



Canadian Environmental  
Assessment Agency

Agence canadienne  
d'évaluation environnementale



# Federal Environmental Assessment in Canada

June 2010



# Objective of Session



- 
- n Overview of the *Canadian Environmental Assessment Act* (the Act)
    - Purpose
    - Process
    - Types of EA
    - CEAR
    - Role of the Agency



# Canadian Environmental Assessment Act

- n Came into force in 1995
- n Applies to federal decision making (does not apply directly to private sector proponents)
- n Based on principle of “self-assessment”
- n Major revisions to the Act in 2003
- n Another review of the Act is scheduled for 2010



# Purposes of the Act

## n Ensure:

- careful and precautionary consideration of projects before making federal decisions, so that significant adverse environmental effects are avoided
- coordination within federal government - eliminate duplication
- timely and meaningful public participation

## n Promote:

- sustainable development
- federal-provincial cooperation and coordination
- cooperation and communication with Aboriginal peoples

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## Four Key Regulations

- n *Law List Regulations*
- n *Inclusion List Regulations*
- n *Exclusion List Regulations*
- n *Comprehensive Study List Regulations*

These are integral to the operation of the Act.

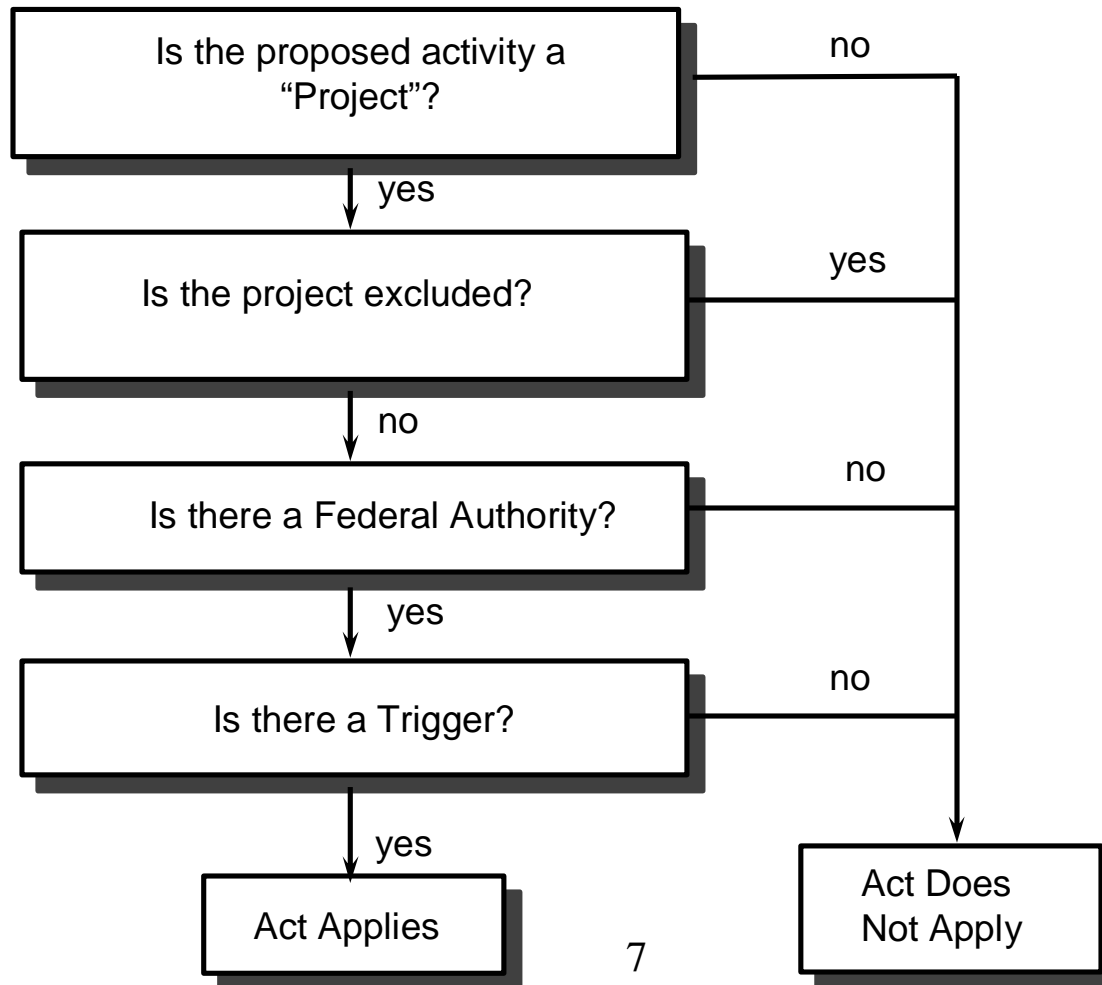


## Other Regulations

- n Canada Port Authority EA Regulations
- n Crown Corporations Involved in the Provision of Commercial Loans EA Regulations
- n Federal Authority Regulations
