



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale



Guide to Preparing a Description of a Designated Project under the *Canadian Environmental Assessment Act, 2012*

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Canada

TABLE OF CONTENTS

Introduction.....	2
Purpose of the Guide.....	3
Pre-Submission	3
Submission of a Project Description.....	3
Public Disclosure.....	4
Contents of a Project Description	5
1.0 General Information and Contact(s)	5
2.0 Project Information	6
3.0 Project Location.....	7
4.0 Federal Involvement – Financial Support, Lands and Legislative Requirements.....	9
5.0 Environmental Effects	9
6.0 Proponent Engagement and Consultation with Aboriginal Groups ..	10
7.0 Consultation with the Public and Other Parties (other than Aboriginal consultation included above)	11
8.0 Executive Summary	12
How to Submit a Project Description	12

Disclaimer

The Guide to Preparing a Description of a Designated Project under the *Canadian Environmental Assessment Act, 2012* is for information purposes only. It is not a substitute for the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) or any of its regulations. In the event of any inconsistency between this guide and CEAA 2012 or regulations, CEAA 2012 or regulations, as the case may be, would prevail.

For the most up-to-date versions of CEAA 2012 and regulations, please consult the Department of Justice website at:
<http://laws.justice.gc.ca/en/>

Updates

This document may be reviewed and updated periodically by the Canadian Environmental Assessment Agency (the Agency). For the most up-to-date version, please consult the Guidance Materials page of the Agency website at:
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Introduction

Under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), an environmental assessment may be required of designated projects. A designated project includes one or more physical activities that are listed in the *Regulations Designating Physical Activities* as well as any physical activity incidental to those listed physical activities¹.

Proponents of designated projects—other than designated projects regulated by the Canadian Nuclear Safety Commission (CNSC) or the National Energy Board (NEB) — are required to submit a description of the designated project to the Canadian Environmental Assessment Agency (the Agency) to inform a decision on whether an environmental assessment of the designated project is required. The designated project description (project description) must include the prescribed information set out in the *Prescribed Information for a Description of a Designated Project Regulations* – including information about the possible adverse environmental effects of the project.

Once the Agency has received a complete project description with sufficient information from a proponent, it will have 45 days, including a 20-day public comment period, to conduct a screening of the designated project and determine whether to an environmental assessment is required².

If the Agency is of the opinion that the project description is incomplete or does not contain sufficient details to determine whether an environmental assessment of the project is required, the Agency may, within 10 days after receiving the project description, request the proponent to provide the necessary information.

During the screening phase, the Agency will examine whether the project may cause adverse environmental effects as defined in CEAA 2012. Considering that the designated project list is comprised of major projects, it is expected that the majority of designated projects will warrant an environmental assessment. However, a determination that an environmental assessment under CEAA 2012 is not warranted could be made, for instance, if it is established through the review of the project description and public comments received on the project description that the designated project has no potential to cause adverse environmental effects, or has the potential to cause minor environmental effects that can be adequately managed through other existing legislative or regulatory processes.

¹ As a safeguard to protect the environment and to respond to public concerns regarding the potential adverse environmental effects of a project, the Minister of the Environment may designate a project that is not described in the regulations and require an environmental assessment under CEAA 2012.

² Designated projects that are regulated by the CNSC or the NEB will not undergo this “screening” phase and will automatically require an environmental assessment by those responsible authorities. In addition, if the Minister of the Environment designates a project, the project would not be subject to the screening provision of the CEAA 2012.

Purpose of the Guide

The Guide to Preparing a Description of a Designated Project under the *Canadian Environmental Assessment Act, 2012* (the Guide) specifies the information that is required in a project description to:

- conform with the requirements set out in the *Prescribed Information for a Description of a Designated Project Regulations*.
- inform the Agency of the possibility that the carrying out of the designated project may cause adverse environmental effects.
- determine whether an environmental assessment is required under CEAA 2012.

Pre-Submission

Early Engagement with the Agency Before Submitting a Project Description

Proponents of designated projects are strongly encouraged to communicate directly with the Agency early in the project description process. The objective of early engagement is to facilitate development of complete project description and support a more timely and efficient environmental assessment process, should it be determined that an environmental assessment is required. Proponents are encouraged to meet with the Agency before submitting a formal project description to discuss possible environmental assessment requirements.

