

A guide to the Federal Environmental Assessment and Review Process

Canada's Policy on Environmental Assessment
for Federal Activities

Office of the Chairman
Environmental Assessment Panel,
Fisheries & Environment Canada,
Ottawa, Canada.
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Environment Canada

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Office of the Chairman
Environmental Assessment
Panel

Bureau du Président
Commission des évaluations
environnementales

Please find attached a copy of the brochure describing the federal Environmental Assessment and Review Process.

I would like to inform you of several adjustments to the Environmental Assessment and Review Process which were approved by Cabinet in February, 1977. These are evolutionary in nature and are based on present experience with the Process.

1. The Chairman of the Environmental Assessment Panel may now appoint Panel members from within the entire federal public service. The Minister of Fisheries and the Environment may also appoint Panel members from outside the federal public service. These appointments will be made with the agreement of the department initiating a project. Previously only persons from the Department of Fisheries and the Environment could be appointed, together with one representative from the federal department or agency whose project was under review. There has been no change in the policy of establishing an Environmental Review Board. (See section on the "Environmental Assessment Panel")
2. The initiating departments and agencies will now be required to provide to the Chairman of the Environmental Assessment Panel, on behalf of the Minister of Fisheries and the Environment, the relevant information on projects they assess themselves, so as to permit a more comprehensive evaluation of the effectiveness of the total Environmental Assessment and Review Process.
3. Federal departments and agencies are now required to ensure that information is provided to the public and public response is obtained during the early planning stages of significant projects. Although the existing policy of public participation in the activities of Environmental Assessment Panels will still apply, this new initiative will help to create awareness of these projects at an earlier phase in the process.
4. There is now a financial policy on the sharing of environmental assessment costs between the federal government and non-federal government proponents of projects subject to the Environmental Assessment and Review Process. This policy is based on the "polluter must pay" principle. The federal government accepts the financial responsibility for environmental baseline studies, while the cost of preparing environmental evaluation reports is the responsibility of the proponent. The government and the proponent share the cost of accelerated baseline studies, the incremental cost resulting from acceleration being charged to the proponent.

F. G. Hurtubise
Chairman



Fisheries and Environment
Canada

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Office of the Chairman
Environmental Assessment
Panel