- n Infrastructure Projects EA Adaptation Regulations
- n Projects Outside Canada EA Regulations
- n Regulations Respecting the Coordination by Federal Authorities of EA Procedures and Requirements



# When does the Act apply?





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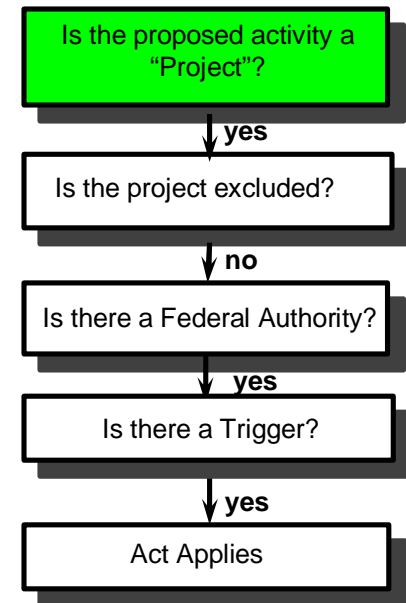
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# Project



**OR**

**Construction  
Operation  
Modification  
Decommissioning**



Undertaking related to a physical work



# Exclusions



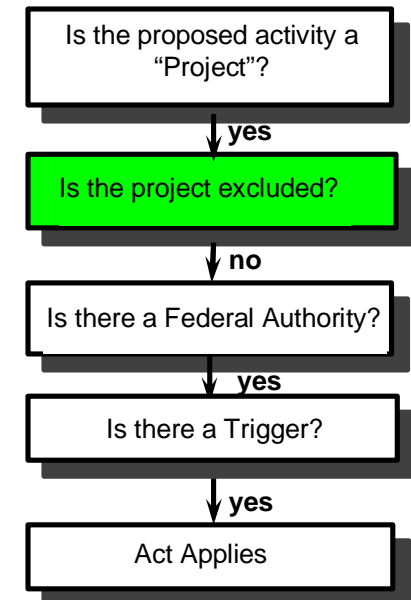
*Exclusion List Regulations* - projects that have insignificant environmental effects

## Examples

- Maintenance or repair of an existing structure
- Expansion (<10%) of an existing building
- Exclusions often conditional (e.g., > 30 m from a water body)

Other exclusions include projects carried out in response to:

- an emergency in the interest of preventing damage to property, environment, or public health and safety



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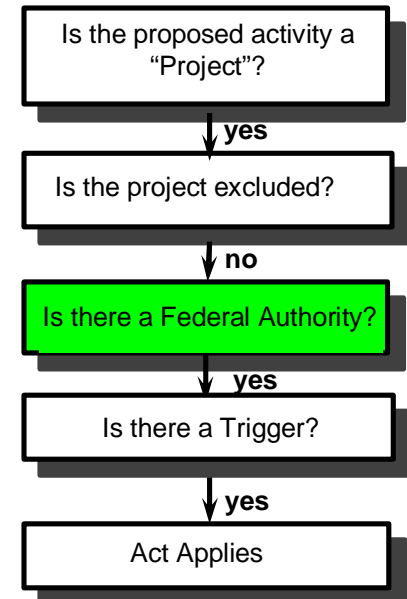
# Federal Authority

## Includes

- n A Minister of the Crown
- n An agency or body of the federal government
- n Any department or departmental corporation (Schedule I & II of the *Financial Administration Act*)
- n Parent federal Crown corporations
- n Any body designated by regulation (e.g., Offshore Petroleum Boards)

## Excludes

- n Port authorities (EA required by regulation)
- n Harbour commissions
- n Council or band under the *Indian Act*
- n Provincial/Territorial governments

