

Revised Guide to the Federal Environmental Assessment and Review Process

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The Federal Environmental Assessment and Review Process

An Introduction

The Federal Environmental Assessment and Review Process, established by Cabinet decision on December 20, 1973, and amended by Cabinet on February 15th, 1977, embodies Canada's policy on environmental assessment as it relates to the activities of the federal government. The Process is a means of determining in advance the potential environmental impact of all federal projects, programs and activities. The ultimate responsibility for decisions resulting from Process activities rests with the Minister of the Environment and his Cabinet colleagues.

The role of the Minister of the Environment in this area is also cited in the Government Organization Act, 1979. The Act states that the Minister "...shall initiate, recommend and undertake programs and co-ordinate programs of the Government of Canada, that are designed. . . to ensure that new federal projects, programs and activities are assessed early in the planning process for potential adverse effects on the quality of the natural environment and that a further review is

carried out of those projects, programs and activities that are found to have probable significant adverse effects, and results thereof taken into account. . . ."

This booklet is intended to explain how the Process works from the time a project is conceived to the time a decision is made on its environmental acceptability.

The purpose of the Process is to ensure that the environmental effects of federal projects, programs and activities are assessed early in their planning, before any commitments or irrevocable decisions are made. Activities with potentially significant environmental effects are submitted to the Minister of the Environment for formal review by an Environmental Assessment Panel.

Based on this review, decisions can then be made as to how the project should proceed or if it should proceed at all. All federal departments and agencies are bound by the Process with the exception of proprietary Crown Corporations and federal regulatory agencies, which are invited, rather than directed, to participate in the Process.

Federal projects are considered to be those initiated by federal departments and agencies, those for which federal funds are solicited and those involving federal property. This definition includes projects that may originate outside the federal government, but involve a particular federal department through funding or property considerations.

The Process, as mentioned, is a method of determining a project's potential environmental impact. During the course of a review, a broad range of environmental impacts are examined including those related to pollution.

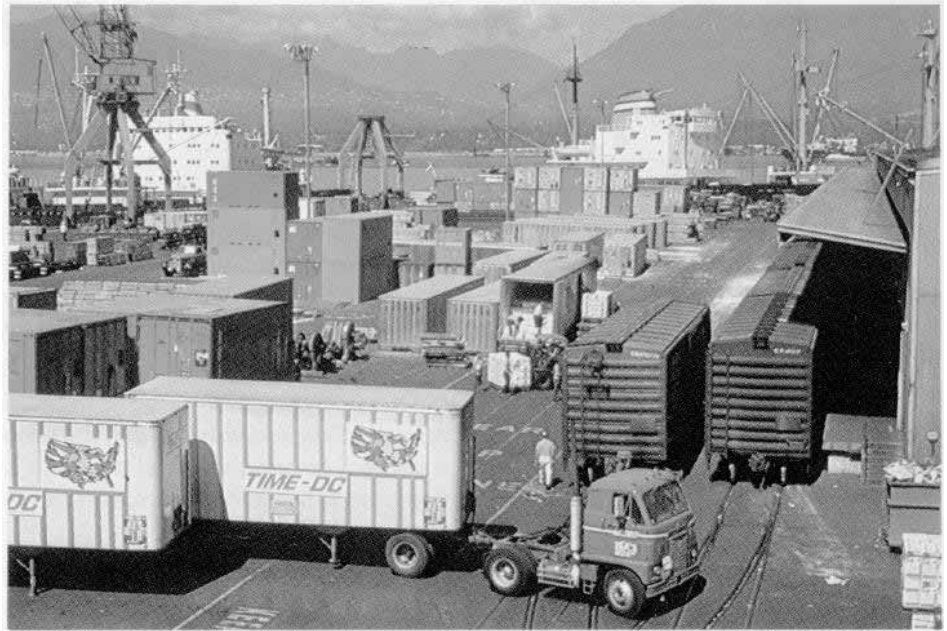
In the planning of pipelines in the North, for example, factors such as the disturbance of sensitive wildlife habitats, during and after construction, can be a potential major impact. In proposals for airports or other industrial facilities, the type and quality of land to be used for the project must be taken into account. The human element must also be considered in terms of any environmentally-related social consequences of the project. These examples illustrate the range of environmental factors to be considered under the Process.



