



Canadian Environmental Assessment Act

Federal Coordination: Identifying Who's Involved



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Canadian Environmental Assessment Agency
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Note to Readers

**Note regarding
the *Federal
Coordination
Regulations***

This document provides an overview of the obligations for federal coordination under the [*Canadian Environmental Assessment Act*](#) (as amended in 2003) and the [*Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures and Requirements*](#) (April 1997).

New regulations regarding federal coordination are expected to be developed in the near future. Once the new regulations are in force, this guide will be revised to reflect their content.

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Guide Overview

Purpose of guide

This guide has been prepared by the Canadian Environmental Assessment Agency (the Agency) to provide direction on the initial steps for federal coordination under the *Canadian Environmental Assessment Act* (the Act) and the *Federal Coordination Regulations**.

Specifically, this guide gives details on the steps to be taken prior to initiating the actual environmental assessment. These initial steps include:

- preparing and submitting the project description;
- identifying any federal authorities; and
- identifying the federal environmental assessment coordinator.

* *Note:* Throughout this guide, the common name *Federal Coordination Regulations* is used when referring to the [Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures and Requirements](#), SOR 97/181, April 8, 1997.

Intended users of guide

This guide is primarily intended to assist [federal authorities](#) that will be participating in federal environmental assessments under the Act, but are not familiar with the federal coordination requirements or procedures.

This guide may also be of interest to:

- proponents of projects that are, or may be, subject to the Act;
 - Agency staff who may be involved in federal coordination;
 - environmental assessment practitioners and consultants involved in projects undergoing federal environmental assessments; and
 - [other jurisdictions](#) that may be involved with a multi-jurisdictional environmental assessment.
-

Focus of guide

This guide is intended to provide direction on how to identify the parties with responsibilities in an environmental assessment. The procedures in this guide should be implemented before the environmental assessment's planning phase has started.

Once the steps in this guide are complete, the reader may wish to refer to the Agency's [related guidance](#) on federal coordination, for details on the next phases of the environmental assessment process.

**Contents of
guide**

This guide contains the following main parts:

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Part 4. Identification of the Federal Environmental Assessment Coordinator	41

**Related
guidance**

For more general guidance on federal coordination, the *Federal Coordination Regulations*, or the federal environmental assessment coordinator, please refer to the guide entitled [Federal Coordination: An Overview](#).

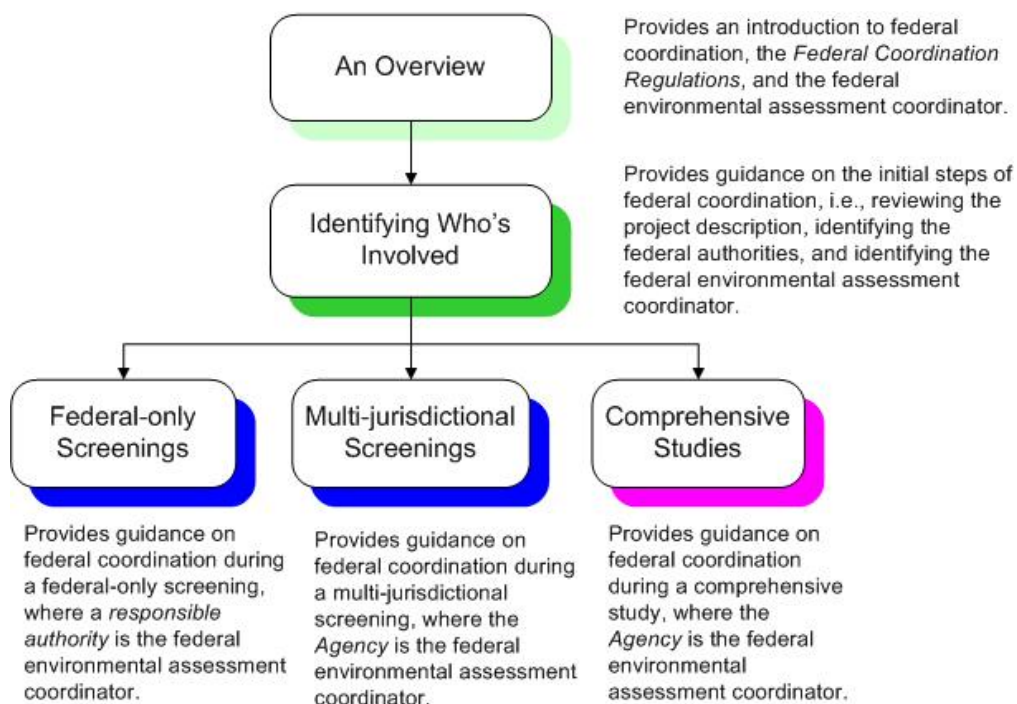
For details on how federal coordination is implemented throughout an environmental assessment once the federal authorities and federal environmental assessment coordinator are identified, please refer to the Agency's more detailed guides:

- [Federal Coordination: Federal-only Screenings](#);
- [Federal Coordination: Multi-jurisdictional Screenings](#); and
- [Federal Coordination: Comprehensive Studies](#).

