

CEAA FIVE YEAR REVIEW
PROVINCIAL AND TERRITORIAL INPUT

APPENDIX ONE – CASE STUDIES

APRIL 2000

SUMMARY TABLES – CASE STUDY ISSUES

CEAA EXPANDS FEDERAL AUTHORITY TO AREAS OF PROVINCIAL JURISDICTION

Specific Issues	Province	Project(s)
<u>Federal intrusion into provincial jurisdiction</u>	BC	Greenville Kincolith Prosperity
	Alta	Cheviot Genesis Suncor Millennium Sunpine
	Sask	Souris Valley
	Ont	Red Hill Creek Expressway
	NB	Eel Ground Wastewater Auberge Au File
	NS	Maritimes NE Pipeline
<u>Provincial role in regulation or interest in project not properly acknowledged and/or supported</u>	NB	Eel Ground Wastewater Auberge Au File Maritimes NE Pipeline
	NS	Maritimes NE Pipeline
<u>Changes to a previously reviewed project lead to CEAA review of all factors instead of the factors associated with the specific change</u>	Sask	Cigar Lake Mine Waste Rock Cluff Lake Uranium Mine

C E A A EXPANDS FEDERAL AUTHORITY TO AREAS OF PROVINCIAL JURISDICTION (cont.)

Specific Issues	Province	Project(s)
<u>Federal issues or concerns introduced in late stages of a project review</u>	BC	Keenleyside Hydroelectric
	Sask	Athabasca Seasonal Road
	Ont	Windsor Marina Port Union Water Supply
	Nfld	NW River Hydro Project Gisborne Lake
<u>Federal review issues overlap with provincial standards</u>	BC	Greenville Kincolith
	Alta	Cheviot Sunpine Suncor Millennium Glacier Genesis
	NB & NS	Maritimes NE Pipeline
<u>CEAA review delays or halts project construction after provincial approval granted</u>	BC	VIHP Lionsgate
	Alta	Cheviot Sunpine Suncor Millennium
	Man	Rock Lake
	Ont	Highway 407 Windsor Marina Red Hill Creek Expressway

WEAK COORDINATION OF CEAA REVIEW BY LEAD RA

Specific Issues	Province	Project(s)
<u>Lead RA not always accessible during provincial environmental assessment process</u>	BC	Pingston
	Alta	Glacier Power
	Sask	Mee-Toos Forest Products
<u>Lead RA may lack experience in environmental assessment or knowledge of environmental issues</u>	Sask	Athabasca Road Mee-Toos Forest Products
<u>Federal Panel initiated with lack of consultation with province</u>	Ont	Red Hill Creek Expressway
<u>Poor coordination/identification of other federal authorities by Lead RA</u>	BC	Greenville Kincolith Keenleyside Hydroelectric Maxhamish
	Alta	Cheviot Sunpine Suncor Millennium Genesis
	Sask	Mee-Toos Forest Products
<u>Lack of response from federal departments when requested to review EIA documents</u>	Sask	Mee-Toos Forest Products Athabasca Seasonal Road
	Ont	Port Union Waterfront
<u>Federal departments slow to engage in review of project</u>	Sask	Mee-Toos Forest Products

WEAK COORDINATION OF CEAA REVIEW BY LEAD RA (cont.)

Specific Issues	Province	Project(s)
<u>Advice of Agency ignored or not adopted by lead RA</u>	BC	Greenville-Kincolith Keenleyside
	Sask	Athabasca Road
	Nfld	Labrador Highway
<u>Federal department confusion over the application of and process for CEAA</u>	BC	Keenleyside Hydroelectric
	Sask	Athabasca Road
	Ont	York Durham Water Supply
<u>Review time extended by internal federal referrals to legal advisors</u>	Sask	Cigar Lake

LAW LIST TRIGGERS

Specific Issues	Province	Project(s)
<u>Scope of CEAA review not limited to area of limited trigger</u>	BC	Cayoosh
	Alta	Cheviot Sunpine Suncor Millennium
	Ont	Red Hill Creek Expressway
	Nfld	Labrador Highway

LAW LIST TRIGGERS (cont.)

Specific Issues	Province	Project(s)
<u>Late identification of CEAA Law List Trigger</u>	BC	VIHP Lionsgate Bridge Pingston
	Alta	Cheviot Suncor Millennium Sunpine Glacier
	Sask	Mee-Toos Forest Products
	Man	Asessippi Ski Hill
	Ont	Red Hill Creek Expressway Highway 407 Port Union Waterfront York Durham Water Supply
	NB	TransCanada Upgrade
<u>CEAA review triggered/initiated after provincial approval granted for project</u>	BC	VIHP Lionsgate
	Alta	Sunpine
	Ont	Red Hill Creek Expressway
	NB	TransCanada Upgrade
<u>CEAA may be triggered several times during the implementation of a single project</u>	Sask	Cluff Lake Uranium
	NB	TransCanada Upgrade