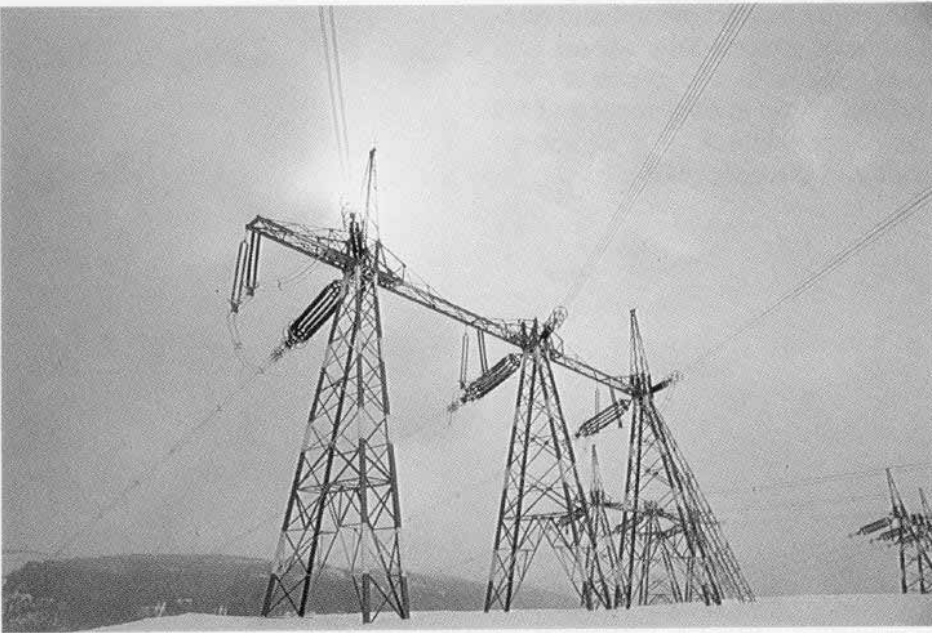
The Environmental Assessment and Review Process is comprehensive, involving up to three sequential review stages. For a variety of reasons, not all of these stages will necessarily occur in the examination of every project.

The first two stages involve self-assessment by the federal agency initiating the project. The third step is a more formal review of projects considered, on the basis of departmental self-assessment, to have potentially significant environmental impacts. The Federal Environmental Assessment Review Office (FEARO) is responsible for the establishment of Environmental Assessment Panels to review referred projects and for the provision of secretariat support to those Panels. Once established, an Environmental Assessment Panel is independent and reports, during the course of its project review, directly to the Minister of the Environment.

In special cases, an Environmental Review Board, external to the federal public service, may be established to conduct the formal review.



Part One — Initial Assessment



The Process Begins

The Environmental Assessment and Review Process (EARP) automatically applies when a project is conceived. The Process is largely based on the self-assessment approach. This means that federal departments and agencies initiating projects are responsible for both the initial assessment and for establishing the significance of environmental impacts. They are also responsible for the implementation of any mitigating measures identified.

While the determination of the environmental effects of any given proposal can be mainly a matter of the application of scientific expertise, the determination of the significance of these effects is more subjective. In the self-assessment phase of the Process, technical and scientific experts within the department initiating the project have this responsibility and must take into account, not only technical information and data, but also the project's potential for causing public concern. In other words, what may not be significant in a purely scientific or technical way, may be significant to those living in the area of the project for other reasons. A community

close to the site of the proposed project, for example, may be concerned that the life style of the community may be disrupted, should the project go ahead as planned. A community may also perceive an environmental threat even though scientific data might not support such a perception.

Public reaction to a proposal is a major factor in determining significance. Initiating departments and agencies, during their own assessment of the project, are expected to provide information on the project to the public, and to obtain public comment.

A considerable body of advice is available to departments and agencies in applying the Process. Environmental advice is available from the Department of the Environment throughout the screening procedure and in the development and review of the Initial Environmental Evaluation. The Department has established special committees, the Regional Screening and Coordinating Committees, in each of its five regions to facilitate this advisory service. Technical information is also available from other departments.

The Environmental Screening

As early in the planning stages as possible, departments and agencies screen their proposed projects to identify adverse environmental effects. The Federal Environmental Assessment Review Office (FEARO) and the Environmental Protection Service of Environment Canada jointly have developed a *Guide for Environmental Screening* to assist departments and agencies in this task.