The focus of each of these guides is summarized in [Figure 1](#).

**Figure 1:
Federal
coordination
guide series**

Figure 1: Federal Coordination Guide Series



Disclaimer

This guide is intended for information purposes only. It should not be perceived as a substitute for the [Canadian Environmental Assessment Act](#), or the [Federal Coordination Regulations](#). In the event of any inconsistency between this guide and the Act or Regulations, the latter would prevail. Individuals with specific questions about the legislation are urged to seek legal advice.

Additional guidance

If, after consulting this guide, you need further advice or information on identifying who may be involved in the environmental assessment, please contact the [Canadian Environmental Assessment Agency office](#) in your region.

Part 1. Introduction to Identifying Who's Involved

**Purpose of
Part 1**

Part 1 of this guide provides a brief introduction to the steps that should be undertaken prior to initiating a federal environmental assessment. Each main topic will then be explained in detail in parts 2 to 4.

**Contents of
Part 1**

This part contains the following section:

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1.1 Overview of Identifying Who's Involved

Main steps to identify who's involved

Prior to initiating an environmental assessment, the following three steps should be undertaken:

1. [Preparation and submission of a project description](#) to verify if the proposed project is subject to the Act and, if so, to determine the type of environmental assessment required.
2. [Identification of the federal authorities](#) and other parties that may have responsibilities, such as the Agency, the proponent, and the province or territory.
3. [Identification of the federal environmental assessment coordinator](#).

Each of these steps is summarized below and discussed in detail in the remainder of this guide. Please refer to [Figure 2](#) for a depiction of where these steps occur in the environmental assessment process.

1. Prepare and submit project description

To initiate the environmental assessment, a proponent should prepare a written description of the proposed project.

The contents of the [project description](#) may be based on guidance provided by federal authorities, the Agency and other [jurisdictions](#).

Once prepared, the project description is then submitted to a federal authority to verify whether the Act applies. This submission, and any resultant environmental assessment, is required before any federal authority exercises a power or performs a duty or function in respect of the project.

If a federal authority determines that it has, or is likely to have, a decision-making responsibility that “triggers” the need for an assessment, it identifies itself as a likely [responsible authority](#), and declares that an environmental assessment is likely required.

The type of environmental assessment may also be determined at this time.

Please refer to [Part 2. Preparation and Submission of the Project Description](#) for more details.

2. Identify federal authorities

The federal authority that identified itself as a likely responsible authority then distributes the project description to other federal authorities to identify whether there may be any other likely responsible authority(ies) or expert federal authority(ies).

It is possible that, during the review of the project description, another federal authority may determine that it has a decision-making responsibility that is likely to “trigger” the need for an assessment. If so, it identifies itself as a likely responsible authority.

Other federal authorities that do not have a decision-making responsibility related to the proposed project may have specialized knowledge or information that may assist in the environmental assessment. These parties may identify themselves as expert federal authorities.

Please refer to [Part 3. Identification of the Federal Authorities](#) for more details.

3. Identify federal environmental assessment coordinator

The federal environmental assessment coordinator may be identified once the following three factors are determined:

- the type of environmental assessment (e.g., screening);
- whether the environmental assessment is federal-only or multi-jurisdictional; and
- if there is at least one responsible authority.

The federal environmental assessment coordinator will be either a responsible authority or the Agency, depending on the type of environmental assessment required, whether the project is subject to the environmental assessment requirements of another jurisdiction, and whether there is a specific agreement between the Agency and the responsible authority(ies).

Please refer to [Part 4. Identification of the Federal Environmental Assessment Coordinator](#) for more details.

Next steps

Once the federal environmental assessment coordinator is identified, the environmental assessment can enter into the planning phase, as depicted in [Figure 2](#).