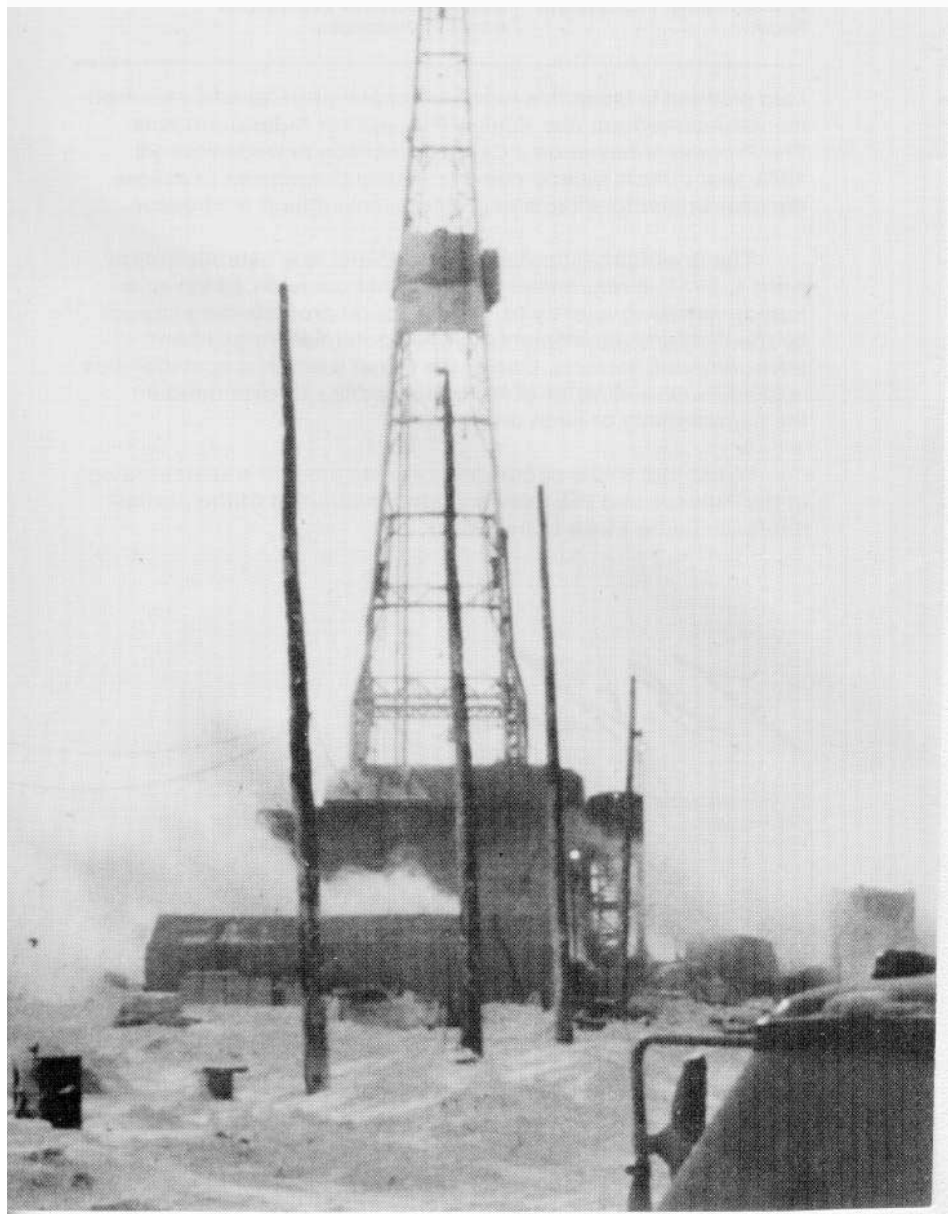
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I am pleased to issue this brochure explaining Canada's Environmental Assessment and Review Process for federal projects. The Process is based on a Cabinet decision of December 20, 1973, that directs federal departments and agencies to assess the environmental effects of projects they initiate or sponsor.

The Environmental Assessment Panel was established on April 1, 1974, in response to this Cabinet decision, to act as a formal reviewing agency for those federal projects considered by the initiating departments to have potentially significant environmental impacts. One of the Panel's prime responsibilities is to advise the Minister of Fisheries and the Environment on the acceptability of such projects.

I trust that this brochure will provide a better understanding of the Process and the roles and responsibilities of the participants including those of the Panel.

F. G. Hurtubise
Chairman,
Environmental Assessment Panel



a brief history

In creating a Department of the Environment* in 1970, the Government of Canada responded to a deep public concern about environmental affairs and the potential for man-made disasters inherent in our way of life. The Government also recognized the impossibility of housing all federal environmental experts and related legislative instruments under one departmental roof because many government activities may impinge on the environment in one way or another. The responsibilities given to the Minister of the Environment reflected this understanding by directing that the Minister both “undertake” and “promote” programs to achieve environmental enhancement and protection. The Minister was directed also to coordinate such programs within the federal government as well as cooperate with other bodies, such as provincial governments, in programs having similar aims.

