



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale

Canadian Environmental Assessment Process

A CITIZEN'S GUIDE



Canada

The information in this guide is based on the *Canadian Environmental Assessment Act*. For more detail and greater precision, please refer to the legal text.

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Foreward

If you wish to know more about the federal environmental assessment process as described in the ***Canadian Environmental Assessment Act*** (Act) and its regulations and how you can get involved in the process, this guide is for you. It provides the following **general information on key aspects of the process**:

- an explanation of environmental assessment;
- the principles and purpose of the Act;
- the role of the Canadian Environmental Assessment Agency (Agency/CEAA);
- an overview of the federal environmental assessment process; and
- the role of the public.

A Practical Guide

We have made this a practical guide by using a question and answer approach. We have tried to anticipate questions you might ask; but, if we have missed any please let us know. In order to better serve you, we will be happy to incorporate your ideas into future editions. You will find our address below.

A Glossary of Terms

We have placed a glossary of terms in alphabetical order at the end of this guide. You will come across these terms in bold type the first time they appear in the text.

Help

A comprehensive statement of the legal rights and obligations created by the Act and its regulations can be found in the legal text. Should you have any questions, the Agency will be happy to help you. Please call or write:

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CONTENTS

1. ENVIRONMENTAL ASSESSMENT

What is environmental assessment?

What is the ***Canadian Environmental Assessment Act?***

Does the Act have any regulations?

Are there any other regulations?

What is the Canadian Environmental Assessment Agency?

When must the federal government carry out an environmental assessment?

Are there any other reasons for carrying out an environmental assessment?

What is a project?

Are there any projects excluded?

2. YOUR PARTICIPATION IN THE PROCESS

Public participation

Who is the public?

What is the federal environmental assessment process?

How does the process work?

How does the Agency encourage public involvement?

How can I participate in the process?

3. FOUR TYPES OF ENVIRONMENTAL ASSESSMENTS

SELF-DIRECTED ASSESSMENTS

a. Screening

What is a screening?

What factors must a screening address?

What happens after a screening assessment?

How can I get involved in a screening?

Class Screening

What is a class screening?

How can I take part in a class screening?

b. Comprehensive Study

What is a comprehensive study?

What factors must a comprehensive study address?

What is the role of the Minister of the Environment?

How can I get involved in a comprehensive study review?

INDEPENDENT ASSESSMENTS

What kinds of projects are referred for independent assessment?

How can I take part in such an assessment?

c. Mediation

What is mediation?

How can I take part in a mediation?

d. Panel Review

What is a panel review?

What is a panel?

Specifically, what do panels do?

How can I take part in a panel review?

What are hearings like?

How will I know when I can make comments on the project?

Whom can I contact for more information?

Do I have to prepare a written brief?

Can I submit a written brief after the cut-off date?

Can I submit documents and reports at the hearings?

Must I receive an invitation from the panel to present a brief?

Can I ask questions or make short statements at the meetings?

Can I speak more than once?

Will I be cross-examined after I speak?

Is evidence given under oath?

What if I cannot make it to a specific hearing session, but have something I want to tell the panel about the subject of the particular session?

Can environmental assessments be conducted with other governments?

What happens to a project after an independent assessment?

4. THE PUBLIC REGISTRY

What is the public registry?

Is there a fee for the documents?

What kind of documents are found in the public registry?

How would I go about finding a document?

Where can I get more information about the public registry?

5. THE PARTICIPANT FUNDING PROGRAM

What activities are funded?

Who is eligible?

How is funding awarded?

Where can I get more information about the funding program?

GLOSSARY

1. ENVIRONMENTAL ASSESSMENT

What is environmental assessment?

Environmental assessment is an important planning and decision-making tool. It is an organized information gathering process used to identify and understand the effects of proposed projects on the bio-physical environment (air, water, land, plants and animals) as well as on the social and economic environments of the people to be affected.

In pursuing the goal of **sustainable development**, the government uses planning tools such as environmental assessment. Consideration of environmental effects early in the planning stages of a project promotes better planning. Environmental effects are identified, assessed, and where possible, plans are made to minimize these effects before irreversible decisions are made. Environmental assessment can save time and money.

The process also promotes public discussion of a proposal. This leads to a consideration of those effects which cannot always be identified or measured by scientific or technological means. It also give the public an opportunity to have input into the decision-making process.

What is the *Canadian Environmental Assessment Act*?

The ***Canadian Environmental Assessment Act*** is the legal basis for the federal environmental assessment process. The Act sets out, for the first time in Canadian legislation, the responsibilities and procedures for carrying out the environmental assessments of projects which involve the federal government.

The Act is founded on a number of guiding principles:

- A healthy environment and healthy economy can be achieved by making sure that the impacts on the environment are known before federal decisions are made.
- The environmental assessment process should be applied as early as possible in the planning stages of a project.
- The level of effort required to carry out an environmental assessment should match the scale of the likely adverse environmental effects of a project.

- Public participation is an important element of an open and balanced environmental assessment process.

Does the Act have any regulations?