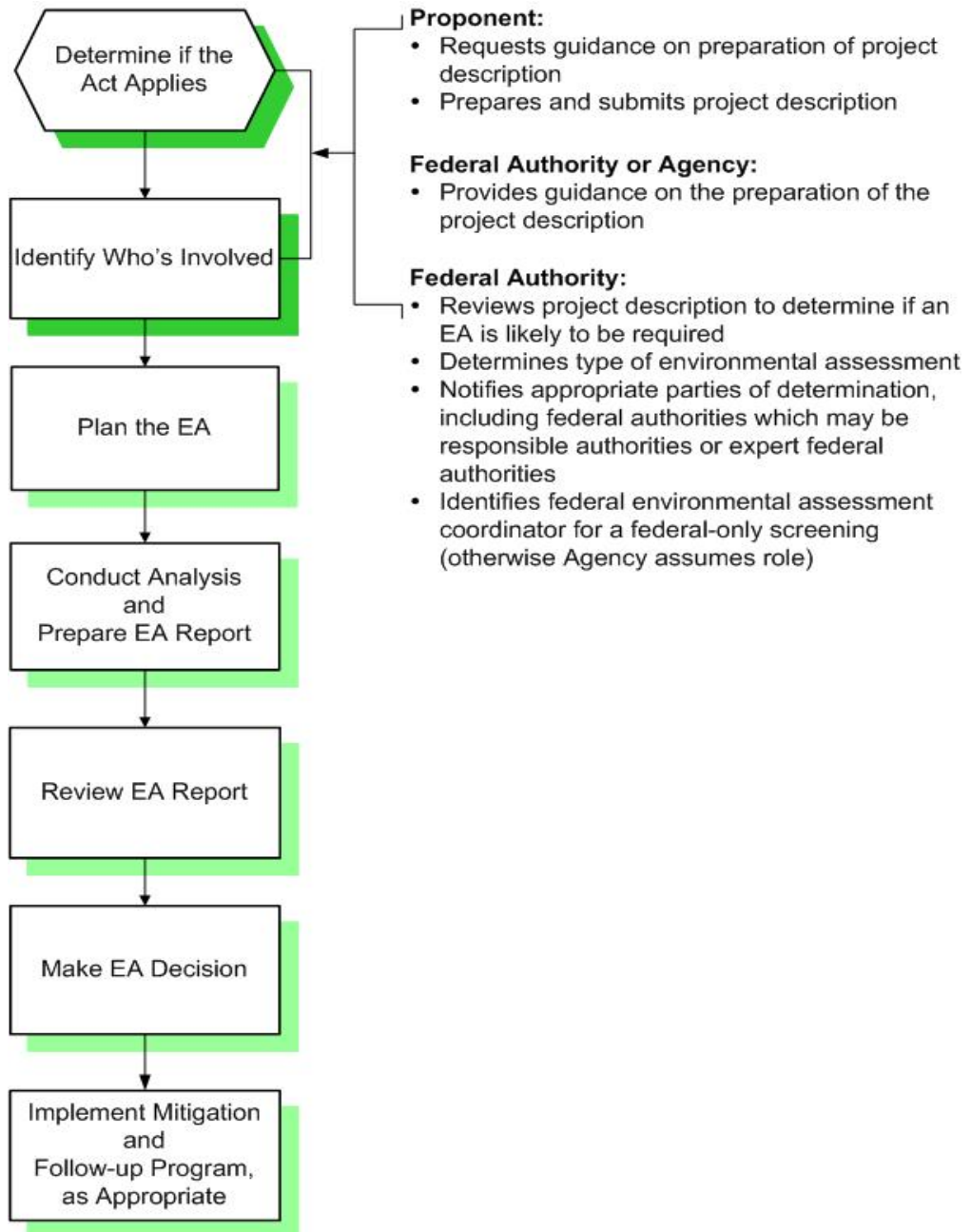
Related guidance

For details on how federal coordination is implemented throughout an environmental assessment once the federal authorities and federal environmental assessment coordinator are identified, please refer to the appropriate guide:

- Federal Coordination: Federal-only Screenings;
- Federal Coordination: Multi-jurisdictional Screenings; or
- Federal Coordination: Comprehensive Studies.

Figure 2:
Federal
coordination
for a typical
environmental
assessment

Figure 2: Federal Coordination for Identifying Who's Involved for a Typical Environmental Assessment



1.1 Overview of Identifying Who's Involved

Part 2. Preparation and Submission of the Project Description

Purpose of Part 2

Part 2 of this guide provides an introduction to the initial preparation of the project description. The objective is to ensure that a project description:

- is prepared and submitted by the proponent; and
- provides sufficient information to allow for a timely review and determination by all appropriate federal authorities.