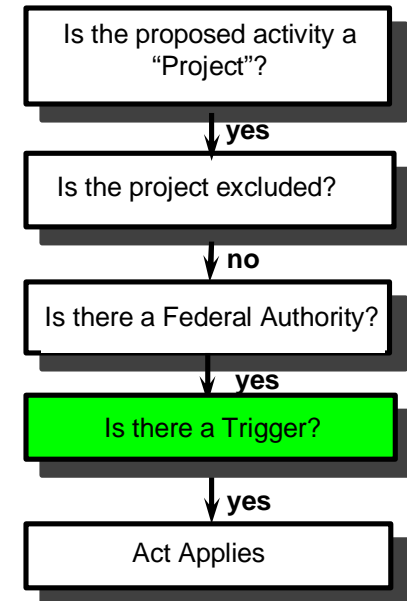




# Federal Decisions (EA Triggers)



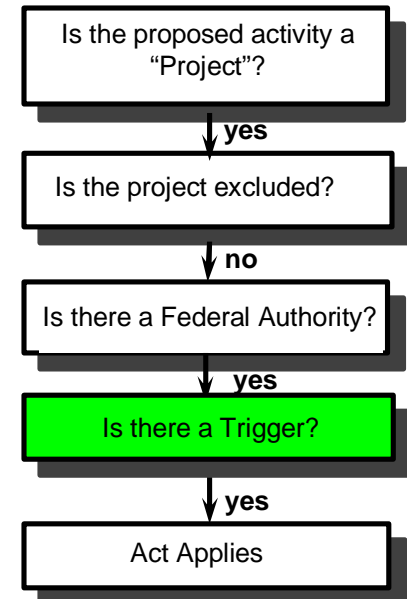
- Funding
- Project Proponent
- Land Transfer
- Regulatory Authorization (Law List)





