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Environmental Assessment Scoping Document

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Introduction

This document outlines a typical scope of an environmental assessment (EA) and was prepared in accordance with the *Canadian Environmental Assessment Act* (CEAA) requirement. That is, when an EA is triggered, the responsible authority (RA) involved – in this case the Canadian Transportation Agency – is to establish the scope of the project and the scope of the assessment.

The EA Scoping Document will guide the proponent in the preparation of the EA supporting documentation or “environmental impact statement” that supplements information included as part of the application. It also outlines the responsibilities delegated to the proponent pursuant to subsection 17(1) of the CEAA.

For a listing of all acronyms and terms used in this document and other EA documents, refer to the *Appendix: Environmental Assessment Terms and Acronyms*.

Scope of the Project

The scope of the project will include:

- any component of the project description;
- any additional component directly related to the project; and
- any construction, operation, modification, decommissioning, abandonment or other undertaking in relation to the project.

A component can generally be described as a physical work (or activity). It should include elements physically linked together; for instance, a bridge as opposed to only its pier footings.

See the Canadian Environmental Assessment Agency’s *Establishing the Project Scope and Assessment Type under the Canadian Environmental Assessment Act*. This publication can be found online at www.ceaa.gc.ca under Policy and Guidance, Guidance Materials, Operational Policy Statements.

The determination will also take into account any available information regarding public concern with respect to the potential adverse environmental effects of the additional project components related to matters within federal jurisdiction.

The EA supporting documentation should provide a complete description of each component of the project, and all associated physical works and activities.

Suggested Outline for EA Supporting Documentation

The proponent is required to prepare EA supporting documentation that informs the preparation of a CEAA screening. The document assists the Agency and possibly other RAs in making their screening decision pursuant to the CEAA. Findings and conclusions must be substantiated. The EA supporting documentation should include the following sections:

- **Executive Summary**
- **Project Description**
- **Description of the Existing Environment**
- **Aboriginal Involvement**
- **Public Involvement**
- **Environmental Effects**
- **Proposed Mitigation Measures**
- **Monitoring and Follow-up Requirements**
- **Expert Department Consultation**
- **Annexes**
- **Illustrations**

Executive Summary

A summary of the physical works/activities, description of the environment, environmental effects, government and public consultation, proposed mitigation, proposed determination of significance, screening conclusion, any proposed follow up and contact information.

Project Description

Includes a list of physical works and activities with their locations, scheduling details, and estimates of their magnitude or scale (quantified, if possible) along with the rationale for the project. See the Canadian Environmental Assessment Agency's *Preparing Project Descriptions under the Canadian Environmental Assessment Act*. This publication can be found online at www.ceaa.gc.ca under Policy and Guidance, Guidance Materials, Operational Policy Statements.

Description of the Existing Environment

Identification of the environmental components in the study area, their interrelationship, and documentation or discussion of their sensitivity to disturbance, also indicating which valued ecosystem components are considered to be of local/regional/national importance. Also, identifies a list of existing and proposed projects in the vicinity of the project. Additionally, includes an identification of species at risk as they are outlined within the *Species at Risk Act* (SARA) or critical habitat that is likely to be affected by the project. The *Species at Risk Act* can be found online at www.sararegistry.gc.ca.

Aboriginal Involvement

Identification, on an Aboriginal issues table, of the manner in which the Aboriginal groups have been involved, to date, in a meaningful way, in the preparation of the EA supporting documentation. Specifically, Aboriginal involvement should be demonstrated through documented efforts to make sure Aboriginal groups are:

- shown respect;
- offered access to, and inclusion in, information exchanges;
- shown openness and transparency; and
- offered the information they need to participate in a timely and efficient manner.

This section should include Aboriginal claims, relationships, issues, location, extent and concerns identified by interested Aboriginal groups obtained during any involvement activities of the project, if applicable.