This section applies to private-sector proponents, federal authorities that are proponents of a project, and other public-sector proponents.

It also applies to the Agency and federal authorities that may receive project descriptions from project proponents.

Contents of Part 2

This part contains the following sections:

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2.2 Submit the Project Description	15
2.3 Indicate if the Environmental Assessment is Multi-jurisdictional	17

2.1 Prepare the Project Description

Preparing the project description

The main activities undertaken when preparing the project description are:

- proponent prepares written project description; and
- if required, proponent contacts a federal authority or the Agency for guidance on preparing the project description, and the federal authority or the Agency provides guidance in response.

Contents of a project description

According to the [Federal Coordination Regulations](#) (section 1) the term "project description" means any information in relation to a project that includes:

- (a) *a summary description of the project;*
- (b) *information indicating the location of the project and the areas potentially affected by the project;*
- (c) *a summary description of the physical and biological environments within the areas potentially affected by the project; and*
- (d) *the mailing address and phone number of a contact person who can provide additional information about the project.*

Procedures for preparing the project description

When preparing the project description, proponents (whether private or public sector) may approach the federal authorities or the Agency to request assistance in interpreting the Act or to receive advice regarding the contents of an adequate project description.

If a proposed project may be subject to the Act...

the proponent should...	When?
review all available guidance on the requirements of a project description and the federal environmental assessment process as they apply to the project.	As early as possible in the planning stages of the project.
if required, contact and request additional guidance from: <ul style="list-style-type: none"> • the federal authority most likely to have an interest in the project; or • the nearest Canadian Environmental Assessment Agency office. 	

prepare the project description in accordance with the guidance.	
ensure that the project description contains enough information for federal authorities to start the federal coordination procedure, (i.e., provide, at minimum, the information specified in the definition of project description in section 1 of the <i>Federal Coordination Regulations</i> , and consider the requirements outlined in the <i>Operational Policy Statement on Preparing Project Descriptions under the Canadian Environmental Assessment Act</i> .	

Procedures for providing guidance on the project description

While preparing the project description, many proponents recognize the value of seeking early advice and direction from the federal authorities that will eventually be making decisions about their project.

If a proponent requests guidance for preparing a project description...

the federal authority or Agency should...	When?
provide guidance on the federal environmental assessment process and project description requirements in accordance with the <i>Operational Policy Statement on Preparing Project Descriptions under the Canadian Environmental Assessment Act</i> .	Upon receiving a request for guidance.
encourage the project proponent to prepare a project description as soon as possible in the early stages of planning a project.	

Next steps

Once the project description is prepared, the next step is to submit the project description to a federal authority or the Agency. This is described in section [2.2. Submit the Project Description](#) of this guide.

Related guidance

Please refer to the following for additional information about project descriptions:

- [Operational Policy Statement on Preparing Project Descriptions under the Canadian Environmental Assessment Act](#)
- [How to Determine if the Act Applies](#)

2.2 Submit the Project Description

Submitting the project description Once the written project description is prepared, the proponent should submit it to a federal authority or the Agency. In some cases, it may also submit it to a provincial government.

When should the project description be submitted? The most important way to ensure efficient coordination of environmental assessment requirements is to submit the project description to the federal and provincial governments as early as possible to notify them of a project that may require an environmental assessment.

The [*Federal Coordination Regulations*](#) require that if a project description is sent to the appropriate party, the federal environmental assessment requirements for the project will be determined and communicated to the proponent within prescribed time lines.

Who should receive the project description? A proponent may send a project description to a federal authority or the Agency. To decide who should receive the project description, the proponent should consider the following.

If...	the proponent should...	When?
a proposed project may be subject to the Act,	send the project description to the federal authority that is most likely to be a responsible authority, (i.e., the federal authority that is most likely to trigger an environmental assessment of the project under the Act).	As early as possible in the planning stages of the project.
the federal authority(ies) responds to the project description and indicates that it is not likely to require an environmental assessment (i.e., it is not likely to be a responsible authority),	consider sending the project description to the Agency.	Upon receipt of response from the federal authority(ies).

a provincial environmental assessment may also be required,	send the project description to the province with a copy to the Agency,	Upon receiving indication that a provincial environmental assessment may be required.
if the project description is being sent to more than one party,	provide a distribution list to each party receiving the project description. This will facilitate coordination among the recipients and allow for the identification of other likely federal authorities that are not on the list.	Every time the project description is distributed.

