

407 EAST *Environmental Assessment Fact Sheet*

Canadian Environmental Assessment Act

WHAT IS THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT?

The 407 East Environmental Assessment is subject to both provincial and federal environmental assessment legislation. In order to maximize the benefits of applying both Acts, the Ministry of Transportation, Ministry of the Environment and the Canadian Environmental Assessment Agency have developed a coordinated planning, consultation, documentation and approval process.

This fact sheet provides basic information about the *Canadian Environmental Assessment Act (CEAA)*.

A separate fact sheet summarizes *Ontario's Environmental Assessment Act (OEAA)*. For information on the *Ontario Environmental Assessment process* please visit: www.ene.gov.on.ca.

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

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 Agency is responsible for the overall administration of the *federal environmental assessment process*.

WHAT DOES THE FEDERAL EA PROCESS INVOLVE?

In general, an environmental assessment 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 environmental assessments result in more informed decision making that supports sustainable development.

In broad terms, there are four key steps to an environmental assessment:

- 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 environmental assessment (EA). 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 a comprehensive study. 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 on in the 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 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 environmental assessment 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 program the Minister considers appropriate.

The Responsible Authority must provide opportunities for public participation throughout the comprehensive study. The public has an opportunity to participate in the 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 environmental assessment 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 environmental assessment report which summarises 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 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 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:

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

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