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**Federal Environmental  
Assessment And  
Review Process In Canada**

**F.G. Hurtubise, Executive Chairman**

**And**

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**FEDERAL ENVIRONMENTAL ASSESSMENT  
AND REVIEW PROCESS IN CANADA**

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Executive Chairman**

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**Federal Environmental Assessment Review Office**

**Introduction**

The decision to institute a federal environmental impact assessment policy in Canada was made by Cabinet in 1973. The Minister of the Environment was directed to establish, in cooperation with other Ministers, a process for the environmental impact assessment of federal projects, programs and activities, as well as all private projects involving federal lands, properties or monies. This process is called the Federal Environmental Assessment and Review Process (EARP). EARP was adjusted in a second Cabinet decision in 1977 and the Minister's responsibility for environmental impact assessment was further highlighted in the Government Organization Act of 1979, which, among other responsibilities, states: "the Minister of the Environment shall ... undertake ... programs ... 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 . . . activities that are found to have probable significant adverse effects, and the results thereof taken into account, and . . . provide to Canadians environmental information in the public interest."

**EARP is administered by the Federal Environmental Assessment Review Office (FEARO) which reports to the Minister of the Environment.**

**To begin, it should be pointed out that the Canadian Government's Environmental Assessment and Review Process (EARP) is not a regulatory process and the Federal Environmental Assessment Review Office, or FEARO is not based in legislation, but on a Cabinet Decision and a firm agreement by ministers of the Federal Government that they will be responsible for the environmental consequences of activities proposed by their departments, including the incorporation of suitable mitigating measures.**

#### **Operation of the Process**

**In order that participating agencies can inform the public early in the planning stage of activities that may be environmentally significant, departments and agencies make initial screenings of their own activities to identify any environmental effects (see the process diagram in figure 1). These screenings are at point (1) and (2) in the diagram. The initial screening (1) is a preliminary review based on a "Leopold" type matrix. The second level (2) is an Initial Environmental Evaluation and is a somewhat more intensive investigation. Each of these screening steps are based on guidelines produced jointly by FEARO and Canada's Department of the Environment.**

**As can be seen at point (3) in the diagram, projects with potentially significant environmental impacts, are referred to the Executive Chairman**

of FEARO for a formal assessment by an Environmental Assessment Panel. After a public review, the Panel submits its recommendations to the Minister of the Environment (5). Decisions on the Panel's recommendations are then made by the Minister of the Environment and the Minister responsible for the project.

#### The Panel Review

Each project submitted is reviewed by a separate independent Panel. The Chairman of each Panel is the Executive Chairman of FEARO or his delegate. Panel members are chosen for their objectivity and special knowledge relevant to the technical, environmental and socio-economic factors associated with the activity. They are selected from within the federal public service, provincial agencies and the private sector. Private sector appointments are made by the Minister of the Environment, on the recommendation of the Executive Chairman of FEARO.

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 (EIS). The EIS is a detailed documented assessment of the environmental consequences and related socio-economic impacts associated with the project, and is prepared, or procured, in accordance with the guidelines issued by the Panel by the federal agency responsible for the project. The nature of the activity and its proposed location will determine in many respects the type of detailed information required.

### Public Participation

Provision of information to the public and its participation are fundamental to the panel phase of the Environmental Assessment and Review Process, since the public has an important role in determining the significance of a development action. Public input on the guidelines are solicited before they are completed by inviting written comments and/or by convening public meetings. This serves to ensure that the Panel has not overlooked matters of concern to those members of the public potentially affected by the proposal, as well as to provide the proponent with early indications of the public's point of view. Further, Environmental Impact Statement guidelines are made public at the same time they are forwarded to the project proponent.

Once the EIS is available, it is sent to interested parties and government agencies well in advance of public meetings. Written comments on the project are solicited and these also receive wide distribution prior to the hearings. Public interest is ensured through community visits by the Panel secretary, to inform the affected and interested public of the project review and to arrange distribution of information. The project proponent is also strongly urged to visit affected communities early in the process to explain the project and to answer questions.

### Public Meetings

Panel meetings are normally structured so as to provide the greatest opportunity for an individual or group to express opinions or provide information on the potential impact of the proposal.

The meetings also serve as an opportunity for the proponent to describe the project to the public and to respond to concerns expressed by the public and technical agencies.

While Environmental Assessment Panel meetings are not legal proceedings, each Panel issues procedures for the conduct of its meetings.

These public meetings provide an opportunity for technical experts and individual members of the public to present their views to the Panel.

#### The Panel Report and Decision on the Project

When a panel has reviewed the EIS, the public response to this document, and any other relevant information, it prepares a report for the Minister of the Environment (point 4, Figure 1). This report contains the history of events associated with the project, a detailed examination of the vital environmental factors involved, environmental and related socio-economic impacts and conclusions and recommendations concerning project implementation. A Panel may recommend that a project not proceed, that it proceed as planned, or that it proceed with modifications or in accordance with specific conditions.

The Panel report is submitted to the Minister of the Environment by the Panel Chairman, and normally released to the public by the Minister shortly after. Decisions on the Panel's recommendations are made by the Minister of the Environment and the Minister of the initiating or sponsoring department (point 5, Figure 1).

## Results

**A few words about Process activities to date. Since 1974, some twenty-five major federal projects have been referred. Reviews on eleven projects have been completed to date, including eight in the past two years. Over one hundred days of public meetings have been held since 1977; audience total has exceeded 10,000 and more than 1000 presentations to panels have been made by individuals, groups, and representatives from all levels of government, and, of course, the proponent.**

**In summary, a few points should be emphasized:**

- The Process was established to ensure that potential environmental and related impacts of federal projects, programs and activities are adequately reviewed in a public forum before final decisions are made.**
- EARP is not a regulatory process: it allows the government to review projects with the participation of the public.**
- It has a self-assessment phase where the sponsoring department or agency initially screens its own project.**
- Projects with potentially significant impacts are reviewed by an independent Panel of experts.**



- **Such reviews involve preparation of an EIS by the proponent which is subject to detailed scrutiny by technical agencies and the public. Public meetings are an integral part of the reviews.**
  
  - **The Panel report is made directly to the Minister of the Environment.**
  
  - **Final decisions on the project are made at the Cabinet level.**
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### SCHEMATIC DIAGRAM OF THE FEDERAL ENVIRONMENTAL ASSESSMENT AND REVIEW PROCESS