Additional resources are available:

- The Canadian Associations of Petroleum Producers' *Industry Practices: Developing Effective Working Relationships with Aboriginal Communities* – find this publication online at www.capp.ca under Environment and Community, Relationships and Partners, Aboriginal Peoples.
- The Association for Mineral Exploration British Columbia's *Aboriginal Engagement Tool Kit* – find this publication online at www.amebc.ca under Resources and Publications, Publications.

Public Involvement

Identification of the manner in which the public has been involved, to date, in a meaningful way in the preparation of the EA supporting documentation. Specifically, meaningful public participation is demonstrated through actions in three areas:

1. Making sure participants have the information they need to participate in assessments involving the federal government;
2. Better incorporating public perspectives in the EA supporting document; and
3. Providing expanded opportunities for the public to participate.

Environmental Effects

A summary of the analysis of potential adverse environmental effects, including cumulative environmental effects and the effects of malfunctions and accidents, of projects, works and activities on the existing environment. It is recommended that the information be separated by project phase.

This includes information on each potential project-environment interaction (environmental effect) during all project phases (construction, operation and maintenance) for each factor considered. Each of these environmental effects, during each phase, must be identified, assessed and recognized as either adverse or positive.

Each of the project's potential environmental effects are also assessed in combination with environmental effects resulting from any other projects and activities that have been or will be carried out in the study area, including future projects that are reasonably foreseeable. This is referred to as a cumulative environmental effects assessment.

The cumulative environmental effects assessment should:

- summarize the residual environmental effects that are expected from the project from all project phases, assuming effective application of mitigation measures have been taken into account; and
- for each of the relevant environmental components, indicate whether and how each of the projects and activities could have environmental effects that overlap in time and space with the environmental effects of the proposed project. It is recommended that this section be organized by environmental effect, and that construction and operation effects be addressed separately, where required.

In conducting the analysis, consideration should be given to the time frame that the environmental effects of this project will span, not just the period of time during which the project will be constructed.

Proposed Mitigation Measures

A list and description of any mitigation measures, referenced to the environmental effects they are designed to eliminate or reduce, that are required to prevent or reduce adverse environmental effects. This should also include a specific section on activities

to be undertaken to ensure that *Species at Risk Act* species are protected consistent with any applicable recovery strategies, action plans and management plans for those particular species as described in Environment Canada's *Environmental Assessment Best Practice Guide for Wildlife at Risk in Canada*.

Each mitigation measure should be accompanied with an estimation of its capacity to reduce the magnitude, geographic extent, duration and frequency, reversibility and ecological context of the environmental effect it is being applied against.

Monitoring and Follow-up Requirements

A statement of the monitoring activities that are necessary to ensure that proposed mitigation is implemented and functioning as expected, and actions necessary to maintain the effectiveness of mitigation as long as required in order to provide the required level of environmental protection.

The appropriate monitoring plans should also include details for any monitoring program that may be required by a provincial or federal agency involved in the project review or specific permitting or approval to ensure that the proponent commitments are met during the construction and operational phases of the project.

Additionally, the EA supporting document should indicate whether a follow-up program to determine the accuracy of the environmental analysis and the effectiveness of the mitigation measures is warranted. If so, it should be delineated with reporting requirements outlined.

Expert Department Consultation

A record of expert department consultations.

Annexes

Any supporting technical and environmental documentation, maps or other information used in preparing the EA supporting documentation and any other documents deemed pertinent to the project.

Illustrations

Any figures or tables inserted to support the text of the screening report.

Factors to Consider

The EA supporting documentation outlined above should include a consideration of these main factors:

- the environmental effects of the project – including the environmental effects of malfunctions or accidents that may occur as well as any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out;
- the significance of the effects referred to above;
- comments from the public that are received in accordance with the CEAA and the regulations;
- measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project; and
- any other matter relevant to the screening.

