with Nations, industry, and government to build lasting relationships and agreements.

If you are entering a territory where you don't have a relationship, or you are unsure whether the one you have is real, that is a conversation worth having before your application is filed, not after. Get in touch with me at Angela@icdpro.ca or 780-717-8296.