INCONSISTENT QUALITY OF ENVIRONMENTAL ASSESSMENT UNDER CEAA

Specific Issues	Province	Project(s)
<u>CEAA or RA review subject to litigation</u>	Alta	Cheviot Suncor Millennium Sunpine
	Ont	Red Hill Creek Expressway
	NS	MNE Pipeline
	Nfld	Voisey's Bay
<u>CEAA Review results in project delays and/or extra costs</u>	Alta	Cheviot Suncor Sunpine
	Sask	Pike Lake Cigar Lake Uranium
	Ont	Red Hill Creek Expressway Highway 407 Quinte Landfill Port Union Waterfront Windsor Marina
	NB	TransCanada Upgrade
<u>Federal position on issues unclear or communicated late in review process</u>	BC	Pingston
	Alta	Cheviot Sunpine Suncor Millennium Genesis
	Sask	Pike Lake
	Ont	Quinte Landfill

INCONSISTENT QUALITY OF ENVIRONMENTAL ASSESSMENT UNDER CEAA (cont.)

Specific Issues	Province	Project(s)
<u>Federal position on issues unclear or communicated late in review process</u> (cont.)	Nfld	NW River Project Gisborne Lake
<u>Poor quality of CEAA assessment</u>	NB	Eel Ground Wastewater Auberge Au File
<u>Unclear information requirements from lead RA</u>	BC	Keenleyside Hydroelectric
<u>Poor quality of federal assessment comments from federal authorities</u>	Sask	Cigar Lake
<u>Regional differences in federal department application of federal policy</u>	BC	Maxhamish (stream cuts)
	Sask	Pike Lake
<u>Comprehensive study reporting requirements or process unclear</u>	BC	Greenville-Kincolith
	Alta	Suncor Millennium
	Sask	Athabasca Seasonal Road Cigar Lake
<u>Cumulative effects assessment requirements unclear or uncertain</u>	BC	Keenleyside Hydroelectric Pingston Cayoosh
	Alta.	Cheviot Sunpine Suncor Millennium

INCONSISTENT QUALITY OF ENVIRONMENTAL ASSESSMENT UNDER CEAA (cont.)

Specific Issues	Province	Project(s)
<u>CEAA review conducted though no CEAA trigger identified</u>	NB	Petitcodiac River Causeway
<u>Post review follow-up measures not implemented</u>	Sask	Athabasca Seasonal Road
<u>"Paper" exercise for consideration of alternatives under CEAA</u>	Sask	Athabasca Seasonal Road
<u>CEAA adds more decision-making steps</u>	Alta	Cheviot Sunpine Suncor Millennium
	Sask	Cigar Lake

HARMONIZATION OBJECTIVES NOT ACHIEVED

Specific Issues	Province	Project(s)
<u>Federal departments through CEAA expand scope of provincial review</u>	BC	Cayoosh
	Alta	Cheviot Genesis Suncor Millennium
	Man	Assiniboine River Dyke Rock Lake
<u>Federal departments introduce issues beyond the scope of the provincial review</u>	BC	Greenville Kincolith Keenleyside Hydroelectric

HARMONIZATION OBJECTIVES NOT ACHIEVED (cont.)

Specific Issues	Province	Project(s)
<u>Federal departments introduce issues beyond the scope of the provincial review (cont.)</u>	Alta	Cheviot Suncor Millennium Sunpine
	Sask	Athabasca Road
<u>Slow delivery of federal responses/comments impact provincial review timelines</u>	Alta	Suncor Millennium
	Sask	Uranium Projects (e.g. Cigar Lake)
	Ont	Port Union Waterfront
	Nfld	Argentia Smelter Gisborne Lake NW River Hydro Project Trans Labrador Highway Transshipment Terminal Project
<u>CEAA applied without notification to province for projects with impacts in areas of provincial jurisdiction</u>	NB	Eel Ground Wastewater Auberge Au File

EXPERIENCE WITH HARMONIZATION OBJECTIVES

Specific Issues	Province	Project(s)
<u>Federal delays in responding to issues or in meeting provincial review timelines</u>	BC	Greenville Kincolith
	Alta	Cheviot Sunpine Suncor Millennium
	Sask	Cigar Lake
<u>Federal delays in responding to issues or in meeting provincial review timelines (cont.)</u>	Man	Asessippi Ski Hill Rock Lake Regulation
	Ont	Port Union Waterfront
<u>Provincial legislation provides for more comprehensive public consultation and involvement</u>	Nfld	All Projects
<u>Lead RA undertakes additional public consultations after provincial review completed</u>	NB	TransCanada Upgrade
	Nfld	Transshipment Terminal Project
<u>Environmental assessment information for CEAA already available through provincial process</u>	BC	Greenville Kincolith Road
	Alta	Cheviot Sunpine Suncor Millennium
	Ont	Red Hill Creek Expressway

EXPERIENCE WITH HARMONIZATION OBJECTIVES (cont.)