Other factors to consider can include, but are not limited to, the following:

- **Accidents and Malfunctions**
- **Air Quality**
- **“Alternatives To” and “Alternative Means”**
- **Archaeological and Cultural Resources**
- **Biological Resources**
- **Contaminated Sites**
- **Human Safety**
- **Land Use**
- **Noise and Vibration**
- **Public Consultation**
- **Transportation**
- **Waste Management**
- **Water Resources**

Accidents and Malfunctions

Identify any accidents and malfunctions and their environmental effects that may occur in connection with the project, during both the construction and operation phases. These can include an assessment of potential effects from accidental spills (e.g. fuels, oils, hydraulic fluids). The emphasis in this section should be on events that are reasonably plausible and should include a spill contingency plan.

Air Quality

Provide a description of the background air quality in the study area and, where appropriate, indicate the potential negative or positive impacts of the project on air quality. The discussion of potential effects should address the impacts associated with the construction phase, such as the generation of dust during construction activities including a dust control plan and diesel emissions from the operation of heavy equipment, and the operation phase. Where positive or negative impacts are expected, provide rationale to support the conclusions including quantitative data to the extent possible.

“Alternatives To” and “Alternative Means”

The "alternatives to" the project are the functionally different ways to meet the project need and achieve the project purpose, while "alternative means" are the various technically and economically feasible ways the project can be implemented or carried out. This could include, for example, alternative locations, routes and methods of development, implementation and mitigation.

The EA supporting documentation should assess the alternatives to the project and alternative means of carrying out the project, as per the process described in the Canadian Environmental Assessment Agency's *Addressing "Need for," "Purpose of," "Alternatives to" and "Alternative Means" under the Canadian Environmental Assessment Act*. This publication can be found online at www.ceaa.gc.ca under Policy and Guidance, Guidance Materials, Operational Policy Statements.

Archaeological and Cultural Resources

Make an assessment regarding the potential of encountering significant archaeological and cultural resources. Indicate the steps that would be taken if any site were discovered during construction.

Biological Resources

Describe the valued ecosystem components (VECs) such as vegetation and wildlife in the study area and how they were chosen for inclusion, as well as how they could be affected by the construction and operation of the proposed project. Include a diagram identifying all areas subject to clearing and areas where migratory bird nesting may occur, including wetlands.

Contaminated Sites

Describe and map any contaminated sites identified in the project area as well as how the fuels and toxic substances will be stored and handled.

Effects of the Environment on the Project

Assess the potential effects of the environment on the project, such as the impacts of extreme weather conditions, high winds, ice storms, etc. This could also include additional erosion or storm water management issues associated with heavy rain events, or other effects associated with extreme ice or snow conditions. The emphasis in this section should be on environmental conditions that are reasonably plausible, but should not be limited to events that occur on a regular basis.

Human Safety

Indicate how the proponent intends to ensure the safety of pedestrians and vehicular passengers, including a description of access control measures such as physical structures, education/awareness activities, etc. This analysis should include the potential effects of the project on:

- freight rail safety;
- passenger rail safety;
- motor vehicle safety;
- hazardous materials safety; and
- pedestrian/cyclist safety.

Land Use

Describe the present, approved, and applied land uses in the study area including any areas of incompatible land uses. Identify the results of any archaeological studies and any heritage or cultural sites found.

Noise and Vibration

Indicate the location of noise-and-vibration-sensitive receptors in the study area. Also, establish a baseline of existing noise and vibration that the receptors are currently exposed to with particular attention paid to adjacent highly-sensitive areas (e.g. residences, schools, day cares, hospitals, or nursing homes). This analysis should indicate and quantify what relative contributions the project may make during both the construction and operation phases according to appropriate guidelines, such as Health Canada's draft *Noise Impact Assessment Guidance for Environmental Assessments*.

Potential to Contribute to Climate Change

Assess the potential of the project to contribute to climate change, as per the process described in the Canadian Environmental Assessment Agency's *Incorporating Climate Change Considerations in Environmental Assessment: General Guidance for*

Practitioners. This publication can be found online at www.ceaa.gc.ca under Policy and Guidance, Guidance Materials, Procedural Guides.