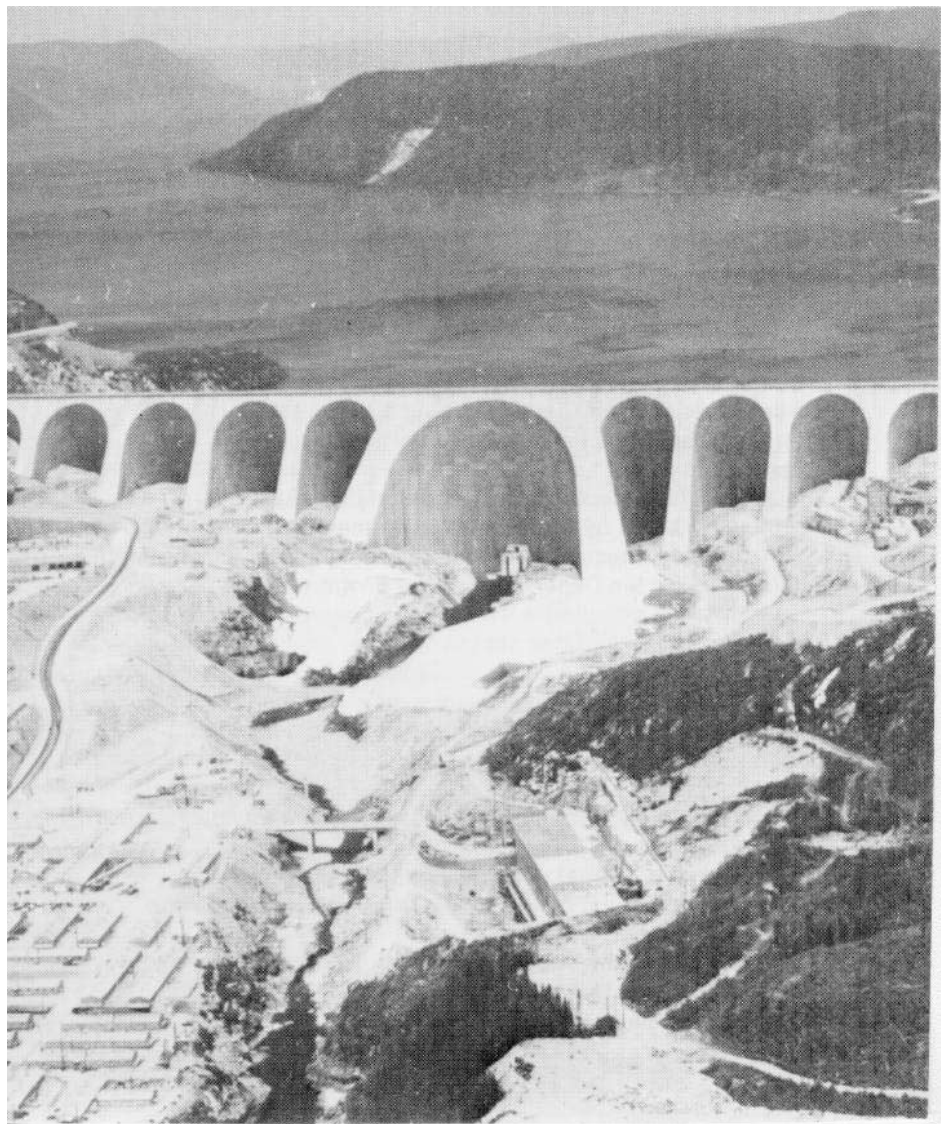
One of the first concerns of the Department of the Environment after it was formed was to examine the federal government’s role as a polluter and make certain that federal projects were assessed and suitable remedial measures taken where required to prevent or abate such pollution. The federal Cabinet in June 1972, accepted a departmental proposal that all new projects initiated by the federal government be screened for this purpose, and directed that those requiring further assessment be referred to the Department of the Environment.

Although pollution is a major component of the environmental spectrum, it does not cover all the environmental aspects associated with federal activities. Many other considerations, such as the impact of physical impediments on aquatic life and wildlife migration routes, or the indiscriminate use of non-renewable resources including land must be taken into account.

Consequently, on December 20, 1973, Cabinet decided to establish an Environmental Assessment and Review Process to ensure that:

- a) environmental effects are taken into account early in the planning of new federal projects, programs and activities;
- b) an environmental assessment is carried out for all projects which may have an adverse effect on the

*Now known as the Department of Fisheries and the Environment



environment before commitments or irrevocable decisions are made; projects with potentially significant environmental effects are submitted to the Department of the Environment for review;

- c) the results of these assessments are used in planning, decision-making and implementation.