The guidelines are designed in matrix form to provide a quick method of identifying the relationships between a broad range of project activities and environmental factors.

Screening can result in one of three decisions by the initiating department:

1. The department may conclude that the proposal has no potentially adverse environmental effects or that such effects are known and are not considered significant. If this decision is made, the department concerned is responsible for implementing the measures required to prevent or mitigate the environmental effects identified, and for satisfying all other legislative, regulatory and Cabinet requirements related to the development and implementation of the project.
2. The department may conclude that the project's potential environmental effects appear to be significant. In this case the project is referred to the Minister of the Environment for a formal review under the Process.
3. The department may conclude that the nature and scope of potential environmental effects cannot be determined readily by this procedure. If this is the decision, the proposal is subjected to a more detailed examination, known as an Initial Environmental Evaluation (IEE).

It should be noted that an IEE is not required in cases where a direct referral of a project for formal review is made during the screening stage.

The Initial Environmental Evaluation

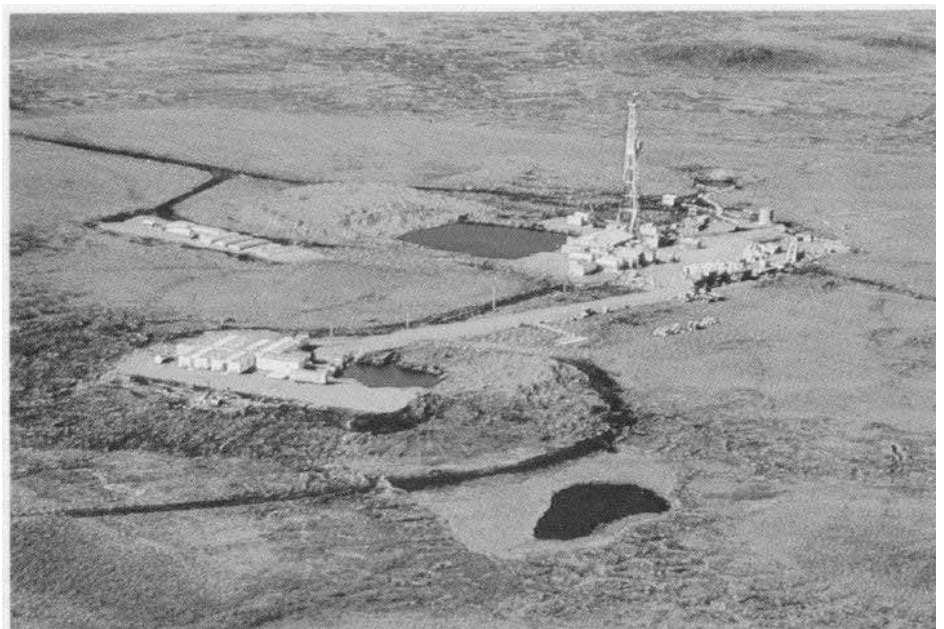
The IEE normally includes a description of the project, a description of the current environment and resource use, an outline of the potential environmental effects and impacts, and the details of the measures proposed to mitigate or prevent anticipated environmental effects. It also provides a judgement on the impact of the effects remaining after all known measures for prevention and counteraction have been specified. An important part of the IEE is also the examination of alternative ways of accomplishing the project and the identification of the preferred alternative(s).

Once the IEE has been completed and reviewed by the department concerned, the question of significance is resolved. If the effects are not considered to be significant, the initiating department may proceed with the project with the understanding that environmental design measures specified in the IEE must be implemented. If, on the other hand, the environmental effects of the project are thought to be significant, the project is referred to the Minister of the Environment for a formal review under EARP.

Project Referral for Formal Review

When, as a result of the screening procedure or the Initial Environmental Evaluation, the initiating department refers a project to the Federal Minister of the Environment for a formal review by an Environmental Assessment Panel, the Federal Environmental Assessment Review Office carries out this part of the Process on behalf of the Minister.

This referral sets in motion an independent and comprehensive review of the project and involves several stages including technical, scientific and public review of the anticipated environmental and related social effects. This review ultimately leads to a decision by the Minister of the Environment and his Cabinet colleagues as to the acceptability of the proposal.



