

Canadian Environmental Assessment Act

WHAT IS THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT?



The 427 Transportation Corridor Environmental Assessment study is subject to both provincial and federal environmental assessment (EA) legislation. In order to maximize the benefits of applying both Acts, the Ontario Ministry of Transportation, Ontario Ministry of the Environment and the Canadian Environmental Assessment Agency have developed a co-ordinated planning, consultation, documentation and approval process.

The *Canadian Environmental Assessment Act* (CEAA) has been in place since 1995 and provides the legal basis for the federal EA process.

CEAA applies whenever a federal authority (such as a federal department or federal agency) has a specified decision-making responsibility in relation to a project. Specifically, when a federal authority:

- Proposes a project;
- Provides financial assistance to a proponent to enable a project to be carried out;
- Sells, leases or otherwise transfers control or administration of federal land to enable a project to be carried out; or
- Provides a license, permit or an approval that is listed in CEAA's Law List Regulation that enables a project to be carried out.

In addition to the CEAA, the Ontario *Environmental Assessment Act* (OEAA) ensures that the environmental effects of projects are carefully reviewed by appropriate provincial authorities.

A separate fact sheet summarizes the OEAA. For more information on the OEAA process please visit: www.ene.gov.on.ca

WHAT IS THE CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY?

The Canadian Environmental Assessment Agency (CEA Agency) is an independent agency that reports directly to the federal Minister of the Environment. The CEA Agency is responsible for the overall administration of the federal environmental assessment process.

WHAT DOES THE FEDERAL EA PROCESS INVOLVE?

In general, EA is a process to predict the environmental effects of proposed initiatives to minimize or avoid adverse environmental effects before they occur and incorporate environmental factors into decision making. Timely and efficient EAs result in more informed decision making that supports sustainable development.

In broad terms, there are four key steps to a federal EA:

- 1) Describe the project in detail;
- 2) Evaluate the negative environmental effects;
- 3) Determine ways to eliminate or reduce negative effects on the environment; and
- 4) Find the best solution possible for the Canadian public, the environment and industry.

Under CEAA, there are several different types of EAs. These are Screenings, Comprehensive Studies, Panel Reviews and Mediations.

SCREENINGS

Most EAs under CEAA are conducted as screenings. Screenings identify and assess the effects of proposed projects and determine the need to prevent, eliminate or mitigate impacts.

The federal authority responsible under CEAA (known as the "Responsible Authority") must ensure that the screening of the project is carried out. Screenings vary in time, length and depth of analysis, depending on the circumstances of the proposed project, the existing environment, and the likely environmental effects of the project. Once the screening is complete, the Responsible Authority must determine the significance of the environmental effects of the project. This governs whether the Responsible Authority can take an action that will enable the project to proceed. 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 a review panel or mediator (see below).



COMPREHENSIVE STUDIES

Some federal government projects must be assessed as Comprehensive Studies. These projects, described in the Comprehensive Study Regulations under CEAA, tend to be large projects with the potential to result in significant environmental effects or which generate considerable public concern. Early in a Comprehensive Study, the federal Minister of the Environment determines whether a project listed in these Regulations should remain as a Comprehensive Study or should be assessed by a review panel or through mediation (see below). If the Minister decides the project should continue as a Comprehensive Study, the project can no longer be referred to a mediator or review panel. Once a Comprehensive Study is completed, the federal Minister of the Environment issues an EA decision-making statement, which includes the Minister's conclusions regarding the significance of the environmental effects of the project and sets out any mitigation measures or follow-up programs the Minister considers appropriate.

The Responsible Authority must provide opportunities for public participation throughout a Comprehensive Study. The public has an opportunity to participate in a Comprehensive Study before the Minister of the Environment makes a decision on whether the project should proceed as a Comprehensive Study or be referred to a mediator or review panel. This public input must be taken into account by the Minister of the Environment when issuing an EA decision statement.

The public also has an opportunity to review the Comprehensive Study report before any decisions are made on the project. Funding is available to assist the public to participate in a Comprehensive Study.

PANEL REVIEWS

A panel review is appointed to review and assess, in an impartial and objective manner, a project with likely adverse environmental effects. A review panel is comprised of experts selected on the basis of their knowledge and expertise and appointed by the federal Minister of the Environment. Such projects may be referred by the Responsible Authority (federal authority with the responsibility for the EA) or the federal Minister of the Environment for assessment by a review panel. Only the federal Minister of the Environment may order an assessment by a review panel.

Review panels encourage an open discussion and exchange of views and allow for the presentation of evidence, concern and recommendations. Once a review panel has completed the public

hearings and its analysis, it must prepare an EA 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 federal Minister of the Environment, who then makes it public. The Responsible Authority must consider the review panel's report before making any decision regarding the project, and must also respond to the report, with the approval of the federal cabinet.

MEDIATION

Mediation is a voluntary process of negotiation undertaken to assist interested parties in resolving their issues with a project. The mediator is appointed by the Minister of the Environment after consulting with the Responsible Authority (federal authority responsible for the EA) and interested parties. This process is appropriate when the interested parties are willing to participate and when it appears reasonable that a consensus can be obtained.

More information on the *Canadian Environmental Assessment Act* and Process can be found online at:

www.ceaa-acee.gc.ca/010/index_e.htm

FOR FURTHER INFORMATION CONTACT

427 Corridor Project Team
c/o Ecoplans Limited
2655 North Sheridan Way
Mississauga, Ontario
L5K 2P8
Email: project-team@427corridor.com