Federal projects are considered to be those that are initiated by federal departments and agencies; those for which federal funds are solicited and those involving federal property. This definition covers those projects that may originate outside the federal government but involve a particular federal department through funding or property considerations. In such cases, the federal department sponsoring the project is responsible for the environmental assessment. All federal organizations are bound by the Cabinet decision except proprietary crown corporations and regulatory agencies which are invited, rather than directed, to participate in the process.

The Cabinet decision also directed the Minister of the Environment to develop, in close cooperation with other ministers, the process and procedures required to accomplish the objectives noted. This was clearly a case of an environmental program promoted and coordinated by the Department of the Environment but involving all federal departments and agencies in the decisions required for implementation. To fashion a successful federal process it was recognized that planners, policy makers and operators in all federal agencies should give the same consideration to environmental consequences as they do to economic, social and technical factors in framing and implementing their programs and projects. The provision of sufficient "lead time" between the conception of a project and its implementation to permit a proper assessment of environmental concerns and identify suitable requirements for environmental protection and enhancement was another major consideration.



the process begins

The process now established is based essentially on the self-assessment approach. Departments and agencies are responsible for assessing the environmental consequences of their own projects, or those which they sponsor, and deciding on the environmental significance of the anticipated effects. Whether potential adverse effects are considered significant or not depends initially on the judgement of technical and environmental specialists. This judgement takes into account the potential for concern and controversy that a project might create in the public and within professional communities.

As early in the planning phase as possible, a department screens projects and activities for which it is responsible to identify potential adverse environmental effects. The Department of Fisheries and the Environment has developed screening guidelines to help federal departments and agencies with this task. They were designed in matrix form to provide the user with a quick method of identifying the relationships between a broad range of human activities and the environmental elements involved with projects in general.

As a result of this initial screening of a project by the department or agency concerned, one of the following three decisions is possible:

- 1) There are (a) no anticipated adverse environmental effects associated with the project or (b) the anticipated environmental effects are known and are not considered significant.
- 2) The nature and scope of potential environmental effects cannot be readily determined during preliminary screening.
- 3) The anticipated adverse environmental effects are considered to be significant and the project requires a formal environmental review by the Department of Fisheries and the Environment.

If decision 1 is made, the department concerned is responsible for implementing measures required to prevent or mitigate the environmental effects identified, and satisfying all other legislative, regulatory and Cabinet requirements related to the development and implementation of the project. However, no further reference to the Environmental Assessment and Review Process is required.

the initial environmental evaluation (i.e.e.)

If a department is unable to identify the full environmental consequences and their significance through the screening procedure as indicated in decision 2 above, then the project is subjected to a more searching examination called the Initial Environmental Evaluation (I.E.E.). Guidelines prepared by the Department of Fisheries and the Environment covering such project classes as Airports, Nuclear Plants and Linear Transmission Lines (e.g. pipelines) are available to help federal agencies prepare, or procure, this document. The I.E.E. provides a description of the project; of the existing environment and resource use; of potential environmental effects and impacts; of measures proposed to mitigate or prevent certain anticipated environmental effects; and a judgement concerning the impact of those effects that remain after all known measures for prevention and counteraction have been specified. In this description, the alternate ways of accomplishing the project are examined and the preferred alternative(s) identified.

Based on the review of the I.E.E., the department concerned then decides whether the proposed project involves significant environmental effects or not. If the effects are not considered significant, the department is responsible for implementing appropriate measures for environmental protection that have been specified, but no further reference to the Process is required, as in screening decision 1 above. However, if the anticipated effects are judged to be significant, the department then submits the project to the Department of Fisheries and the Environment for a formal review as in screening decision 3.

It should be noted that a department is only obliged to prepare an I.E.E. when it is unable to identify the nature of potential environmental effects during preliminary screening. No I.E.E. is required under Process procedures when screening decisions 1 and 3 are made.