As with many acts, the Act requires a number of regulations to put its procedures into effect and to clarify its requirements and scope in certain circumstances. A number of regulations are being developed for the Act, through extensive consultations. Of these regulations, four are critical to the proper functioning of the Act:

- Law List;
- Exclusion List;
- Inclusion List.
- Comprehensive Study List;

Are there any other regulations?

Yes. In addition to these key regulations, others are currently under development. These include the following regulations:

- One Project/One Assessment
- Minimal Federal Involvement
- Indian Reserve Lands and Band Funding
- Projects Outside Canada
- Crown Corporations and Harbour Commissions
- Offshore Boards

What is the Canadian Environmental Assessment Agency?

The Act establishes the Canadian Environmental Assessment Agency (Agency/CEAA) to administer and promote the federal environmental assessment process policies and practices. The Agency replaces the Federal Environmental Assessment Review Office (FEARO) which has administered

the environmental assessment process since 1974, under the Environmental Assessment Review Process (EARP) Guidelines Order. The Agency operates independently from any other federal department or Agency; the president of the Agency reports directly to the Minister of the Environment.

The Agency has four key roles:

1. administering the environmental assessment process;
2. providing legal, procedural and policy advice to the Minister of the Environment on the Minister's responsibilities under the Act;
3. providing opportunities for public participation in the federal environmental assessment process; and
4. promoting sound environmental assessment practices.

The Agency administers the federal environmental assessment process chiefly by

- advising federal departments and agencies on their obligations under the Act;
- providing administrative support for public reviews;
- reviewing certain environmental assessment reports to ensure compliance with the Act;
- working with other jurisdictions, e.g. the provinces, to ensure that environmental assessment processes are harmonized whenever projects in which both governments have jurisdiction are reviewed;
- ensuring that there are opportunities for the public to participate in the process; and
- providing some measure of funding to help the public participate in the public reviews.

The Agency also has a broader role in promoting sound environmental assessment practices in Canada and abroad. Through its work with federal departments and agencies, project proponents, provincial, municipal, and territorial governments, interested public groups, and international organizations, the Agency

- promotes the principles of sustainable development and public involvement in environmental assessment;
- works to ensure a consistent application of environmental assessment in all regions of the country;
- supports research to improve environmental assessment methods; and
- promotes international cooperation on environmental assessment by learning from, sharing information with, and offering Canadian expertise to other countries.

Finally, through public information booklets, fact sheets, bulletins, and an annual report to Parliament tabled by the Minister, the Agency also promotes greater public awareness of the important role environmental assessment plays in Canada.

When must the federal government conduct an environmental assessment?

The federal environmental assessment process is applied whenever a **federal authority** exercises one or more of the following duties, powers or functions in relation to a project (Act, Section 5):

- proposes a project;
- sells, leases, or otherwise transfers control or administration of land to enable a project to be carried out;
- contributes money or any other form of financial assistance to a project;
- exercises in relation to the project a regulatory duty (such as issuing a license, permit and approvals) that is included in the **Law List** regulation .

Are there any other reasons for conducting an environmental assessment?

If a project does not involve any of the actions or decisions described in Section 5 of the Act, and no other federal act or regulations apply, an environmental assessment under the Act may still be possible. If the Minister of the Environment believes a project has the potential to cause significant adverse environmental effects across boundaries between **non-federal and federal lands**, provincial boundaries or international boundaries, the Minister may require an environmental assessment of a project if there is no agreement between the interested governments about how to conduct an assessment. These “transboundary” provisions are only used if there is no **other way of ensuring that an environmental assessment is conducted**.

What is a project?

A project can be either:

- i) an undertaking in relation to a physical work;
- or**
- ii) an undertaking not related to a physical work which is described in the Inclusion List regulation.

Physical works are physical things that are constructed and have a fixed location. An undertaking is any activity carried out in relation to a physical work, such as its construction, operation, modification, decommissioning or abandonment. Examples of this type of project include the construction (undertaking) of a bridge (physical work), modifications to a pulp and paper mill and the abandonment of a uranium mine. Most projects subject to environmental assessment under the Act will be of this type.

An undertaking not in relation to a physical work is a project for purposes of the Act if it is described in the Inclusion List regulation. This regulation is designed to include those activities that could result in **significant adverse environmental effects**. Examples of these kinds of activities include dredging to ensure navigation through a waterway and the low-level flying of military jets.

Are any projects excluded?

A project may be exempted from an environmental assessment if it

- is described on the Exclusion List regulation as a project likely to have insignificant environmental effects;
- is excluded by regulation for reasons of national security;
- involves minimal federal involvement, as defined by regulation (applicable only to undertakings in relation to a physical work);
- **is to be carried out in response to a national emergency for which temporary special measures are being taken under the *Emergencies Act*;**
- is to be carried out in response to an emergency and the project is in the interest of preventing damage to property or the environment or is in the interest of public health or safety.

2. YOUR PARTICIPATION IN THE PROCESS

Public Participation

Public participation is an important element of an open and balanced environmental assessment process. It strengthens the quality and credibility of environmental assessments. The public is an important source of local and traditional knowledge about a project's physical site and likely environmental effects. Through public participation activities, project proponents can obtain this information, better understand and respond to public concerns, and inform people about decisions. With this in mind, the Act provides opportunities for public input at most stages of the environmental assessment process.