Proponents should also contact the provincial government(s) for project information requirements that are required by provincial authorities.

Submission of a Project Description

The proponent must provide the information requested in this document that is relevant to its particular designated project. This Guide outlines information that is required to determine whether the designated project will require an EA under CEAA 2012, and if an EA is required. The provision of timely and complete information is necessary to facilitate an efficient and predictable decision-making process. The decision to proceed to the screening phase may be delayed if the project description information is incomplete.

After receiving a project description, the Agency will review it to determine whether it contains all of the required information. Within 10 days of receiving a project description, the Agency will notify the proponent as to whether additional information is required or the project description contains all of the information required to proceed to the screening phase. In the event the Agency determines that additional information is required, a proponent will be required to submit a revised project description to the Agency.

Public Disclosure

The project description, including any annexes and appendices, will be circulated to relevant government departments and agencies. A summary of the designated project and a link or electronic copy of the document will be made publicly available on the Agency website (www.ceaa-acee.gc.ca). Copies of the project description may be provided to interested parties. If the confidentiality of any information is an issue, it should be discussed with the Agency prior to submitting the project description.

The Government of Canada accepts no liability whatsoever for any claim that might in any way arise as a consequence of the Government of Canada's handling, use, publication or release of the project description, or the information contained therein, either in whole or in part. Proponents are wholly responsible to ensure that the project description is substantially accurate and that nothing contained in it is subject to any confidentiality requirements. Proponents are not to provide confidential, personal or proprietary information that should not be made accessible to the public.

Contents of a Project Description

1.0 General Information and Contact(s)

1.1 Describe the nature of the designated project, and proposed location (2–3 paragraphs; note that additional location details are to be provided in section 3).

1.2 Proponent contact information:

- Name of the designated project.
- Name of the proponent.
- Address of the proponent.
- Chief Executive Officer or equivalent (include name, official title, email address and telephone number).
- Principal contact person for purposes of the project description (include name, official title, email address and telephone number).

1.3 Provide a list of any jurisdictions and other parties including Aboriginal groups and the public that were consulted during the preparation of the project description. (A description of the result of any consultations undertaken is to be provided in sections 6 and 7).

1.4 Other relevant information:

- Provide information on whether the designated project is subject to the environmental assessment and/or regulatory requirements of another jurisdiction(s).
- Provide information on whether the designated project will be taking place in a region that has been the subject of a regional environmental study. Proponents are advised to contact the Agency during the preparation of the project description for information regarding any regional environmental studies that may be relevant.

2.0 Project Information

Provide the following information to the extent that it is available or applicable.

2.1 Provide a general description of the project, including the context and objectives of the project

2.2 Indicate the provisions in the *Regulations Designating Physical Activities* setting out the designated activities that describe the project in whole or in part.

2.3 Components and activities

Provide a description of the components associated with the proposed project, including:

- Physical works associated with the designated project (e.g., large buildings, other structures, such as bridges, culverts, dams, marine transport facilities, mines, pipelines, power plants, railways, roads, and transmission lines) including their purpose, approximate dimensions, and capacity. Include existing structures or related activities that will form part of or are required to accommodate or support the designated project.
- Anticipated size or production capacity of the designated project, with reference to thresholds set out in the *Regulations Designating Physical Activities*, including a description of the production processes to be used, the associated infrastructure, and any permanent or temporary structures.
- If the designated project or one component of the designated project is an expansion, the percent of increase in size or capacity from the existing project (relative to the thresholds set out in the *Regulations Designating Physical Activities*).
- A description of all activities to be performed in relation to the designated project.

2.4 Emissions, discharges and waste

Provide a description of any solid, liquid, gaseous or hazardous wastes likely to be generated during any phase of the designated project and of plans to manage those wastes, including the following:

- Sources of atmospheric contaminant emissions during the designated project phases (focusing on criteria air contaminants and greenhouse gases, or other non-criteria contaminants that are of potential concern) and location of emissions.

- Sources and location of liquid discharges.
- Types of wastes and plans for their disposal (e.g.: landfill, licensed waste management facility, marine waters, or tailings containment facility).