Public Consultation

Characterize, in a tabular format, the concerns identified by interested parties obtained during any public consultation on the project, if applicable. Describe how those concerns have been taken into account when designing the project, during the associated mitigation, and when preparing the EA supporting documentation.

Transportation

Indicate how the construction and operation of the project will affect present and future pedestrian, vehicular, and cyclist traffic in the study area, including any road closures and detours.

Waste Management

As a minimum, describe the volume of material to be excavated or filled, any waste materials to be generated, and the waste management procedures to be used for storage and disposal of waste materials. Include waste/litter management plans covering collection, handling, and/or disposal of waste, toxic waste and sewage.

Water Resources

Describe the existing water bodies, including groundwater, in the study area and their ability to sustain fish, including the need to mitigate the effects of the construction or operation of the proposed project. Include a description of the drainage and storm water/erosion control plans for the proposed project. On a map, depict the present depth and direction of surface and groundwater movement in the area, wells within 150m and post-construction surface and groundwater movement/levels.

Scoping of Factors to Consider

For each of the factors considered, the EA supporting documentation should include a statement outlining both spatial and temporal boundaries for all project phases. These boundaries should not be limited to the project limits but rather should reflect the geographic range and temporal extent over which the project's environmental effects may occur.

Assessment of the Project

When the Agency acts as the RA and the federal EA coordinator (FEAC) for the screening process, expert federal authorities (FA) for the review may include, among others:

- Environment Canada;
- Fisheries and Oceans Canada; and
- Health Canada.

As other departments may subsequently identify themselves as having a responsibility to conduct an EA, the scoping document may be revisited in order to accommodate potential future requirements to conduct a single EA for multiple RAs.

Time Frames

The EA supporting documentation should be in the possession of the Agency in advance of any application pursuant the *Canada Transportation Act*.

Contact

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Appendix: Environmental Assessment Terms and Acronyms

The following are terms and acronyms that are found in various documents related to an environmental assessment.

Acronyms:

ATK – aboriginal traditional knowledge

CEAA – *Canadian Environmental Assessment Act*

CEA Agency – Canadian Environmental Assessment Agency

CEAR – Canadian Environmental Assessment Registry

CTA – *Canada Transportation Act*

EA – environmental assessment

FA – federal authority

FCR – Federal Coordination Regulations

FEAC – federal EA coordinator

PAC – project assessment committee

RA – responsible authority

SD – sustainable development

TEK – traditional ecological knowledge

VEC – valued ecosystem component

Environmental Assessment Terminology:

Note: The following definitions are provided for guidance only. In the case of inconsistencies between this text and that of the CEAA, the latter must prevail.

aboriginal traditional knowledge (ATK): Knowledge that is held by, and unique to, Aboriginal peoples. It is a living body of knowledge that is cumulative, dynamic and adapted over time to reflect changes in the social, economic, environmental, spiritual and political spheres of the Aboriginal knowledge holders. It often includes knowledge about the land and its resources, spiritual beliefs, language, mythology, culture, laws, customs and medicines. It may be considered in the EA of a proposed project.

Note: The term traditional ecological knowledge (TEK) is often used interchangeably with the term ATK; however, TEK is generally considered to be a subset of ATK that is primarily concerned with knowledge about the environment.

adaptive management: Involves the implementation of new or modified mitigation measures over the life of a project to address unanticipated environmental effects. The need for the implementation of adaptive management measures may be determined through an effective follow-up program.

alternative: Methods of a similar technical character or methods which are functionally the same (i.e. different routes, different types of crossings) or functionally different ways of achieving the same end (i.e. use of different modes of transportation).

applicants: Parties that have made application to the Agency pursuant to the CTA.

application: A submission to the Agency seeking approval pursuant to a section of the CTA or the *Railway Relocation and Crossing Act*.

biodiversity: As defined in the *Canadian Environmental Protection Act, 1999*, "biological diversity" means the variability among living organisms from all sources, including, without limiting the generality of the foregoing, terrestrial and marine and other aquatic ecosystems and the ecological complexes of which they form a part and includes the diversity within and between species and of ecosystems.

biophysical environment: All the biological (presence, seasonality and significance of vegetation, bird, fish and animal populations and their habitat) and physical (landscape, soils, drainage, geology and geomorphology) characteristics of the environment.