There are four types of environmental assessment, each with varying degrees of public participation. These types, screenings, comprehensive studies, mediations and panel reviews will be described in greater detail below.

Who is the public?

The public is not a single entity. Rather, it represents many interests, including

- local residents,
- Aboriginal persons and communities,
- local and regional government officials,
- community organizations, such as homeowner groups, senior citizens organizations, service clubs and conservation groups,
- professional and business associations,
- small business owners,
- educational institutions,
- public interest groups and
- the media.

What is the environmental assessment process?

The environmental assessment process is a systematic approach to documenting the environmental effects of a proposed project and determining the need to eliminate or minimize (mitigate) these effects; to modify the project plan; or to recommend further assessment.

A guiding principle of the Act is that the level of effort required to carry out an environmental assessment should match the scale of the likely adverse environmental effects of the project. As a result, there are four types of environmental assessments: screenings (including class screenings), comprehensive studies, mediations and panel reviews. These four types fall under two categories: **self-directed assessments** and **independent assessments**. The four types of environmental assessment are not mutually exclusive as some projects may undergo more than one type of environmental assessment.

The majority of federal government projects, about 99 per cent, requiring an environmental assessment will undergo either a screening or a comprehensive study. These types of environmental assessment fall under the “self-directed” category since the responsible authority is required to ensure that the assessment is carried out in compliance with the Act.

The other two types, mediation and panel review, fall under the independent assessment category. They are “independent” because mediators and panels are appointed by the Minister of the Environment to conduct an assessment independent of government. Public participation is more extensive in this category.

Whichever type of environmental assessment is carried out, the primary purpose is always the same: to determine whether or not the project, taking into account any **mitigation measures**, is likely to result in significant adverse environmental effects.

How does the process work?

Briefly, an environmental assessment is usually required, whenever federal departments and agencies propose a project, provide funding or land for a project or exercise a regulatory duty for a project to go ahead. Only those regulatory duties (issuing a licence or permit) which are included on the Law List regulation will trigger an environmental assessment. However, before proceeding with the assessment, federal authorities must first determine if the Act applies to the project.

If the Act does apply, then the **responsible authority** proceeds either with a self-directed screening or comprehensive study. Each type of assessment is described in detail below. At any time during a screening, a responsible authority can refer the project to the Minister of the Environment for mediation or panel review, if it is likely to cause significant adverse environmental effects or if public concerns warrant.

Once a responsible authority completes the screening, then it must make a determination on whether to proceed with the project or to require further assessment.

Following a comprehensive study, the responsible authority prepares a report for the Minister of the Environment. The Minister, after studying the report, determines whether further assessment is required. If not, the project may proceed or be cancelled. The Minister may also refer the project for

independent assessment.

In situations where a project has the potential for significant transboundary effects, the Minister can call for an independent assessment by a mediator or a panel, if there is no other way of conducting a review that is agreeable both to the Minister and to the other jurisdiction(s). This would occur whenever the Minister of the Environment believes a project has the potential to cause significant adverse environmental effects across boundaries between non-federal and **federal lands**, provincial boundaries or international boundaries that would otherwise not be assessed under the Act or subject to any other federal statute or regulation.

Following an independent review by a mediator or panel, a report is submitted to the Minister of the Environment and the responsible authority. The government must then review the conclusions and recommendations of the report and make a decision whether or not to proceed with the project and under which conditions. You will find more detailed information below.

How does the Canadian Environmental Assessment Agency encourage public involvement?

The Agency encourages involvement in a number of ways by

- ensuring the public has an opportunity to comment on proposed **class screenings** and comprehensive study reports;
- providing funds (see “Participant Funding Program” below) to interested groups so that they may participate in mediation and panel reviews;
- working with federal departments and project proponents on effective approaches to involving the public; and
- advising federal departments on how to create and maintain a public registry (see below) containing records relating to environmental assessments.

How can I participate in the process?

Each of the four types of environmental assessment present different opportunities for public involvement in the process.

SELF-DIRECTED ASSESSMENTS

Self-directed assessments are those undertaken by a responsible authority for a project. They can be undertaken by either a screening or a comprehensive study.

SCREENING

What is a screening?

Screening is a systematic approach to documenting the environmental effects of a proposed project and determining the need to eliminate or minimize (mitigate) these effects; to modify the project plan; or to recommend further assessment through mediation or a panel review. It is conducted by the project's responsible authority and is the most flexible type of assessment, accommodating both simple, routine projects as well as larger projects.

Screenings will vary in time, length, and depth of analysis, depending on the circumstances of the proposed project, the existing environment, and the likely environmental effects. Some screenings may require only a brief review of the available information and a one-or two-page report; others may need new background studies and be as thorough and rigorous as a comprehensive study.

The responsible authority must prepare or ensure the preparation of a report which summarizes the findings of the screening.

What factors must a screening address?