Departments and agencies are encouraged to seek environmental advice from the Department of Fisheries and the Environment during the screening procedure and in the development and review of I.E.E.'s. The Department has established Regional Screening and Coordinating Committees in each of its five regions to facilitate this advisory service. Advice from specialists in other departments such as Health and Welfare (health aspects), Energy, Mines and Resources (energy conservation)

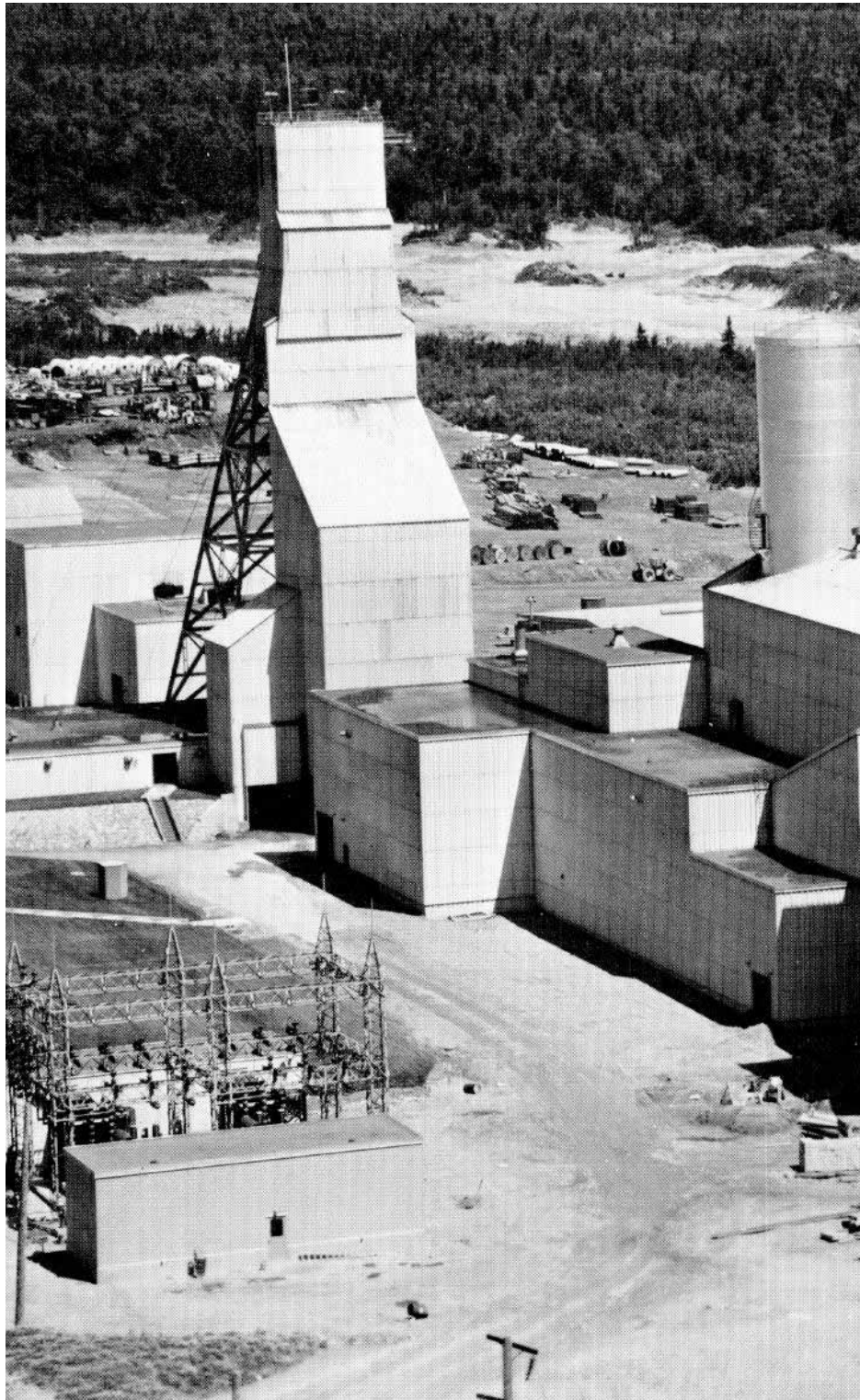
and Agriculture (pesticides) is also available on request. In addition, consultants outside the federal government could be used for this purpose. Known public concerns about specific projects constitute another important input to departments in making their environmental decisions.