Next steps

Once the project description has been submitted to a federal authority or the Agency, it should be indicated whether the project may be subject to an assessment by a jurisdiction other than the federal government. This is described in section [2.3 Indicate if the Environmental Assessment is Multi-jurisdictional](#) of this guide.

2.3 Indicate if the Environmental Assessment is Multi-jurisdictional

Need to determine if the environmental assessment is multi-jurisdictional

The *Federal Coordination Regulations* require that projects subject to assessment by another jurisdiction be considered in a shorter time period than projects which require a federal-only environmental assessment.

Consequently, the procedures set out in the Regulations vary depending on whether the proposed project is:

- subject only to the Act and is thereby a federal-only environmental assessment; or
- subject to the Act and the environmental assessment requirements of another jurisdiction, and is thereby a multi-jurisdictional environmental assessment.

Identifying “another jurisdiction”

If a project that is subject to the Act is also subject to an environmental assessment by one of the following jurisdictions defined in subsection 12(5) of the Act, it will require a multi-jurisdictional environmental assessment. Jurisdiction in the Act is defined as:

- (a) the government of a province;*
 - (b) an agency or a body that is established pursuant to the legislation of a province and that has powers, duties or functions in relation to an assessment of the environmental effects of a project;*
 - (c) a body that is established pursuant to a land claims agreement referred to in section 35 of the Constitution Act, 1982 and that has powers, duties or functions in relation to an assessment of the environmental effects of a project; or*
 - (d) a governing body that is established pursuant to legislation that relates to the self-government of Indians and that has powers, duties or functions in relation to an assessment of the environmental effects of a project.*
-

How to determine if another jurisdiction is involved

Upon receiving a project description from a province, the Agency or the proponent, a federal authority must determine whether the project is subject to an assessment by another jurisdiction.

Usually, there will be an indication from either the Agency or the province that the project is subject to assessment by another jurisdiction.

If there is...	then ...
no indication from either the Agency or the province that the project is subject to assessment by another jurisdiction,	a federal-only environmental assessment is likely required. The federal authority should apply section 3 of the <i>Federal Coordination Regulations</i> .
an indication from either the Agency or the province that the project is subject to assessment by another jurisdiction,	a multi-jurisdictional environmental assessment is likely required. The federal authority should apply section 4 of the <i>Federal Coordination Regulations</i> *.

**Exception:* If the project is subject to a class assessment under the Ontario *Environmental Assessment Act*, the federal authority should apply section 3.

Federal–provincial agreements

[Subsection 3\(5\)](#) of the *Federal Coordination Regulations* refers to cases where the province will represent both federal and provincial involvement in a project under a federal–provincial agreement. The Regulations describe these cases as "federal–provincial agreements under which the province is the implementing party".

Typically, this means that the federal authority is exercising a power, duty or function in collaboration with a provincial government, and the provincial government is dealing with the proponent of the project on behalf of both governments.

Note: [Subsection 3\(5\)](#) of the Regulations is expected to be repealed or modified as a result of the new federal environmental assessment coordinator role established under the Act. As discussed in [Part 4 Identification of the Federal Environmental Assessment Coordinator](#), the Agency will become the federal environmental assessment coordinator for a multi-jurisdictional environmental assessment. This role cannot be delegated to a province.

Land claim agreements

If the project is subject to an environmental assessment under a land claim agreement, some additional considerations apply.

Land claims may explicitly exclude the application of the Act, in which case, the *Federal Coordination Regulations* do not apply.

However, if the project is partially outside of the land claim area and encroaches on federal jurisdiction, the Act may apply. The environmental assessment requirements under the Act would then be harmonized with the land claim process, and the *Federal Coordination Regulations* would apply.

Procedures once all jurisdictions are identified

Once the federal authority has received a project description...

the federal authority must ...	When?
determine whether the environmental assessment is federal-only or multi-jurisdictional, and inform the proponent or party that provided it with the project description, (i.e., the province or the Agency) of the determination.	Upon receipt of the project description, with a maximum of 10 days .

Definition of days

Under the [Federal Coordination Regulations](#), "day" means a day other than Saturday or a holiday.

Next steps

Once a federal authority has received indication of whether the project is subject to an assessment by another jurisdiction, it should decide whether additional information is necessary to determine if it is likely to be a responsible authority, as described in section [3.2 Determine if Additional Information Is Necessary](#) of this guide.