Specific Issues	Province	Project(s)
<u>Environmental assessment information for CEAA already available through provincial process</u> (cont)	NB	TransCanada Upgrade
<u>Divergence in use of panel review results</u>	Alta	Cheviot
<u>Duplication of federal and provincial requirements</u>	Alta	Cheviot Sunpine Suncor Millennium
	NB & NS	Maritimes NE Pipeline

EXPERIENCE WITH BILATERAL AGREEMENTS

Specific Issues	Province	Project(s)
<u>Cooperative review places greater administrative burden and costs on the province</u>	BC	Greenville-Kincolith Keenleyside Cayoosh Pingston Tulsequah Prosperity
	Alta	Cheviot Sunpine Suncor Millennium
	Sask	Various Projects

EXPERIENCE WITH BILATERAL AGREEMENTS (cont.)

Specific Issues	Province	Project(s)
<u>Provincial legislation provides for more comprehensive public consultation and involvement</u>	BC	All Projects
	Alta	Cheviot Sunpine Suncor Millennium Glacier Genesis
	Sask	Cigar Lake Athabasca Road Mee-Toos Forest Products
<u>Lead RA undertakes additional public consultations after or during cooperative review</u>	BC	Greenville Kincolith Keenleyside Maxhamish Prosperity Southern Crossing
	Alta	Cheviot Sunpine Suncor Millennium
<u>CEAA review continues after conclusion of the provincial environmental assessment process</u>	BC	Greenville Kincolith Maxhamish Keenleyside

EXPERIENCE WITH BILATERAL AGREEMENTS (cont.)

Specific Issues	Province	Project(s)
<u>Unclear value added by CEAA to existing provincial or other federal regulatory processes (e.g. Federal Fisheries Act)</u>	BC	Greenville Kincolith Keenleyside Hydroelectric
	Alta	Cheviot Sunpine Suncor Millennium
	Sask	Cigar Lake Athabasca Road Mee-Toos Forest Products
<u>Harmonization under bilateral agreement not fully achieved</u>	BC	Maxhamish Greenville-Kincolith Prosperity
<u>Cooperation agreement not fully applied</u>	BC	Greenville Kincolith (CSR)

LIST OF CASE STUDIES

❖ **BRITISH COLUMBIA**

- Vancouver Island Highway Project (VIHP)
- Cascade Heritage Power Park
- Melvin Creek/Cayoosh Mountain Resort
- Greenville-Kincolith Road Project
- Keenleyside Hydroelectric Project
- Lions Gate Bridge Project (Vancouver)
- Maxhamish Pipeline Project
- Pingston Hydroelectric Project
- Prosperity Gold-Copper Project
- Skytrain Light Rapid Transit System
- Southern Crossing Pipeline Project
- Tulsequah Chief Mine Project

❖ **ALBERTA**

- Cheviot Coal Project
- Genesis Land Developers Ltd.
- Glacier Power Hydroelectric Project
- Suncor Millennium
- Sunpine

❖ **SASKATCHEWAN**

- Athabasca Seasonal Road
- Processing of Cigar Lake Mine Phase I Uranium Ore at Rabbit Lake Development
- Disposal of Cigar Lake Mine Waste Rock
- Cluff Lake Uranium Mine Decommissioning
- Ainsworth/PBCN (Mee-toos Forest Products Ltd.)
- Pike Lake Pumping and Inlet Works Project Proposal – Saskwater (February 1998)
- Souris Valley CO₂ Pipeline
- Joint Panel Recommendations and Ministerial Decisions under *The Environmental Assessment Act*

❖ **MANITOBA**

- Asessippi Ski Hill
- Assiniboine River Dykes
- Rock Lake Regulation
- Summary of Issues from Cases

❖ **ONTARIO**

- Highway 407
- Port Union Waterfront
- Quinte Landfill
- Red Hill Creek Expressway
- Windsor Marina
- York Durham Water Supply

❖ **NEW BRUNSWICK**

- Eel Ground First Nation – Wastewater Treatment Lagoon
- Maritimes and Northeast Pipeline Project
- Trans Canada Highway (TCH) Upgrade – Fredericton to Moncton
- Augerge au File de L'eau Bed and Breakfast
- Petitcodiac River, Moncton-Riverview Causeway Gates Trial Opening

❖ **NOVA SCOTIA**

- Maritimes and Northeast Pipeline Project (MNPP)

❖ **NEWFOUNDLAND**

- Argentia Smelter/Refinery
- Gisborne Lake Water Bottling & Export Project
- Northwest River Hydroelectric Project
- Trans Labrador Highway (Red Bay to Cartwright)
- Newfoundland Transshipment Terminal Project
- Voisey's Bay Mine (Mill Project)