A screening must address the following factors:

- the environmental effects of the project including **cumulative effects**, and the effects of possible accidents or malfunctions;
- the significance of the environmental effects;
- technically and economically feasible measures that would reduce or eliminate any significant adverse environmental effects of the project;

- any other matter relevant to the screening that the responsible authority may feel is necessary for an accurate assessment of the environmental effects;
- public comments, if any.

What happens after a screening assessment?

A responsible authority must determine whether or not to take action that will enable the project to proceed - that is, whether (as the proponent) to proceed with the project, or otherwise to provide the funding, land interest, permit or other authorization.

However, the responsible authority must not take any action that enables the project to proceed, if the project is likely to cause significant adverse environmental effects (taking into account any appropriate mitigation measures).

Alternatively, if the screening has identified the need for further review, the responsible authority must ask the Minister of the Environment to refer the project to mediation or a panel review.

Further review is necessary when

- it is uncertain whether the project is likely to cause significant adverse environmental effects; or
- the project is likely to cause significant adverse environmental effects and it is uncertain whether these effects are justified in the circumstances; or
- public concern warrants it.

How can I get involved in a screening?

If you are concerned about a project in your area, you can consult the public registry (see below) to determine if an environmental assessment is underway. If yes, then you can contact the responsible authority (the department or agency conducting the assessment).

Public involvement in a screening is at the discretion of the responsible

authority and depends on such factors as the nature of the project, its environmental setting and public concerns.

The responsible authority may solicit public input into the areas to be covered by the assessment. As well, depending on the situation, the responsible authority may provide an opportunity for public review and comment on the screening report before any decisions are made on the project. This public input should be taken into consideration when the responsible authority decides the next step in the environmental assessment process.

Class Screening

What is a class screening?

The screening of some routine projects, such as dredging, culvert installations, highway maintenance, shoreline stabilization and building construction may be streamlined through the use of a class screening report. A class screening report presents the accumulated knowledge of the environmental effects of a given type of project, and identifies the known measures to reduce or eliminate the likely adverse environmental effects.

Under the Act, a responsible authority can apply to the Agency to have a screening report (or reports) declared as a class screening report for future projects.

A class screening report is considered acceptable for any class of project where there is a sound knowledge of the environmental effects and appropriate mitigation measures, such as classes of projects that are routine and repetitive. In applying a class screening report to a project, however, the responsible authority must still take into account site-specific circumstances and cumulative environmental effects.

Once approved by the Agency, a class screening report can be used in whole or in part by any responsible authority as a model in conducting screenings of other projects within the same class.

How can I take part in class screening?

Before any proposed screening report is designated as a class screening report by the Minister of the Environment, the public must be notified and given an opportunity to comment on the report. The Agency must then take the public comments into account in making a decision on the designation.

COMPREHENSIVE STUDY

What is a comprehensive study ?

The majority of federal projects can be expected to be assessed through a screening or class screening. However, some will require a more intensive assessment, called a comprehensive study. These projects are described on the Comprehensive Study list regulation of the Act. These tend to be large projects having the potential for significant adverse environmental effects and that generate public concern. Examples of such projects include large oil and natural gas developments, projects in national parks, nuclear power developments, major electrical-generation projects, and large industrial plants.

What factors must a comprehensive study address ?

The comprehensive study must address the same factors as a screening, as well as the following factors:

- the purpose of the project;
- alternative means of carrying out the project that are technically and economically feasible as well as the environmental effect of any alternative means;
- the capacity of renewable resources that are likely to be significantly affected by the project;
- public comments;
- the need for, and the requirements of, any follow-up program.

Prior to making any decision on the project, the responsible authority submits the comprehensive study report to the Agency for review. The

Agency ensures that the report has been prepared in compliance with the Act, and publishes a notice advising that the report is available for public review and comment. Prior to the deadline set out in the public notice, any person may file comments with the Agency relating to any aspect of the report.

What is the role of the Minister of the Environment?

The Minister of the Environment determines the next step in the project's environmental assessment, based on the results of the comprehensive study, the Agency's review of the report and public comments on it. The Minister will refer the project back to the responsible authority for appropriate action **when the project**

- **is not likely to cause significant adverse environmental effects (taking into account appropriate mitigation measures, if necessary); or**
- **is likely to cause significant adverse environmental effects that cannot be justified under the circumstances.**

If the project is not likely to cause significant adverse environmental effects, the responsible authority can support the project; if the adverse environmental effects are significant and cannot be justified, the responsible authority cannot support the project.

The Minister will refer the project for further review through mediation or a **public panel review when**

- **it is uncertain whether** the project is likely to cause significant adverse environmental effects; or
- the project is likely to cause significant adverse environmental effects and it is uncertain whether these effects are justified in the circumstances; or
- public concerns warrant it.

How can I get take part in a comprehensive study review?

As with a screening, if you are concerned about a project in your area, you can consult the Public Registry (see below) to determine if an environmental assessment is underway. If yes, you can then contact the responsible authority (department or agency conducting the assessment) to make your concerns known.

The responsible authority may hold a meeting to gather public input into the areas to be covered by the assessment.

In addition, the responsible authority may decide to provide the public with an opportunity to contribute information during a comprehensive study. This public input must be taken into account by the Minister of the Environment when determining the next step in the environmental assessment process. The public must have an opportunity to review and comment on comprehensive study reports before any decisions are made on the projet.