2.3 Indicate if the Environmental Assessment is Multi-jurisdictional

Part 3. Identification of the Federal Authorities

Purpose of Part 3

Part 3 of this guide provides an explanation of the federal coordination activities that are required once a project description is received by a federal authority.

Specifically, it outlines the *Federal Coordination Regulations*' requirements to:

- review a project description and determine whether an environmental assessment is likely to be required under the Act;
 - notify other federal authorities, the Agency and other jurisdictions, as appropriate, of whether an environmental assessment is likely to be required for the project; and
 - respond to a notification received from another federal authority.
-

Contents of Part 3

This part contains the following sections:

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<u>3.3 Determine if You Are Likely to Be a Responsible Authority</u>	33
<u>3.4 Notify Other Federal Authorities</u>	36
<u>3.5 Respond to a Notice</u>	38

3.1 Overview of Identifying the Federal Authorities

Once a project description is received

Many environmental assessments will involve more than one federal authority and possibly more than one jurisdiction. Early attention to identifying and coordinating the participation of these parties will result in more efficient and effective assessments.

Once a project description is prepared, the next step is to identify those federal authorities that may be [responsible authorities](#), and those that may be [expert federal authorities](#) that possess specialist information or knowledge relevant to the particular needs of the environmental assessment.

The [Federal Coordination Regulations](#) establish procedures and time lines for the process to be used to identify federal authorities as responsible authorities or expert federal authorities.

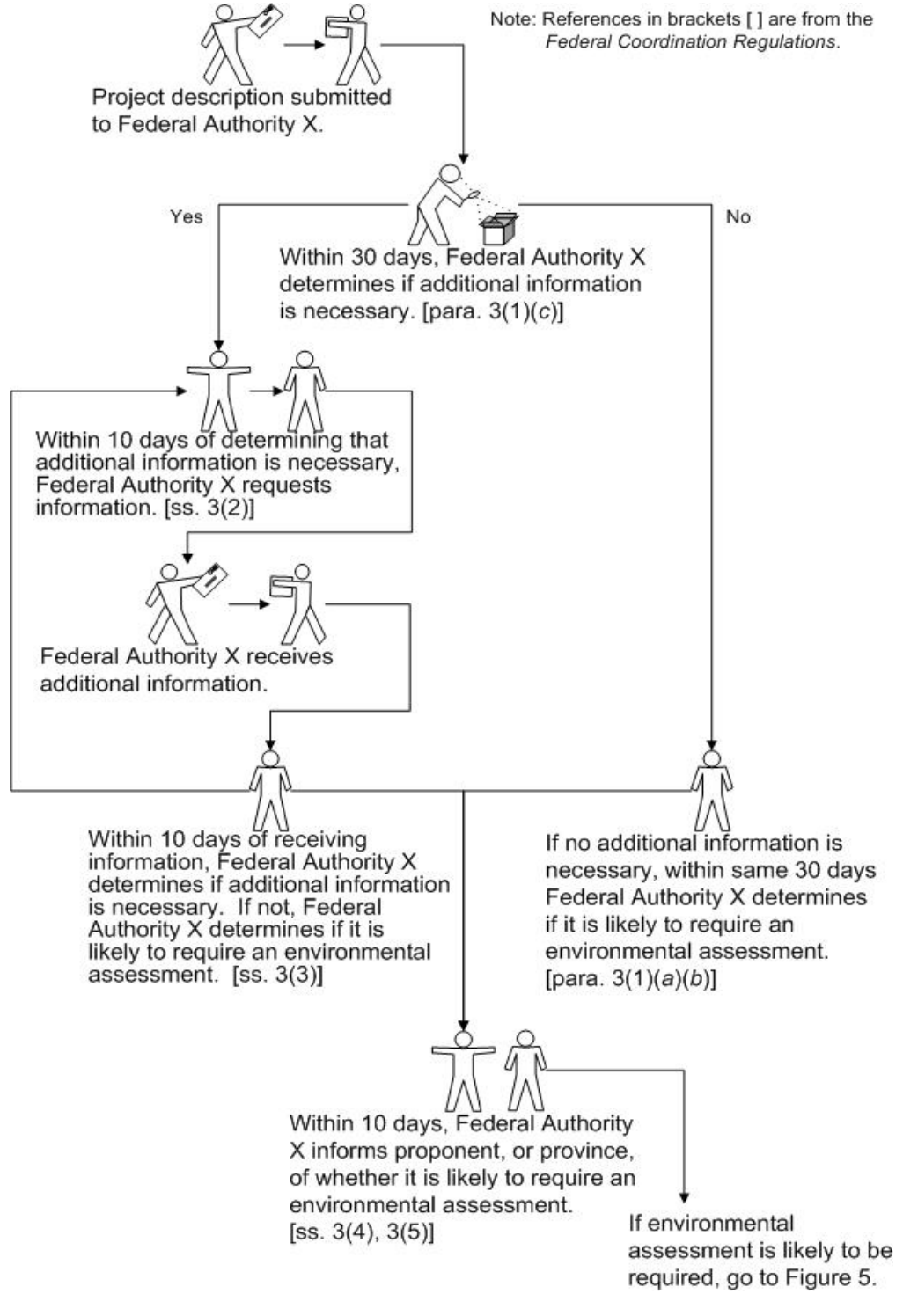
Identifying a responsible authority in a federal-only scenario