In summary, the prime concern during the screening and I.E.E. phase of the Process for project alternatives under consideration, is to:

- a) specify preventive and mitigating measures for anticipated environmental effects that have been identified and are amenable to such measures. These measures would be incorporated when a project is implemented;
- b) identify anticipated effects which are "left over" after all known remedial measures have been specified and which may have significant impacts on the environment.

If the department involved considers these residual effects to be significant, it then requests the Department of Fisheries and the Environment to proceed with a formal review of the project by an Environmental Assessment Panel.





the environmental assessment panel

An Environmental Assessment Panel is a small body of experts (usually four to six) formed to review the environmental consequences of a specific project and its alternatives, and to evaluate the significance of the environmental impacts that might result from implementing the project.

A permanent Panel Chairman has been appointed by the Department of Fisheries and the Environment to administer Process procedures, particularly the operation of panels. He (or his delegate) chairs all panels established to review projects, and he reports to the Minister of Fisheries and the Environment on the recommendations made by panels. A project submitted for panel review may not be carried out until a decision has been reached on panel recommendations.

A separate panel is established for each project reviewed. Panel members are selected from within the federal Public Service and are chosen for their special knowledge and experience relevant to the technical and environmental factors associated with the proposed project. The Process also provides for the establishment of an Environmental Review Board by the Minister of Fisheries and the Environment composed entirely of members outside the federal Public Service. Projects considered special causes because of wide public interest are candidates for the Review Board. The decision to use this procedure rests with the Minister of Fisheries and the Environment and the minister of the department involved with the project under consideration.

the environmental impact statement

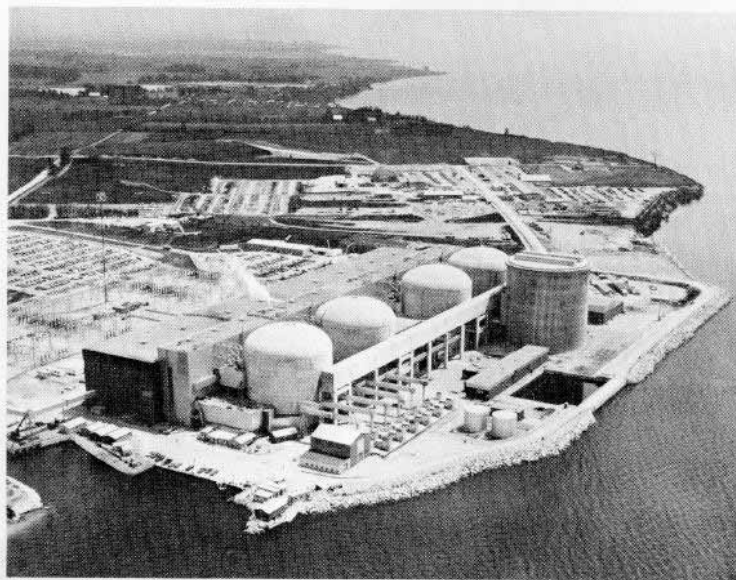
When the Environmental Assessment Panel is formed to assess a project, one of its first tasks is to develop specific guidelines for the preparation of an Environmental Impact Statement (E.I.S.). The E.I.S. is a detailed documented assessment of the environmental consequences associated with the project, and is prepared, or procured through consultants, by the department responsible for the project. It must be prepared in accordance with the guidelines issued by the Panel. The nature of the project and its proposed location will determine in many respects the type of detailed information required. The impact on people due to noise and land use would be prime considerations when assessing a proposal for a new airport. The potential for damage from radiation would be an important factor when a proposed nuclear power generating station is under review.