INDEPENDENT ENVIRONMENTAL ASSESSMENTS

What are independent environmental assessments?

Independent assessments are those conducted by a mediator or panel appointed by the Minister of the Environment. The assessment is conducted independently from government. Upon completion of the independent assessment, a report with conclusions and recommendations is prepared for the Minister of the Environment and the responsible authority. Recommendations are advisory. The government then makes the final decision on taking action that enables the project to proceed.

What kinds of projects are referred for independent assessment?

A project would be referred to a mediator or panel when

- it is uncertain whether the project is likely to cause significant adverse environmental effects; or
- the project is likely to cause significant adverse environmental effects and it is uncertain whether these effects are justified in the circumstances; or
- public concerns warrant it.

A project can be referred for independent review at any time during a screening or comprehensive study.

Review by a mediator or a panel may also be required where a project may result in **transboundary effects** across federal and non-federal lands, provincial boundaries and international boundaries.

Can I take part in these reviews?

Extensive public participation is a distinguishing feature of mediation and panel reviews. The public is afforded an opportunity to participate in a thorough study of the environmental effects of projects. We will explore your role in greater detail below for each of these types of review.

MEDIATIONS

What are mediations ?

Mediation is a voluntary process of negotiation in which an independent and impartial mediator helps interested parties resolve their issues. The mediator is appointed by the Minister of the Environment after consultation with the responsible authority and the interested parties.

Mediation can address all of a project's environmental assessment or it can be used in combination with a panel review. For example, it may support a panel by bringing the parties together to resolve specific questions, such as the determination of the most effective mitigation measures.

Mediation can produce many benefits. It can be sensitive to local concerns and be less costly and time consuming than a panel review. Participants may also gain a sense of having contributed to the resolution of a problem.

Mediation is an appropriate option when the interested parties are willing to participate and a consensus seems possible. It is particularly effective where there are only a few interested parties and the issues are limited in scope and number.

How can I take part in a mediation?

Although mediation sessions are not usually open to the general public, individuals and organizations having a direct interest in or directly affected by a proposed project are encouraged to participate. A public information program, in which the general public is kept informed of the progress of talks, is frequently part of mediation.

If mediation does not seem to be resolving the disputes, the environmental assessment of a project will be referred by the mediator to the Minister of the Environment for a panel review.

PANEL REVIEW

What is a panel review ?

A panel review is used where mediation is not appropriate or has not been successful - for example, when there are too many interested parties or unresolved issues. Like mediation, it may be used for part or all of the environmental assessment.

Only the Minister of the Environment can order a panel review. Nevertheless, the responsible authority for a project may recommend a panel review before, during or following a screening or comprehensive study. Following a referral, the Minister, after consulting with the responsible authority, appoints the chairperson and panel members and establishes the panel's **terms of reference**.

Panel reviews have the unique capacity to encourage an open and frank discussion and exchange of views, inform and involve large numbers of concerned groups and members of the public by allowing individuals to present evidence, concerns and recommendations at public hearings. These hearings are structured, but relatively informal. Under the Act, a panel has the authority to summon any person as a witness; to order the witness to give evidence; and produce any materials or documents considered necessary for conducting the environmental assessment.

Panel hearings must be public unless the panel is satisfied that specific, direct, and substantial harm would be caused to the witness by a public hearing. The participation of the public in panel reviews may be facilitated by the Participant Funding Program (see below), a program which funds eligible individuals and public organizations with a legitimate interest in the project.

In panel reviews, members of the public may participate in **scoping meetings** to identify issues that need to be addressed, and later may appear before the panel in public hearings to present their evidence, concerns and recommendations.

What is a panel?

An environmental assessment panel is a group of experts, usually three, selected on the basis of their knowledge and expertise and appointed by the Minister of the Environment. The Minister also appoints one of the panel members as chairperson.

Special care is taken to guard against the possibility of conflict of interest and to preserve the independence of the panel. Panels report directly to the Minister of the Environment and to the responsible authority.

Specifically, what do panels do?

The actions of a panel that culminate in the final report to Ministers are outlined in the answer to the next question. Panels not only seek technical and scientific information, but also want to receive your considered opinions and comments. What the panel wants from the public is a representative feedback about the subject in question. The panel needs to hear all sides of a question -- the plusses as well as the minuses.

How can I take part in a panel review?

There are many opportunities for public participation in a panel review. The following list of the major steps which may occur in a typical panel review of a project details those opportunities:

- 1) Terms of reference for the panel are established by the Minister of the Environment jointly with the responsible authority.**
- 2) The Minister of the Environment appoints the panel. The panel then develops and releases operating procedures.**
- 3) The panel holds scoping meetings to listen to the issues and concerns of the public. Public meetings are kept as informal as possible; they are not legal proceedings. The aim is to establish face-to-face contact between the panel and the people with a minimum of go-betweens.**

The panel places a public notice in local newspapers announcing the date and location of a scoping meeting. The public may show up at the meeting to express its views.