Part Two — The Formal Review

The formal review includes such stages as the formation of an Environmental Assessment Panel, the formulation of guidelines for the preparation of an Environmental Impact Statement (EIS) and the preparation of the EIS itself, complete technical and scientific reviews of the EIS by federal and/or provincial agencies and the implementation of an extensive public information program. It also includes the conduct of the review, and the holding of public meetings in the area affected by the project at which interested parties are encouraged to make their opinions known. The Environmental Assessment Panel then 'prepares a report to the Minister of the Environment outlining its recommendations as to whether the project should proceed and, if so, on the preferred method of implementing the project. The final decision rests with the Minister of the Environment, the Minister of the initiating department and their Cabinet colleagues.



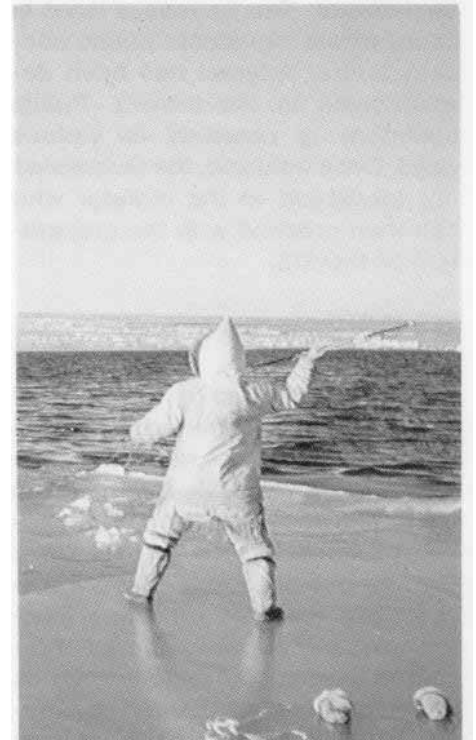
The Environmental Assessment Panel

Once a project has been referred for formal review, the Executive Chairman of FEARO is responsible for the appointment of an Environmental Assessment Panel to review the proposal. A different Panel is normally established for each referred project. Once formed, the Panel manages the review, while receiving staff support from FEARO. The Chairman of each Panel is the Executive Chairman of FEARO or his delegate. The Chairman of each Panel reports directly to the Minister of the Environment on Panel activities and recommendations. A project submitted for review cannot be carried out until a decision has been reached on the recommendations submitted to the Minister of the Environment by the Panel.

The expertise and knowledge represented in the membership of a Panel is vital to conducting a thorough and competent review. Panels are normally composed of four to eight members chosen primarily on the basis of their special knowledge and experience relevant to the anticipated technical, environmental and social effects of the proposal.

The review of a proposed nuclear plant, for example, might require a Panel having as members a radiation specialist, a hydrologist or hydrogeologist and a sociologist, among others. The review of a pipeline proposal might require a wildlife specialist and a geologist, among others.

Panel members can be chosen from both inside and outside the federal public service. The Executive Chairman, FEARO, may appoint members from within the federal public service. The Minister of the Environment, with the concurrence of the Minister of the initiating department, may appoint members



from outside the federal public service. The federal agency initiating the project may also appoint a representative to the Panel.

Guidelines for the Preparation of The Environmental Impact Statement

One of the first Panel tasks is to issue Guidelines for the preparation of an Environmental Impact Statement (EIS). The purpose of the Guidelines is to ensure that the EIS contains the information that the Panel, technical reviewers, and the public need to evaluate the proposal's environmental and related social implications.

The initiating department may wish to add more information to the EIS than is called for in the Guidelines. If, on the other hand, the initiator omits information or factors identified in the Guidelines, the reason for the omission should be specified.

The process of preparing EIS Guidelines varies depending on the nature of the project. Public comment on the Guidelines may be requested before they are submitted to the initiator. This is usually done in cases where significant public concern and/or interest has been demonstrated in the project. Public comment is obtained in various ways. Once finalized, the Guidelines are forwarded to the initiator who can then proceed with the preparation of the EIS.