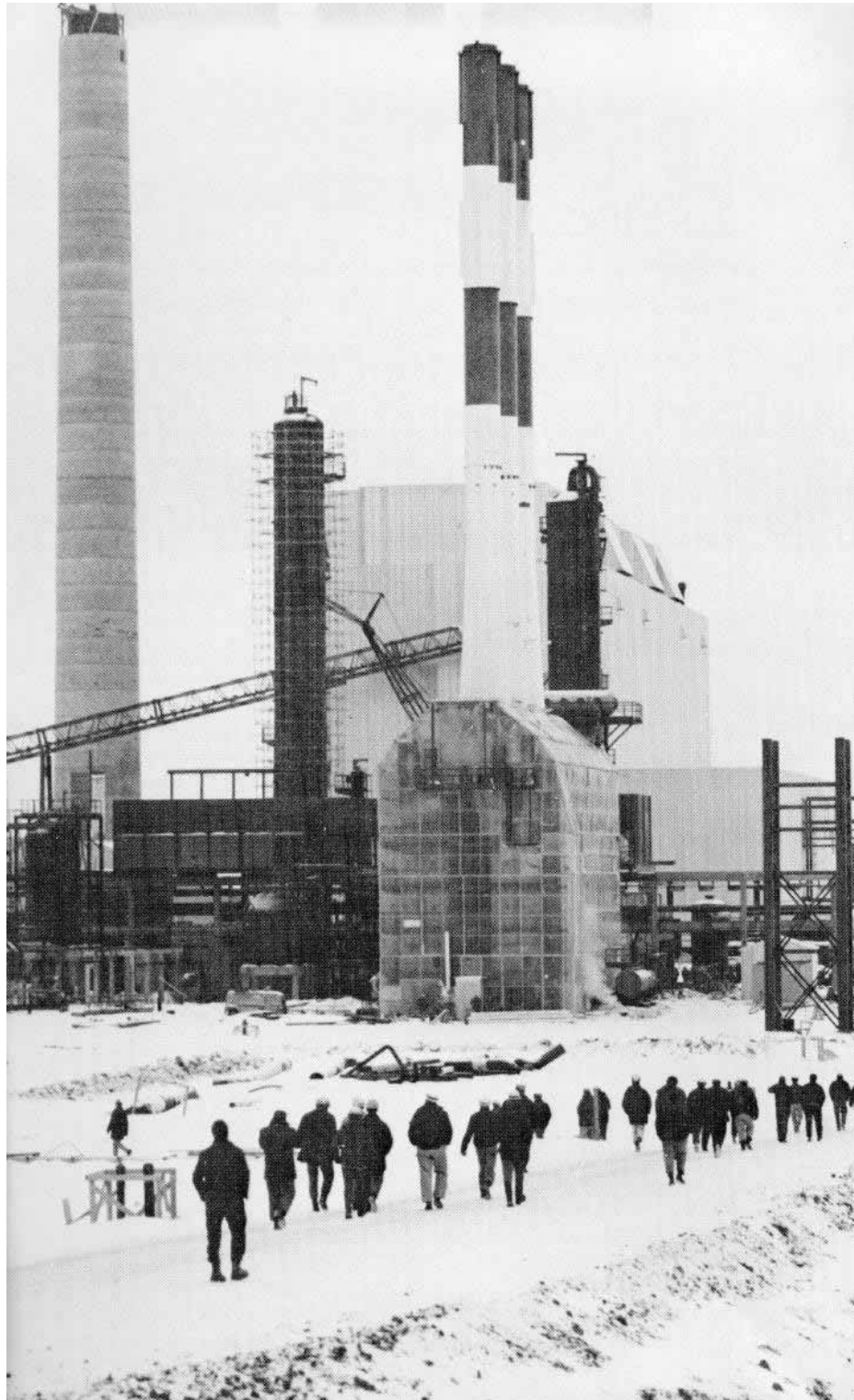


the process and the public

After receiving the Environmental Impact Statement, the Panel's next step is to obtain public reaction to the project. Both the guidelines issued by the Panel and the Environmental Impact Statement prepared by the federal agency initiating or sponsoring the project are made available to those interested before any formal meetings for public discussion are held. After this information has been issued, the Panel arranges to meet the public and receive briefs (oral and written) from individuals and groups who wish to present their viewpoints. Generally, these meetings will be held in the particular area proposed for the location of the project.