- 4) The panel, taking account of presentations during the scoping meetings, drafts guidelines for the preparation by the project proponent of an **environmental impact statement (EIS)**. The panel then releases the guidelines for public comment before releasing the final version.
- 5) The proponent responds to all of the questions in the guidelines in its EIS.
- 6) When the panel receives the EIS, it is released to the public for a minimum 60-day review period to allow for comments on the adequacy of the EIS as a response to the guideline
- 7) If the panel determines that the EIS is complete, hearings are scheduled with a minimum 21-day notice.
- 8) If the panel finds the EIS incomplete, it will issue a statement of the additional information which the proponent must provide before the scheduling of public hearings.
- 9) The panel holds public hearings to receive views and opinions on the merits of the proposals. While the hearings focus on the EIS, the discussion is not confined to this document.

The panel will give public notice of the time and place for the hearings and will ask members of the public to register if they wish to make a presentation. Procedures for participation are sent to members of the public who ask to be placed on the panel's mailing list.

- 10) The panel prepares a report containing its **conclusions** and recommendations to the ministers.
- 11) The ministers release the report to the public.

Members of the public on the mailing list will receive either a copy of the report or a summary of the conclusions and recommendations. Members of the public, not on the list but wishing to receive a copy of the report, can write or call the Agency.

- 12) The government publicly responds to the panel's recommendations.

What are hearings like?

Hearings are structured but informal. They usually last from three to nine days overall. Sessions are usually held in the afternoons and evenings. The public can participate in all the stages outlined below. Hearings usually proceed as follows:

- The proponent outlines the project and its own point of view of the environmental effects;
- Specialist government departments present highlights of their review of the EIS and of the project;
- Separate sessions are held to discuss specific major issues (These are selected by the panel on the basis of what it has received in written comments earlier. The issue sessions are always announced in advance.);
- Participants make closing statements to summarize their position, incorporating information learned during the meetings;

How will I know when I can make comments on the project?

When the EIS becomes available, the panel will notify you on how you can obtain a copy. Where necessary the executive secretary of the panel may visit local communities to meet with local officials, citizens groups and local reporters to let them know that public comment is requested. In some localities, you may be informed by direct mail.

Whom can I contact for information?

The usual contact is the executive secretary of the panel. The local announcement mentioned above will identify this individual and tell how you can reach this person. In some cases, the Agency opens a local office to handle such questions. You may also call the Agency collect at (819) 997-1000 or if it is closer, the Vancouver office at (604) 666-2431 or the Edmonton office at (403) 495-6434.

Do I have to prepare a written brief?

No. At the hearings you can deliver your comments verbally. These will be recorded in the general transcript.

Public interest groups, technical agencies and individuals who wish to submit written briefs should do so three or four weeks before the scheduled hearings. The panel's executive secretary will arrange to reproduce all comments received by the date specified and circulate them to interested parties. By observing these time limits, all parties will have time to study the briefs and prepare for a useful discussion of them at the hearings.

Can I submit a written brief after the cut-off date?

Yes. However, if your brief is technical, lengthy or controversial, it may not be possible to deal with it adequately at the meetings since all sides will not have had time to study it. As a result, the panel may not be able to attach as much importance to it as it would otherwise. In summary: a brief submitted after the cut-off date, should be short and concise.

Can I present documents and reports at the hearings?

Yes, although again in the interest of fairness to all sides, these should be brought forward as early as possible. The panel will consider all material received. It is not necessary to read lengthy documents or reports "into the record" at the meetings. They can be summarized and tabled for panel consideration after the meetings. The panel executive secretary will attempt to provide copies of tabled material to interested parties including the proponent. However, books and lengthy reports, etc. cannot be reproduced.

Must I receive an invitation from the panel to present a brief?

No. Anyone wishing to be involved should contact the panel executive secretary to get on the speaker's list. It helps in scheduling hearings, if you can advise the executive secretary beforehand that you wish to speak.

Can I ask questions or make short statements at the meetings?

Yes. At the discretion of the panel chairperson there is a question period after each speaker. The panel executive secretary compiles a list of speakers for each session. You should notify this individual if you wish to make a brief statement (orally or in writing).

Can I speak more than once?

Yes. There is no specific restriction on speaking, subject to the discretion of the chairperson. You can register with the panel executive secretary to speak on one or more issues that are of concern to you or your group. Time limits (usually fifteen to twenty minutes) are imposed by the chairperson, particularly where a number of speakers wish to speak on a specific subject, to enable as many viewpoints as possible to be heard. You should be able to capture the essence of what you want to say within this time frame.

Will I be cross-examined after I speak?

At the discretion of the chairperson, questions of clarification may be asked by the panel, the proponent or audience to ensure that your opinions are understood. This is not cross-examination in the legal sense. Such practice or questions intended to discredit or embarrass a speaker are discouraged by the chairperson.

Is evidence given under oath?

No.

What if I cannot make it to a specific hearing session, but have something I want to tell the panel about the subject of that particular session?

Contact the executive secretary. You can either submit his comments in writing before the session or make her statement at a convenient time during another session, usually at a “catch up” session. Since government experts, proponent’s experts and technical experts provided by the panel are often only able to be present on certain days, there is some risk that your

statements will not be discussed in some detail. However, the panel will certainly consider your statements.

