



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale



Canadian Environmental Assessment Act 2012

FNQLSDI Workshops on Consultations & Climate Change

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Canada



Canadian Environmental Assessment Agency



- Is accountable to the Minister of Environment and Climate Change;
- Manages the environmental assessment under the Canadian Environmental Assessment Act ;
- Serves as the coordinator for consultation with Indigenous groups during the EA for projects it manages;
- Submits recommendations in its environmental assessment reports to the Minister for decision-making purposes;
- Works to ensure that mitigation measures are applied as intended.



Purpose of CEAA 2012

- Protect components of the environment that are within federal legislative authority from significant adverse environmental effects caused by a designated project;
- Ensure that designated projects are considered and carried out in a careful and precautionary manner by federal authorities;
- Promote communication and cooperation with Indigenous Peoples, the public and provincial governments;
- Encourage federal authorities to take actions in a manner that promotes sustainable development.



Types of Projects

- Designated projects (Major Projects)
- Projects on federal lands and outside of Canada



Designated Projects (Major Projects)

- A Project List (set out in *Regulations Designating Physical Activities*) designates types of projects that may require an environmental assessment under CEAA 2012 (mining projects marine terminals, roads, pipelines, nuclear projects);
- Minister of the Environment may designate a project not listed;
- Proponents of designated projects must provide the Responsible Authority with a project description.



Responsible Authority of Designated Projects

- Canadian Nuclear Safety Commission
- National Energy Board
- Canadian Environmental Assessment Agency



Projects on Federal Lands and Projects Outside of Canada

Federal Authorities:

- must ensure that carrying out the project is not likely to cause significant adverse environmental effects on federal lands;
- must use best practices;
- must submit, each year, a report to Parliament pertaining to their activities.

Projects financially supported by a federal authority and held outside Canada must respect the same standards.