The Environmental Impact Statement

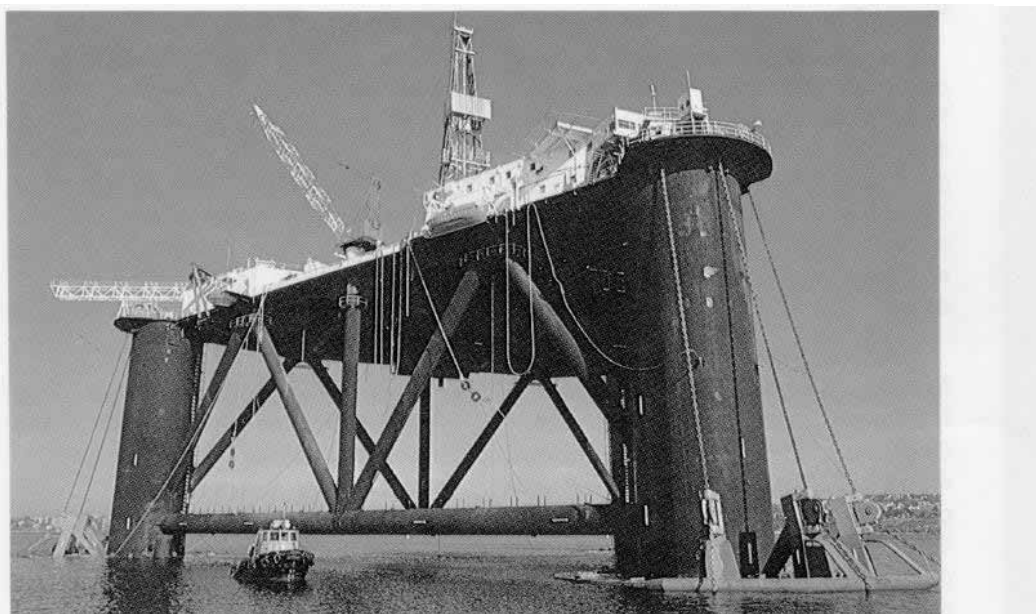
The EIS prepared by, or on behalf of, the initiator of the project is the basis of the formal review. It describes the project, its location, the need for it and any alternative methods of achieving the project other than the one proposed. The EIS also describes the area's existing environment and current patterns of resource use, social factors such as population characteristics, community lifestyle and the economic base of the area. It provides a detailed description of the potential effect of the proposal on the area's environment and identifies the measures the

proponent intends to take to reduce those impacts. Any impacts that might remain after these mitigating measures have been taken must also be identified.

Deficiencies and Clarifications to the EIS

Upon receipt of the EIS, the Panel must decide whether or not it contains sufficient information on which to base its review and recommendations. The Panel requests the assistance of federal or provincial agencies to do this and also invites public comment. Public and agency comment can be received in written form or obtained at public meetings, or both.

The Panel may prepare a list of deficiencies and clarifications required and forward this to the proponent for rectification. This list is also made public. Rectification by the proponent may entail relatively simple answers or may mean more extensive study. In the case of major deficiencies, the Panel review may be extended until they are rectified. The new data is then made available to the public and, after allowing a certain time for public and technical review, public meetings are held.



Part Three — The Process and the Public

Public and Technical Reviews of the Impact Statement

During the review of an EIS by an Environmental Assessment Panel, comment from the public and technical agencies is invited and encouraged. Any person or organization with an interest in the project is provided with an opportunity to present viewpoints to the Panel, either in writing or verbally at public meetings.

Technical Reviews

An Environmental Assessment Panel asks for scientific and technical opinion on the accuracy and validity of the EIS from federal and provincial agencies as well as their opinion on the overall acceptability of the project. In addition, a scientific or technical review may be requested from non-governmental organizations with special expertise relevant to the project. These reviews, once received by the Panel, are made available to the public. As a general rule, all information submitted to a Panel is released to the public.

Public Comment

The Environmental Assessment and Review Process recognizes that public comment on a proposal has an important role in determining its environmental significance. As a matter of course, Environmental Assessment Panels hold public meetings to receive such comment. These are normally held in the immediate area of the project.

Public meetings arranged by Environmental Assessment Panels are conducted informally by choice. They are not legal proceedings. Rules of evidence normally followed by commissions of enquiry or other tribunals do not apply, although each Panel chairman issues procedures for the conduct of the meetings. Assessment Panel public meetings are normally structured



to provide the greatest opportunity for individuals or groups to express their opinions. Panel secretariat staff is available before and during meetings to assist anyone wishing to participate in such reviews.