Can the government conduct an environmental assessment with another government, say with a province?

In certain cases, such as where a project affects the jurisdiction of two governments or levels of government, the federal government may conduct the assessment jointly with that jurisdiction. It is common to have review panels appointed jointly by each government.

Currently, the government is developing out harmonization agreements with the provinces to facilitate such reviews.

What happens to a project after an independent assessment by a mediator or a panel?

The mediator or panel must prepare an environmental assessment report which summarizes its rationale, conclusions, and recommendations, and includes a summary of comments received from the public. This report is submitted to the responsible authority and the Minister of the Environment who then makes it public. Once the report has been submitted, the work of the mediator/panel is completed.

The responsible authority must await the mediator's or panel's report and take it into consideration before making any decision with regard to the project.

What happens after an environmental assessment has been completed?

Regardless of the type of environmental assessment, and no matter what the outcome, the responsible authority must give notice of its decision with regard to the project. If the responsible authority determines that it may take action that enables a project to proceed, it must first consider whether a follow-up program is appropriate. Under the Act, a follow-up program verifies the accuracy of the environmental assessment and/or determines the effectiveness of any mitigation measures that have been implemented.

4. PUBLIC REGISTRY

What is the public registry ?

The public registry is a system to help you participate effectively in environmental assessments carried out under the *Canadian Environmental Assessment Act*. The system consists of three levels of information:

1. Federal Environmental Assessment Index (FEAI)

The FEAI is a electronic, master index of all environmental assessments carried out under the Act. It contains the “tombstone” information, (the who, what, when, where, why) of federal environmental assessments, and provides contacts for further information on the assessments and documents. The FEAI points you to the next two levels of information.

2. Departmental document listings

The document listing is a list of all available documents relating to each environmental assessment carried out under the Act. The listing is maintained by each responsible authority undertaking the environmental assessment, or by the Agency if a public review is being carried out. If you want information on a specific environmental assessment, you can search the FEAI, and call the responsible authority contact listed for the specific environmental assessment. The contact will be able to provide the document list (verbally, or by fax or mail) and then take the request for specific documents.

3. Documents

Documents are available to the public on request, through the contact on the FEAI. Responsible authorities will retain the documents listed on the document lists and will make them available, upon request, to the public.

How would I go about finding information and documents relating to an environmental assessment carried out under the Act?

Step One

You can go to a library, local panel office, or the Agency headquarters and search the **FEAI** in either electronic or hardcopy form for the particular **EA(s)** you are looking for; or you can sit at your computer and log into the WEB on-line database or the Internet and search the **FEAI**. You can search the **FEAI** by geographic location, province, drainage basin, national park, nearest city, town or village, work description, responsible authority, keyword, EA type, or a combination of words to locate the particular **EA(s)** you are looking for.

Step Two

Once you have located the **EA(s)** you are looking for you get in touch with the contact(s) listed with each EA and request the document listing. This listing can be given to you over the phone, by mail, by Fax, or in some cases by E-mail.

Step Three

You determine which documents you are interested in and request these from the contact.

What kind of records can be found in the public registry?

Records can include the following:

- a screening report or comprehensive study report;
- terms of reference of a mediator or panel;
- supporting documentation, such as background reports and studies used in the analysis;
- advice or information provided by expert federal departments and agencies;
- documents produced as part of the public information program of the environmental assessment;
- the environmental impact statement (**EIS**);
- public comments received;

- the final report of a mediator or panel;
- a description of the follow-up program and its results; and
- public notices of decisions.

Some records, such as Cabinet documents, trade secrets, and confidential financial information, are excluded from the registry.

Is there a fee for the records?

Some departments may charge a fee to provide copies of requested reports and other materials.

Where can I get more information?

Please call or write the

Public Registry Coordinator
The Canadian Environmental Assessment Agency
200 **Sacré-Cœur** Boulevard
Hull, Quebec
K1A 0H3

(819) 997-1000
(819) 994-1469 (Fax)

5. THE PARTICIPANT FUNDING PROGRAM

The Participant Funding Program was created to help concerned citizens and organizations participate in mediation and panel reviews.

What activities are funded ?

Funding is available to help members of the public

- prepare for and participate in background scoping meetings that identify factors that a project's proponent must address in its **environmental impact statement (EIS)**;
- review the proponent's **EIS**;
- prepare for, and participate in, the mediation or the panel hearings.

Who is eligible?

Funding is open to individuals and non-profit organizations such as voluntary groups and aboriginal groups. Applications reflecting both sides of an issue are considered equally. Priority is given to those who can demonstrate that the project has a direct effect on their way of life or means of earning a living.

In seeking funding, applicants should

- demonstrate their need for financial assistance, as program funds are limited;
- demonstrate any direct interest in the potential environmental effects of the project, such as a direct effect on their way of life or means of earning a living;
- prepare a clearly defined plan of activity consistent with the terms of reference for the mediation or review panel;
- consider the possibility of cooperative participation with other groups.

How is funding awarded?