Canadian Environmental Assessment Registry (CEAR): An information system established in accordance with the CEAA to facilitate public access to records relating to EAs conducted under the CEAA or its regulations.

The Registry consists of a Web site and a project file. The Registry must be maintained throughout the duration of an EA. The purpose of the Registry is to contain information about the conduct of EAs, and to ensure that the information is accessible to the public in a timely and convenient manner.

community knowledge: Information held by community members, such as farmers, hunters, fishers and naturalists, who are familiar with the environment in a specific geographic area. Community knowledge may be used in the EA of a proposed project. For example, fishermen in a specific area may know where the best "fishing spots" are, and therefore may contribute to identifying potential fish habitats.

compliance monitoring: A broad term for a type of monitoring conducted to verify whether a practice or procedure meets the applicable requirements prescribed by legislation, internal policies, accepted industry standards or specified terms and conditions (e.g., in an agreement, lease, permit, license or authorization). Mitigation monitoring is one type of compliance monitoring.

critical habitat: As defined in the *Species at Risk Act*, "critical habitat" means the habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species' critical habitat in the recovery strategy or in an action plan for the species.

cumulative effect: Environmental effects that are likely to result from a project in combination with the environmental effects of other past, existing and future projects or activities.

The CEAA requires consideration of cumulative environmental effects in all types of EA.

For example, one might consider the effects of siltation on fish and fish habitat during construction in combination with the effects of local agriculture and fishing activities.

determination of significance: Taking into account the implementation of appropriate mitigation measures, a conclusion about whether adverse environmental effects are likely to be significant.

The significance of adverse environmental effects is determined by a combination of scientific data, regulated thresholds, standards, social values and professional

judgment. For example, the ecological context of a project may be a determinant of whether likely adverse effects are significant.

deviation or variation: A change in a proponent's mitigation measures requiring Agency approval.

ecosystem: As defined in the *Canadian Environmental Protection Act, 1999*, "ecosystem" means a dynamic complex of plant, animal and microorganism communities and their non-living environment interacting as a functional unit.

effect: Any change that a project may cause in the environment, including secondary effects on health, and socio-economic conditions, heritage, aboriginal uses of land or resources, or on any structure, site or thing that is of historical, archaeological, paleontological or architectural significance; as well as, any change to the project that may be caused by the environment.

environment: The components of the earth including physical (land, water and air including all layers of the atmosphere) and biological characteristics (all organic and inorganic matter and living organisms, including humans), as well as the interacting natural systems that include components of the biological or physical environments.

environmental assessment (EA): An assessment of the potential effects of a project falling under the CEAA.

environmental component: A part of the environment that a project may affect.

environmental monitoring: Periodic or continuous surveillance or testing, according to a predetermined schedule, of one or more environmental components.

Monitoring is usually conducted to determine the level of compliance with stated requirements, or to observe the status and trends of a particular environmental component over time.

environmental protection plan: A practical tool that describes the actions required to minimize environmental effects before, during and after project implementation.

The plan may include details about the implementation of the mitigation measures identified in the EA, such as who is responsible for implementation, where the measures are intended to be implemented and within what timeframe.

exclusion list: A list, under paragraph 59(c) of the CEAA, for which an EA is not required because the effects are insignificant.

expert federal authority: An FA that – upon request from an RA, a mediator or a review panel – has the obligation to make available any specialist or expert information or knowledge that it possesses with respect to a project.

This expertise can be used during any stage of the EA, from the commencement of the EA to the implementation of the mitigation measures or any follow-up program.

factors to be considered: Elements to be examined in an EA. Under section 16 of the CEAA, consideration of certain factors is mandatory depending on the type of EA.