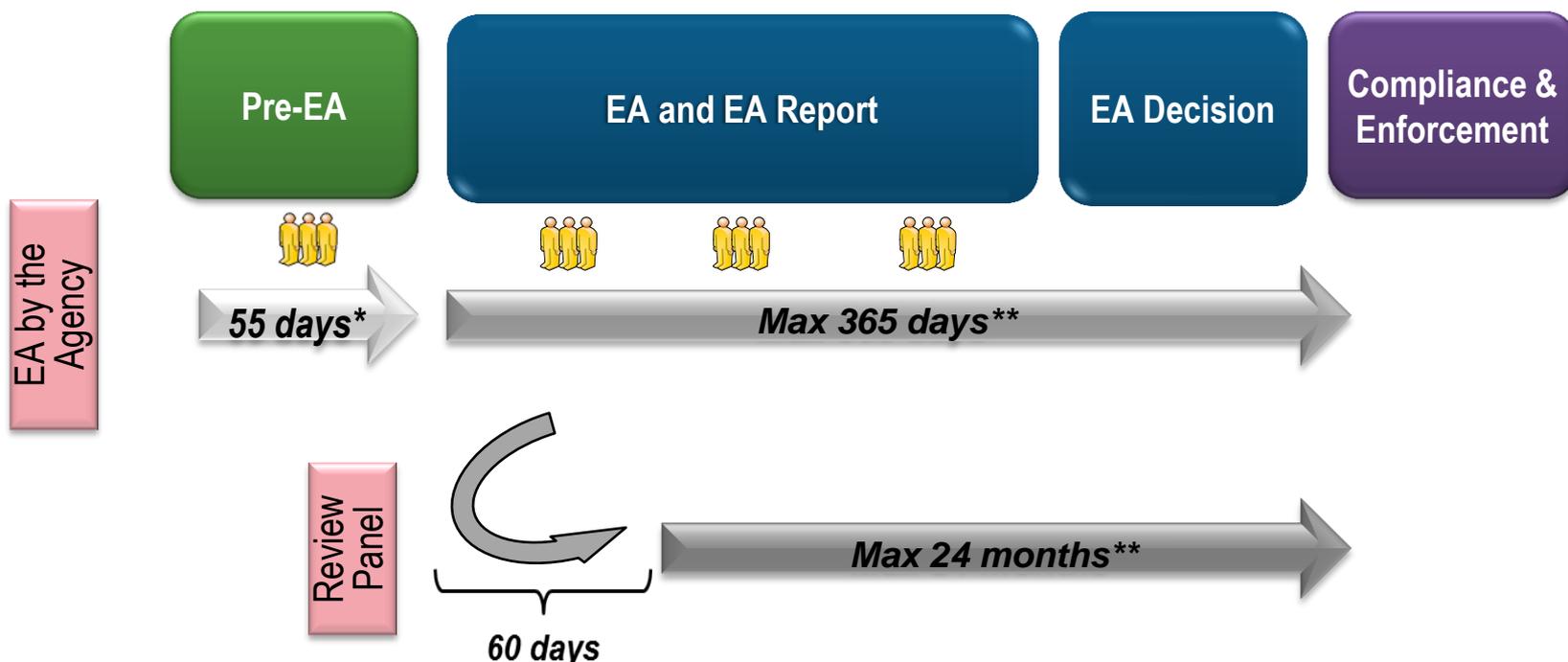


Types of Environmental Assessment

- Environmental Assessment by a Responsible Authority (Standard Eas)
- Environmental Assessment by a Review Panel



Process Overview and Legislated Timelines



* Includes 10 days to review project description and 45 days to determine whether an EA is required
 ** Time spent by proponent to prepare information does not count against legislated timelines



Environmental Assessment

- Final Environmental Impact Statement (EIS) guidelines provided to proponent;
- Proponent prepares EIS, based on requirements in guidelines;
- EIS reviewed by Responsible Authority or Review Panel;
- Expert federal departments provide advice in areas related to their mandates;
- Comments from public and Indigenous communities submitted during process taken into consideration;
- Responsible Authority or the Review Panel prepares an Environmental Assessment Report.



CEAA 2012 Environmental Effects



- Fish and fish habitat;
- Migratory birds;
- Land flora and fauna;
- Environmental changes and their impact on Indigenous groups and the public:
 - Health and socio-economic conditions (for example, dust and noise);
 - Physical and Cultural Heritage;
 - Current use of lands and resources for traditional purposes;
 - Any structure, site or thing that is of historical, archaeological, or architectural significance.



Indigenous and public consultation

- Opportunities for public participation in Agency EAs :
 - During the pre-EA screening process;
 - During the conduct of the EA (draft guidelines and environmental impact statement) ;
 - On the draft EA report and potential conditions;
- Other Responsible Authorities and Review Panels hold hearings;
- Participant funding program – public & Indigenous groups;
- Web Public Registry with full access to project file containing documents relative to environmental assessment.



Decision

- Decision Makers (Minister of Environment, NEB, CNSC) determine whether the project is likely to cause significant adverse environmental effects, taking into account mitigation measures;
- If the project is likely to cause significant adverse environmental effects, federal Cabinet will then decide whether these effects are justified in the circumstances;
- Decision makers issue a decision statement that sets out the EA decision and (if project approved) **enforceable conditions**;
- When a project is approved once the EA is completed, the other federal authorities can make decisions.



Follow-up and Enforcement if the Project is Permitted to be carried out



- The decision maker is responsible to ensure that the proponent respects the conditions established as per the Canadian Environmental Assessment Act 2012;
- Other federal departments must ensure the proponent respects the conditions of permits and authorizations issued following legislation and regulations falling under their responsibility.



Working with Provinces and Other Jurisdiction



- Fostering cooperation and coordinated action is a key principle of CEAA 2012;
- When both federal and provincial/other instances EAs are required, CEAA 2012 provides a range of approaches in support of “one project, one review”, including:
 - **Coordination:** Coordinate delivery of both EA requirements. Cooperative process, two decisions;
 - **Substitution:** Canada substitutes other province’s/instance’s process for its own. Single process, two decisions;
 - **Equivalency:** Canada determines province’s/instance’s process equivalent to its own. Single process, single decision.



Interim Principles: During the Review of Environmental Assessment Processes

- Project reviews will continue within the current legislative framework;
- Decisions will be based on science, traditional knowledge of Indigenous peoples and other relevant evidence;
- The views of the public and affected communities will be sought and considered;
- Indigenous peoples will be meaningfully consulted, and where appropriate, impacts on their rights and interests will be accommodated;
- Direct and upstream greenhouse gas emissions linked to the projects under review will be assessed.