Panel Deliberations

Throughout this booklet, reference has been made to the many sources called upon by an Environmental Assessment Panel to provide comment and opinion on the potential impact of a particular proposal. By the time public meetings have been completed, the volume of information to be reviewed by any Panel is substantial. This information includes the Environmental Impact Statement and its supporting documents information received through the identification and rectification of deficiencies, technical reviews by federal, provincial or private organizations, briefs submitted to the Panel during public meetings, and the actual transcripts from the meetings. Any information mailed to the Panel is, of course, also considered. The Panel's task is to evaluate all this information and use it in formulating its recommendations to the Minister of the Environment.

The Decision

When an Environmental Assessment Panel has completed its deliberations, it prepares a report for the Minister of the Environment. The report normally contains details on:

- the history of events related to the development of the project
- the project itself
- the characteristics of the area and region in which it is proposed to locate the project
- the environmental and related social impacts of the project as determined from the reviews and public meetings
- conclusions and recommendations of the Panel concerning project implementation.

A Panel can recommend that a project not proceed; that it proceed as proposed; or that it proceed with modifications, or in accordance with specific conditions. These conditions might include project design requirements and/or the carrying out of studies to obtain additional information. They might also include requirements for surveillance during the construction and operation of the project, the evaluation of the adequacy of environmental protection measures used, and the



monitoring of actual project impacts for comparison with impacts predicted during the review.

An Environmental Assessment Panel report is submitted to the Minister of the Environment and normally released to the public shortly thereafter.

Decisions on the Panel's recommendations are made by the Minister of the Environment and the Minister of the initiating or sponsoring department. If they agree to accept the recommendations, the appropriate department(s) or agencies are instructed to implement them. Their decision may also identify the federal departments or agencies responsible for any surveillance and monitoring needed, if this has not been detailed in the Panel report. Should there be any disagreement between the two Ministers, the matter would probably be referred to the federal Cabinet for resolution.

The Process and the Provinces

Some proposed federal projects may have important environmental implications for provincial governments. In such cases, there are a number of options available as to the methodology to be used in the environmental assessment of the project. Federal assessment policy encourages a cooperative approach to environmental assessment to avoid duplication.

As one example, such an approach can include the establishment of joint federal-provincial panels. Joint panels conduct environmental reviews in such a way as to satisfy both provincial and federal environmental assessment requirements.

In other circumstances, the Minister of the Environment may invite provincial representation on federal Environmental Assessment Panels. In all projects reviewed under EARP, provincial agencies, of course, can act as intervenors at the public meetings.



Part Four — Administering the Process

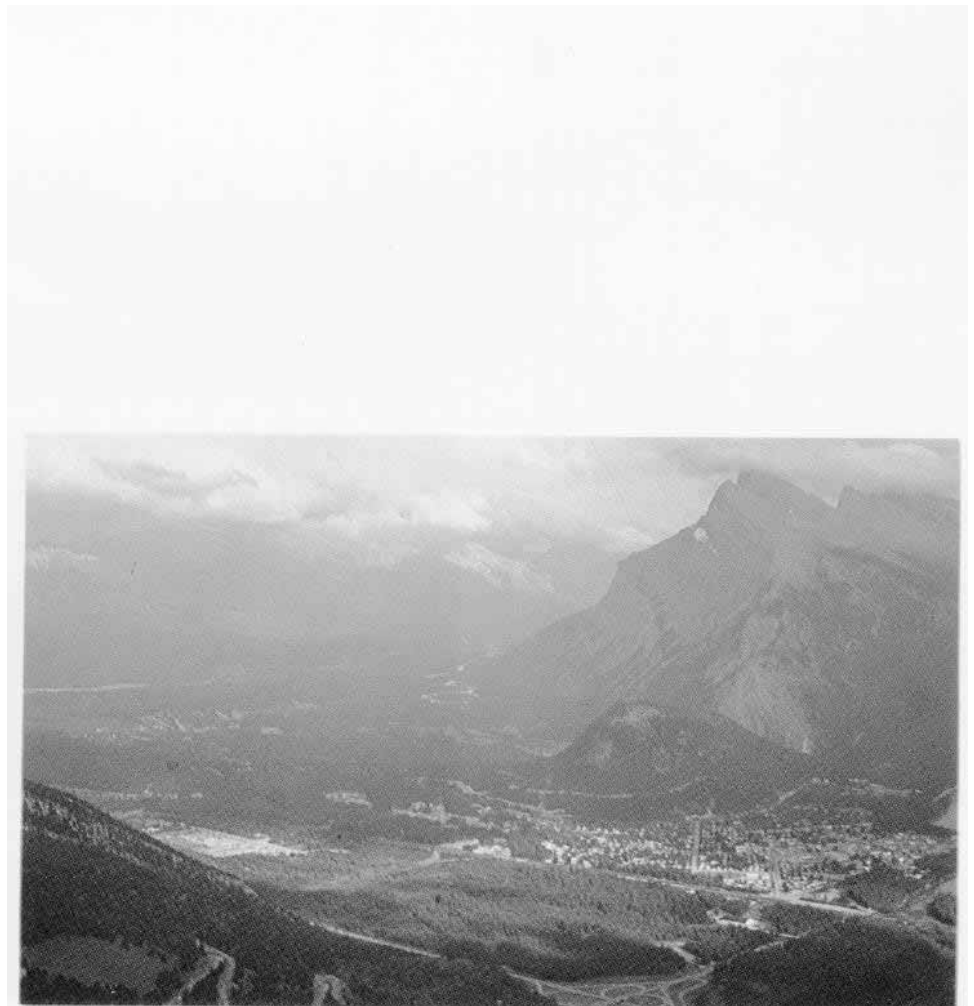
The Federal Environmental Assessment Review Office