Examples of factors include environmental effects of the project, significance of the environmental effects, public comments and technically and economically feasible mitigation measures, and any other relevant matter such as the need for the project and alternatives to the project.

federal authority (FA): A federal department or agency.

federal EA coordinator (FEAC): A staff member from an RA or the CEA Agency, who coordinates the participation of RAs or FAs in the screening of a project.

federal lands: As defined in the CEAA, "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, namely:
 - (i) the internal waters of Canada,
 - (ii) the territorial sea of Canada,
 - (iii) the exclusive economic zone of Canada,
 - (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 are subject to the *Indian Act*, and all waters on and airspace above those reserves or lands.

federal project committee: A committee that may be established and chaired by the FEAC to co-ordinate the participation of FAs among themselves, and with any other persons, bodies or jurisdictions.

The committee is composed of the FEAC and the FAs that are, or may be, an RA for the project and those that are, or may be, an expert FA.

follow-up program: A program implemented to verify the accuracy of an EA, and to determine the effectiveness of the mitigation.

inclusion list: A list, under paragraph 59(f) of the CEAA, of physical activities that require an RA to ensure that an EA is conducted for the project.

indirect effect: A secondary environmental effect that occurs as a result of a change that a project may cause in the environment. An indirect effect is at least one step removed from a project activity in terms of cause-effect linkages.

For instance, a river diversion for the construction of a hydro power plant could directly result in the destruction of fish habitat causing a decline in fish population. A decline in fish population could result in the closure of an outfitting operation causing loss of jobs. Thus, the river diversion could indirectly cause the loss of jobs.

interested party: Any person or body having an interest in the outcome of an EA (interested parties can include: expert federal departments/agencies; other FAs; provincial, territorial or municipal governments; private sector organizations; and the public).

law list: A list, under paragraph 59(f) of the CEAA, of sections of federal statutes or regulations to which the CEAA applies.

mitigation measure: An action to eliminate, reduce or control an adverse effect (includes restitution for damages through replacement, restoration or compensation).

project: A physical work (construction, operation, modification, decommissioning or abandonment), as described in the law list; or a physical activity, not related to a physical work, as described in the inclusion list.

project-environment interaction: A link between a project activity and an environmental component that will result in an adverse effect.

proponent: The person, body or government department/agency that proposes a project subject to an EA under the CEAA.

protected areas: As defined by the World Conservation Union, a protected area is:

An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means.

public concern: Concern raised by an interested party.

residual effect: An effect that persists after the successful implementation of the proposed mitigation measures.

responsible authority (RA): An FA or decision-maker that, pursuant to the CEAA, must ensure that an EA of a project is conducted.

scope of project: The physical works and activities to be covered in an EA. Scope is determined by the RA(s) under subsection 15(1) of the CEAA.

scope of the factors: The extent to which the factors listed in the CEAA, and other factors that are considered to be appropriate, need to be considered in the EA.

The scope of the factors identifies the geographical, spatial and temporal boundaries of the analysis.

scoping document: A project-specific document that guides the proponent in the preparation of EA supporting documentation that supplements information included as part of the application to the Agency.

screening: An evaluation of the environmental effects of a project conducted by the Agency in accordance with section 18 of the CEAA.

significance: Taking into account the planned mitigation measures, a determination as to whether an effect is likely to occur and whether the effect will be negative based on its magnitude, extent, frequency, irreversibility and ecological context.

species at risk: As defined by the *Species at Risk Act*, "species at risk" means an extirpated, endangered or threatened species or a species of special concern.

sustainable development (SD): As defined in the CEAA, "sustainable development" means development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.

valued ecosystem component (VEC): An environmental element of an ecosystem that is identified as having scientific, social, cultural, economic, historical, archaeological or aesthetic importance.

The value of an ecosystem component may be determined on the basis of cultural ideals or scientific concern. Valued ecosystem components that have the potential to interact with project components should be included in the assessment of environmental effects.