The following diagram summarizes the process set out in the *Federal Coordination Regulations* for identifying a responsible authority. In this scenario, a federal authority receives a project description from a province, the Agency or the project proponent, but there is no indication that the project is subject to an assessment by another jurisdiction. The project's environmental assessment is assumed to be federal-only at this point.

The details of each decision are depicted in [Figure 3](#) and in [Figure 5](#), and are briefly described in the table following Figure 3.

**Figure 3:
Identify a
responsible
authority
(federal-only)**

Figure 3: Identify a Responsible Authority (Federal-only)



Main steps to identify a responsible authority: federal-only scenario

If a project description is received by a federal authority with no indication that the project is subject to an assessment by another jurisdiction...

the federal authority must...	When?	Details
make a determination about whether additional information is necessary.	Upon receipt of the project description, with a maximum of 30 days .	3.2 Determine if Additional Information Is Necessary.
make a determination about whether an environmental assessment is likely to be required under the Act (i.e., whether it is likely a responsible authority).	Upon receipt of the project description, with a maximum of 30 days.	3.3 Determine if You Are Likely to Be a Responsible Authority.
notify the project proponent of whether an environmental assessment is likely to be required.	Upon determining if an environmental assessment is required, with a maximum of 10 days.	3.3 Determine if You Are Likely to Be a Responsible Authority.
if it is likely to be a responsible authority, notify other federal authorities to identify other likely responsible authorities and expert federal authorities.	Upon determining if an environmental assessment is required, with a maximum of 10 days.	3.4 Notify Other Federal Authorities.
if it has received a notice, make a determination about whether additional information is necessary.	Upon receipt of the notice, with a maximum of 10 days.	3.2 Determine if Additional Information Is Necessary.
if it has received a notice, make a determination about whether it is likely to be a responsible authority or an expert federal authority, and respond to the notice.	Upon determining if an environmental assessment is required, with a maximum of 10 days.	3.5 Respond to a Notice.