Each public review receives a specific allocation from the program. A funding administration committee, independent of both the panel or mediator and proponent, is established for the review. The committee reviews the applications and makes recommendations to the Agency. The president of the Agency reviews and approves the recommendations. The Minister of the Environment announces the allocation of funds.

Where can I get more information about the funding program?

Please call or write the

**Manager
Participant Funding Program
Canadian Environmental Assessment Agency
200 Sacré-Coeur Boulevard
Hull, Quebec
K1A 0H3**

**(8 19) 997- 1000
(819) 994-1 469 (Fax)**

GLOSSARY

Action that enables the project to proceed

The federal power, duty, or function that a federal authority exercises or performs in relation to the project, including acting as the proponent, or providing financial support, an interest in federal lands, or a federal permit or licence.

Adverse

Whether or not environmental effects are adverse is measured by looking at factors such as any habitat loss that they create or their detrimental effects on human health.

Comprehensive Study List regulation

This is a list created by regulation which describes projects and classes of projects that are likely to have significant adverse environmental effects and therefore require a more intensive assessment.

Cumulative effects

Refers to the effect on the environment which results from the effects of a project when combined with those of other past, existing or imminent projects and activities. These may occur over a certain period of time or distance.

Environment

Includes land, water and air, all organic and inorganic matter, and the ecosystems in which they interact.

Environmental effect

Refers to

- any changes that the project may cause in the environment, including any effects of such changes on health and socio-economic conditions, on physical and cultural heritage, on the current use of lands and resources for traditional purposes by aboriginal persons, or on any structure, site or thing that is of historical, archaeological, paleontological, or architectural significance; as well as
- any changes to the project that may be caused by the environment , whether the changes occur within or outside Canada.

Environmental impact statement (EIS)

An environmental impact statement is a document prepared by the proponent of a project outlining the effects of the project on the environment. The EIS is prepared at the request of and according to guidelines drafted by an environmental assessment panel.

Exclusion List regulation

This regulation is a list which describes all undertakings in relation to a physical work for which an environmental assessment is not required because experience suggests they are not likely to cause significant adverse environmental effects. Examples include minor renovations and routine maintenance.

Federal authority

A federal authority is defined as

- a federal Minister of the Crown;
- an agency or body of the federal government;
- any department or departmental corporation defined under schedule I or II of the *Financial Administration Act*; or

- any body prescribed in a regulation under the Act.

Not considered federal authorities under the Act are the following: the government of the Yukon or Northwest Territories; a council or band under the Indian Act; harbour commissions; and Crown corporations within the meaning of the ***Financial Administration Act***.

Separate regulations will be developed setting out the environmental assessment procedures to be followed by Indian bands, harbour commissions and Crown corporations. The Act does not apply to the governments of the Yukon and Northwest Territories because these have the legislative power to create their own procedures.

Federal lands

Refers to any lands owned or leased by the federal government, as well as those described in a land claims agreement and self-government agreement, land set aside for the use and benefit of Indian bands, and land in respect of which Indians have interests, as defined in the Act.

Follow-up program

Verifies the accuracy of the environmental assessment of a project and determines the effectiveness of any measures taken to mitigate its adverse environmental effects.

Inclusion List regulation

List set out in regulation which specifies physical activities not in relation to physical works (eg. ice-breaking in the Arctic) which are subject to environmental assessment because of their potential to cause significant adverse environmental effects.

Independent review

An environmental assessment by means of a mediation or a panel appointed by the Minister of the Environment.

Interested party

Any person or body having an interest in the outcome in the environmental assessment for a purpose that is neither frivolous or vexatious.

Law List regulation

List created by regulation which describes all those federal statutory and regulatory project approvals which will trigger an environmental assessment. This includes federal permits, certificates, licences and authorizations.

Mitigation measures

The elimination, reduction or control of the adverse environmental effects of a project, including restitution for any damage to the environment caused by such effects through replacement, restoration, compensation or any other means.

Proponent

The person, body, federal authority or government that proposes the project.

Responsible authority

The federal department, agency, or Minister whose actions or authority trigger environmental assessment of a particular project.

Scoping meeting

A meeting held by a panel to identify and assign priority to environmental and related social issues that might be examined in an assessment.

Self-directed environmental assessment

For the purpose of this guide only, an environmental assessment by means of a screening or comprehensive study.

Significant adverse environmental effects

The significance of adverse environmental effects is measured by their magnitude, geographic extent and how permanent they will be.

Sustainable development

Development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

Terms of reference

Present the nature and scope of review to be undertaken by a panel and are determined by the Minister of the Environment in consultation with the responsible authority. Terms of reference usually include a statement of the matters to be dealt with in the review, an outline of the procedures to be followed and an anticipated timeframe.

Transboundary effects

Adverse environmental effects which occur across provincial or international boundaries or boundaries between federal and non-federal lands.

Trigger

An action by a federal authority that triggers or initiates the need for an environmental assessment; that is one or more of the following duties, powers, or functions in relation to a project:

- proposes the project;
- grants money or other financial assistance to a project;
- sells, leases or otherwise transfers control or administration of land to enable a project to be carried out;
- exercises a regulatory duty in relation to a project, such as issuing a permit or a licence, that is included in the Law List regulation.