2.5 Construction, operation, and decommissioning and abandonment phases and scheduling.

Provide a description of the timeframe in which the development is to occur and the key project phases, including the following:

- Anticipated scheduling, duration and staging of key project phases, including preparation of the site, construction, operation, and decommissioning and abandonment.
- Main activities in each phase of the designated project that are expected to be required to carry out the proposed development (e.g.: activities during site preparation or construction might include, but are not limited to, land clearing, excavating, grading, de-watering, directional drilling, dredging and disposal of dredged sediments, infilling, and installing structures).

3.0 Project Location

3.1 Provide a description of the designated project's location including:

- Coordinates (i.e.: longitude/latitude using international standard representation in degrees, minutes, seconds) for the centre of the facility or, for a linear project, provide the beginning and end points.
- Site map/plan(s) depicting location of the designated project components and activities. The map/plan(s) should be at an appropriate scale to help determine the relative size of the proposed components and activities.
- Map(s) at an appropriate scale showing the location of the designated project components and activities relative to existing features, including but not limited to:
 - watercourses and waterbodies with names where they are known;
 - linear and other transportation components (e.g.: airports, ports, railways, roads, electrical power transmission lines and pipelines);
 - other features of existing or past land use (e.g.: archaeological sites, commercial development, houses, industrial facilities, residential areas and any waterborne structures);
 - location of Aboriginal groups, settlement land (under a land claim agreement) and, if available, traditional territory;

- federal lands³ including, but not limited to National parks, National historic sites, and reserve lands;
 - nearby communities;
 - permanent, seasonal or temporary residences;
 - fisheries and fishing areas (i.e., Aboriginal, commercial and recreational);
 - environmentally sensitive areas (e.g., wetlands, and protected areas, including migratory bird sanctuary reserves, marine protected areas, National Wildlife areas, and priority ecosystems as defined by Environment Canada); and
 - provincial and international boundaries.
- Photographs of work locations to the extent possible.
 - Legal description of land to be used for the designated project, including the title, deed or document and any authorization relating to a water lot.
 - Proximity of the designated project to:
 - any permanent, seasonal or temporary residences;
 - traditional territories, settlement land (under a land claim agreement) as well as lands and resources currently used for traditional purposes by Aboriginal peoples; and
 - any federal lands.

3.2 Land and Water Use

To the extent that is known at this time, describe the ownership and zoning of land and water that may be affected by the project, including the following:

- Zoning designations.
- Current land ownership, including sub-surface rights.

³ As defined in CEAA 2012, “federal lands” means

(a) lands that belong to Her Majesty in right of Canada, or that Her Majesty in right of Canada has the power to dispose of, and all waters on and airspace above those lands, other than lands under the administration and control of the Commissioner of Yukon, the Northwest Territories or Nunavut;

(b) the following lands and areas:

- (i) the internal waters of Canada, in any area of the sea not within a province,
- (ii) the territorial sea of Canada, in any area of the sea not within a province,
- (iii) the exclusive economic zone of Canada, and
- (iv) the continental shelf of Canada; and

(c) reserves, surrendered lands and any other lands that are set apart for the use and benefit of a band and that are subject to the Indian Act, and all waters on and airspace above those reserves or lands.

- Any applicable land use, water use (including ground water), resource management or conservation plans within and near the project site.
- For the proposed construction, decommission and abandonment of a marine terminal, state whether or not the lands are routinely, and have been historically, used as a marine terminal, or are designated for such use in a land use plan that has been the subject of public consultation.
- If the project is to take place within the waters or lands administered by a Canada Port Authority under the *Canada Marine Act* and its regulations, describe applicable land status and zoning under the Port Land Use Plan.
- Describe whether the designated project is going to require access to, use or occupation of, or the exploration, development and production of lands and resources currently used for traditional purposes by Aboriginal peoples.

4.0 Federal Involvement – Financial Support, Lands and Legislative Requirements

4.1 Describe if there is any proposed or anticipated federal financial support that federal authorities are, or may be, providing to the designated project.

4.2 Describe any federal lands that may be used for the purpose of carrying out the designated project. This is to include any information on any granting of interest in federal land (i.e.: easement, right of way, or transfer of ownership).

4.3 Detail any federal legislative or regulatory requirements that may be applicable, including a list of permits, licences or other authorizations that may be required to carry out the designated project.

5.0 Environmental Effects

The information to be provided in this section is meant to be a brief assessment of the environmental interactions of the project. A detailed examination of the potential environmental effects of the project does not need to be included in the project description.