The federal assessment process attaches great importance to anticipated public concerns in determining the "significance" of potential adverse environmental effects. On the other hand, a Panel established to make such judgements must weigh the extent of such reaction and its validity in terms of the scientific and technical factors involved when making its recommendations. In unusual cases, the ministers involved may decide that it is advisable not to release information on a project.





the decision

When a Panel has reviewed the Environmental Impact Statement, the public response, and any other information it feels is required, it prepares a report for the Minister of Fisheries and the Environment. This report contains the history of events associated with the project, a detailed examination of the vital environmental factors involved including their major impacts on the social and economic sectors, and recommendations concerning project implementation. A Panel could recommend that a project be halted, that it proceed as planned, or that it proceed with certain qualifying conditions and terms. These terms might include environmental requirements for project design, and the development of certain studies to obtain needed information. They might also include requirements for surveillance during construction and operation of the project to evaluate the performance of environmental protection measures used, and monitoring the actual environmental impacts for comparison with predicted impacts.

The Panel report is then submitted to the Minister of Fisheries and the Environment through the Chairman, and the Minister must decide whether to accept the recommendations or not. He must also decide whether the report should be made public. These decisions are made in consultation with the minister of the department initiating the project. If they agree to accept the recommendations made by the Panel, the report is released to the public and the initiating department is instructed to implement the recommendations. This ministerial decision would also identify the federal agencies responsible for any surveillance and monitoring needed.

There is the possibility of disagreement between the two ministers on the course of action that should be taken. In this case the matter would probably be referred to Cabinet for resolution. Regardless of the circumstances involved, the Minister of Fisheries and the Environment may release the report to the public if he believes the situation warrants this step.

Some proposed federal projects, such as airports, may have important environmental implications for provincial levels of government. In such circumstances a joint approach to environmental assessment by the federal and provincial agencies concerned is encouraged under federal assessment policy.

Where a panel is formed to review a federal project of this kind, the provincial government involved is invited to contribute towards the specific guidelines developed by the Panel for the preparation of the Environmental Impact Statement. Each level of government enjoys the right to review the E.I.S. produced, and to act on the basis of its own conclusions about its adequacy. In this way the duplication associated with two sets of guidelines and two impact statements that might result if each government acted in isolation is avoided. Should there be federal/provincial disagreement in such cases, the action eventually taken would depend on the particular circumstances involved including the scope available for compromise.

Departments and agencies in the federal government are still grappling with the many complexities related to environmental affairs in general, and the Environmental Assessment and Review Process in particular. It is too soon to judge the performance of this procedure for environmental assessment but experience gained within the next three years should provide the measure of its success. The federal approach spreads the responsibility for decisions concerning the environment amongst departments and agencies to foster sound environmental planning at the source of activities, and involves the public in reaching the decisions that are made to ensure environmental protection. It is an approach that is not prescribed by law but underwritten by a commitment from federal ministers through a Cabinet decision. The degree to which all the participants in the Process accept their responsibilities, and the quality of the decisions that result will determine whether the objectives set for EARP are ever achieved.

For additional advice and information on the Environmental Assessment Process the following sources may be contacted

Chairman, Environmental Assessment Panel
Fisheries & Environment Canada
13th floor — Fontaine Bldg.
Ottawa, Ontario
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Regional Screening & Coordinating Committee
Pacific Region
c/o Environmental Protection Service
Fisheries & Environment Canada
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Secretariat
Regional Screening & Coordinating Committee
Northwestern Region
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