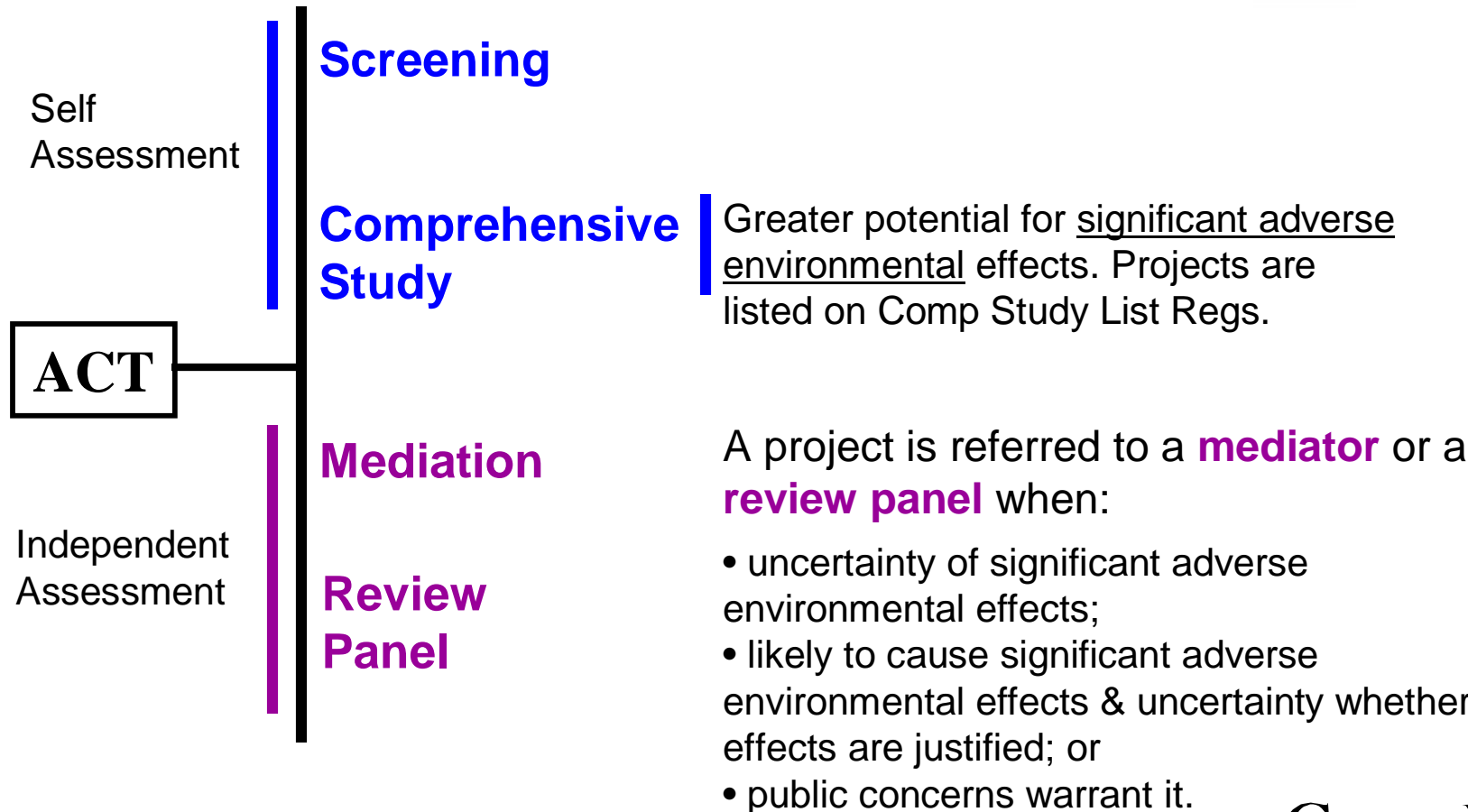
# Responsible Authority

- n “Responsible Authority” is a federal authority that is required to ensure that an environmental assessment of a project is conducted (i.e., has a trigger in relation to the project).





# Determining the Type of EA





# What must be considered in a federal EA?



## Screenings

- n environmental effects
- n cumulative effects
- n significance of effects
- n mitigation
- n public comments (if solicited)
- n other matters optional, e.g., need for project



## Comprehensive Studies, Panel Reviews

- n screening items, PLUS
- n purpose of project
- n alternative means
- n follow-up program
- n capacity of renewable resources
- n public comments

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# Mitigation

- n The elimination, reduction or control of the adverse environmental effects of the project, including restitution for any damage to the environment through replacement, restoration, compensation, or any other means.



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## Follow-Up

- n Verifying the accuracy of the EA predictions
- n Determining the effectiveness of mitigation measures

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- n Screening must consider the need for and requirements of a follow-up program
- n Comprehensive Study must include a follow-up program

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## EA Outcomes

- n Is the project likely to cause **significant adverse environmental effects**?
  - If not likely, federal support may be provided
  - If likely, federal support may not be provided
  - If uncertain, or if public concerns warrant, or if circumstances may justify significant effects, refer to mediation or review panel



# The Canadian Environmental Assessment Registry (CEAR)

- n Purpose is to provide convenient public access to records relating to EAs conducted under the Act
- n Two components: Internet Site and Project Files
- n Internet site established and administered by the Agency (postings by RAs and/or the Agency)
- n Project File maintained by the Responsible Authority
- n The Agency and RAs share responsibility for CEAR information.
- n Follows Access to Information rules (e.g., maintains existing protection of third party information and other ATIA exemptions)

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## Internet Site – Contents

- n Notice of Commencement (within 14 days of EA start)
- n Description of scope of project
- n Where public participation is determined to be appropriate... description and scope of factors considered in the EA
- n Notices requesting public input
- n EA report or how to obtain a copy
- n Environmental assessment decision (no sooner than the 15th day after the Notice of Commencement)
- n Notice of follow-up/description of program results





## Project Files

RAs or the Agency must establish and maintain publicly accessible project files for their EAs until completion of a follow-up program

### Contents

- n All Internet site records
- n Reports relating to the EA
- n Public/government comments related to the EA
- n Records related to follow-up programs
- n Documents specifying implementation of mitigation measures



# Agency Responsibilities

- n Administer the federal EA process
- n Advise on interpretation and application of the Act
- n Coordinate federal involvement in multi-jurisdiction EAs and Comprehensive Studies
- n Harmonize EA processes
- n Administrative support to Panel Reviews
- n Training



# Federal Authority Responsibilities



- n Responsible Authority (RA) – ensure EA is conducted for projects on which it is triggered
- n Make available, upon request, its “specialist or expert information or knowledge” to an RA, Panel, or Mediator
- n Mitigation and follow-up suggested by FAs is their responsibility



# Two or more Responsible Authorities



- n One project – one assessment
- n Work together to fulfil the Agency's responsibilities (s.12 of the Act, plus *Federal Coordination Regulations*)
- n Each RA makes its own EA decision



## For More Information

- n Contact the Canadian Environmental Assessment Agency
- n Consult the Agency's Internet Site (<http://www.ceaa-acee.gc.ca>)