Using existing knowledge and available information provide an overview of the following:

5.1 A description of the physical and biological setting, including the physical and biological components in the area that may be adversely affected by the project (e.g.: air, fish, terrain, vegetation, water, wildlife, including migratory birds, and known habitat use).

5.2 A description of any changes that may be caused as a result of carrying out the designated project to:

- (a) fish and fish habitat, as defined in the *Fisheries Act*,
- (b) aquatic species, as defined in the *Species at Risk Act*, and
- (c) migratory birds, as defined in the *Migratory Birds Convention Act*, 1994.

5.3 A description of any changes to the environment that may occur, as a result of carrying out the designated project, on federal lands, in a province other than the province in which the project is proposed to be carried out, or outside of Canada.

5.4 A description of the effects on Aboriginal peoples of any changes to the environment that may be caused as a result of carrying out the designated project, including effects on health and socio-economic conditions, physical and cultural heritage, the current use of lands and resources for traditional purposes, or any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

6.0 Proponent Engagement and Consultation with Aboriginal Groups

Experience has shown that engagement by proponents with Aboriginal groups early in the planning and design phases of a proposed project can benefit all concerned. By learning about Aboriginal interests and concerns and identifying ways to avoid or mitigate potential impacts, proponents can build these considerations into their project design, reducing the potential for future project delays and increased costs.

Provide the following information to the extent that it is available or applicable:

6.1 A list of Aboriginal groups that may be interested in, or potentially affected by, the designated project, including contact information (location, name, mailing address, email address, and fax and telephone numbers).

6.2 A description of the engagement or consultation activities carried out to date with Aboriginal groups, including:

- names of Aboriginal groups engaged or consulted to date with regard to the project;
- date(s) each Aboriginal group was engaged or consulted; and,
- means of engagement or consultation (e.g., community meetings, mail or telephone).

6.3 An overview of key comments and concerns expressed by Aboriginal groups identified or engaged to date, including any responses provided to these groups.

6.4 An overview of information on current use of lands and resources for traditional purposes by Aboriginal groups or peoples (e.g.: information provided verbally or in writing, and past or present studies).

6.5 A consultation and information-gathering plan that outlines the ongoing and proposed Aboriginal engagement or consultation activities, the general schedule for these activities and the type of information to be collected (or, alternatively, an indication of why such engagement or consultation is not required).

The proponent is encouraged to provide background information on Aboriginal groups' potential or established Aboriginal or treaty rights. The proponent is also encouraged to provide information on the impact area of the designated project and how it overlaps with uses by Aboriginal groups that have potential or established Aboriginal or treaty rights.

This information will be used to facilitate the Agency's understanding of the scope of Aboriginal interests in relation to the designated project, including the potential for impacts on Aboriginal rights and issues of concern.

7.0 Consultation with the Public and Other Parties (other than Aboriginal consultation included above)

Provide the following information to the extent that it is available or applicable:

7.1 A list of stakeholders that may be interested and potentially affected by the carrying out of the designated project. In addition, please describe consultation activities carried out to date with stakeholders, including:

- names of stakeholders previously consulted;
- date(s) each stakeholder was consulted; and,
- means of consultation (e.g., community meetings, mail or telephone).

7.2 An overview of key comments and concerns expressed to date by stakeholders and any responses that have been provided.

7.3 An overview of any ongoing or proposed stakeholder consultation activities.

7.4 A description of any consultations that have occurred with other jurisdictions that have environmental assessment or regulatory decisions to make with respect to the project.

8.0 Executive Summary

Proponents are to include as part of the project description an executive summary that summarizes the information identified in Sections 1 to 7 of this Guide. Under CEAA 2012, the Agency is required to consult the public on a summary of the project description that has to be posted on the Agency's Internet site in both of Canada's official languages as required under the *Official Languages Act*. As a result, in order to be in a position to initiate the screening phase in a timely manner, the executive summary is to be prepared and submitted to the Agency in both English and French.

How to Submit a Project Description

To submit a project description for consideration under CEAA 2012, please visit the Agency's website at www.ceaa-acee.gc.ca

For alternate means of submitting a project description or other enquiries, please send us an e-mail at project-projet@ceaa-acee.gc.ca or call 1-866-582-1884