The Federal Environmental Assessment Review Office is responsible for and administers the Environmental Assessment and Review Process on behalf of the Minister of the Environment. The Executive Chairman of this office reports directly to the Minister of the Environment on matters concerning EARP.

As directed by Cabinet, FEARO is responsible for producing policy and for providing guidelines, procedures and administrative advice to participating agencies and to the public on the operation of the process.

The Executive Chairman of the Office establishes the separate Environmental Assessment Panels to review potential environmental consequences of referred projects, programs and activities. The Executive Chairman, or his delegate, chairs each panel. The Executive Chairman appoints the Executive Secretary for each panel and provides the staff support for panel activities. Once established, however, all Environmental Assessment Panels are independent bodies that report their findings directly to the Minister of the Environment.

The Office has other major responsibilities including the evaluation of process implementation and the recommendation of adjustments to improve process effectiveness. It also provides advice, on a continuing basis, to federal departments and agencies on the application of the process.





Part Four — A

The first of the four main sections of the book is a detailed account of the early history of the region, from the first settlement to the present day. This section is written in a clear and concise style, and is well illustrated with photographs and maps. The second section is a history of the region's economy, from the early days of mining to the present day. This section is also well illustrated with photographs and maps. The third section is a history of the region's culture, from the early days of settlement to the present day. This section is also well illustrated with photographs and maps. The fourth section is a history of the region's environment, from the early days of settlement to the present day. This section is also well illustrated with photographs and maps.

The book is a well-written and well-illustrated history of the region, and is a valuable resource for anyone interested in the history of the region. The book is written in a clear and concise style, and is well illustrated with photographs and maps. The book is a well-written and well-illustrated history of the region, and is a valuable resource for anyone interested in the history of the region.

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Glossary of Terms

Explanation of terms relevant to the Process:

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| (a) Initiator | a federal department or agency which intends to undertake or sponsor a project, program, or activity having potential environmental effects and which is thus required to take appropriate action according to federal environmental policy. |
| (b) Proponent | a company, province or other organization which intends to undertake a project, program or activity having potential environmental effects within the scope of the process. |
| (c) Process Scope | the process applies to all programs, projects and activities that are initiated by federal departments and agencies or that involve those for which federal funds are solicited or federal properties involved. All federal departments and agencies are obliged to apply the process, except Proprietary Crown Corporation and Regulatory Agencies, who are invited to participate. |
| (d) Initial Environmental Evaluation (IEE) | a documented assessment of the environmental consequences of any intended activity having potential environmental effects, prepared or procured as early in the planning stages of development as possible by the Initiator, Guidelines covering various project categories (e.g. pipelines) issued by FEAR0 are available to assist organiza- tions in this task. |
| (e) Environmental Impact Statement (EIS) | a documented assessment of the environmental consequences of an intended activity expected to have significant environmental consequences prepared or procured early in the planning stages of development by the Initiator in accordance with Guidelines established by the Panel undertaking the EIS review. |

For Additional Information:

Executive Chairman,
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Hull, P.Q. K1A 0H3

SCHEMATIC DIAGRAM OF THE FEDERAL ENVIRONMENTAL ASSESSMENT AND REVIEW PROCESS