<p>identify the federal environmental assessment coordinator.</p>	<p>Upon determining that an environmental assessment is required.</p>	<p>4.1 Identify the Federal Environmental Assessment Coordinator</p>
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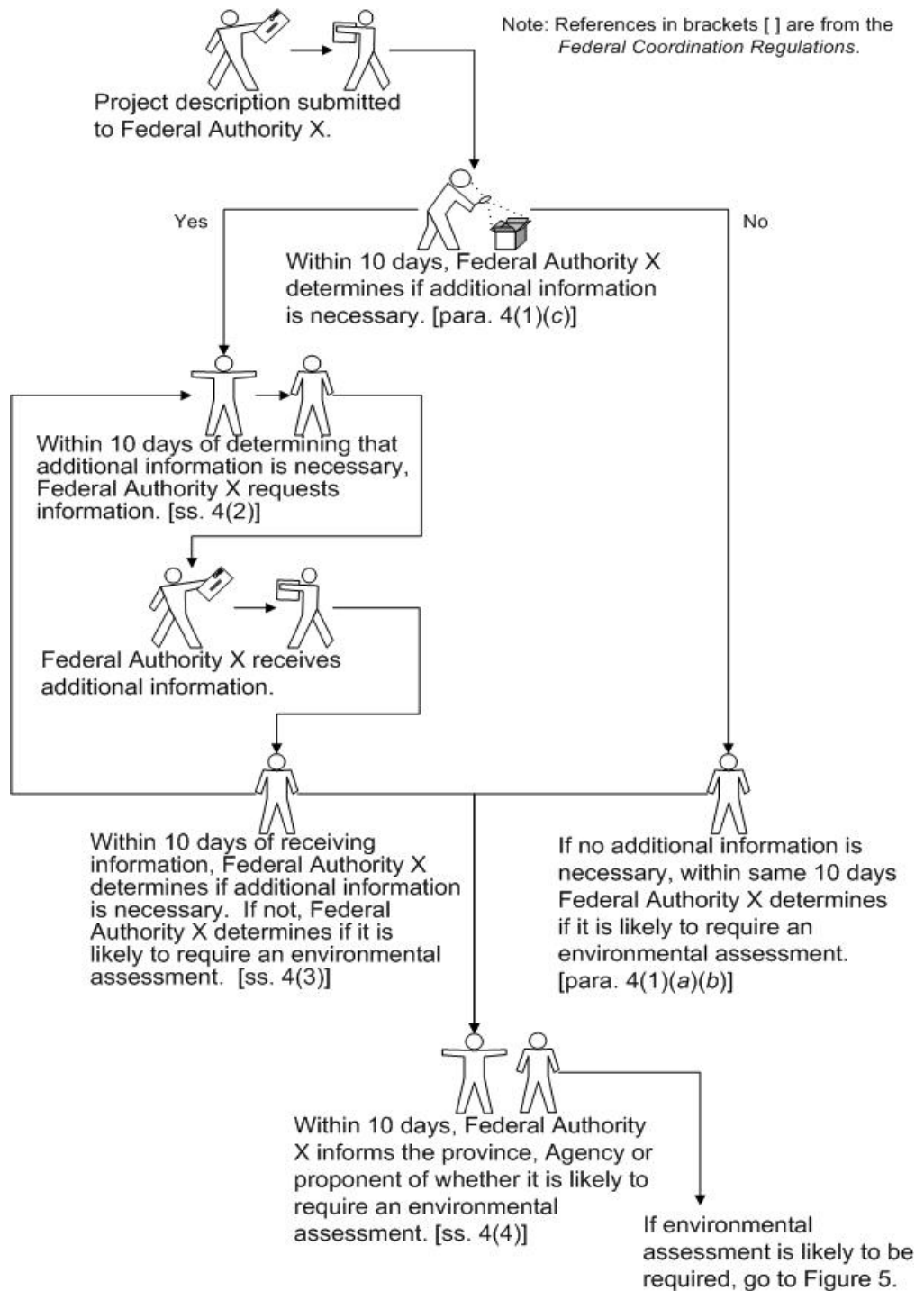
Identifying a responsible authority in a multi-jurisdictional scenario

The following diagram summarizes the process set out in the *Federal Coordination Regulations* to identify a responsible authority. In this scenario, a federal authority receives a project description from a province, the Agency or the project proponent, and there is an indication that the project is subject to an assessment by another jurisdiction, as per [subsection 4\(1\)](#) of the Regulations. The project’s environmental assessment is assumed to be multi-jurisdictional.

The details of each decision are depicted in [Figure 4](#) and in [Figure 5](#), and are briefly described in the table following Figure 4.

**Figure 4:
Identify a
responsible
authority
(multi-
jurisdictional)**

Figure 4: Identify a Responsible Authority (Multi-jurisdictional)



Main steps to identify a responsible authority: multi-jurisdictional

If a project description is received by a federal authority with an indication that the project is subject to an assessment by another jurisdiction...

the federal authority must...	When?	Details
make a determination about whether additional information is necessary.	Upon receipt of the project description, with a maximum of 10 days .	3.2 Determine if Additional Information Is Necessary.
make a determination about whether an environmental assessment is likely to be required under the Act (i.e., whether it is likely to be a responsible authority).	Upon receipt of the project description, with a maximum of 10 days.	3.3 Determine if You Are Likely to Be a Responsible Authority.
notify the province, Agency or the proponent of whether an environmental assessment is likely to be required.	Upon determining if an environmental assessment is required, with a maximum of 10 days.	3.3 Determine if You Are Likely to Be a Responsible Authority.
if it is likely to be a responsible authority, notify other federal authorities that are likely to be responsible authorities or expert federal authorities.	Upon determining if an environmental assessment is required, with a maximum of 10 days.	3.4 Notify Other Federal Authorities.
if it has received a notice, make a determination about whether additional information is necessary.	Upon receipt of the project description, with a maximum of 10 days.	3.2 Determine if Additional Information Is Necessary.
if it has received a notice, make a determination about whether it is likely to be a responsible authority or an expert federal authority, and respond to the notice.	Upon determining if an environmental assessment is required, with a maximum of 10 days.	3.5 Respond to a Notice.

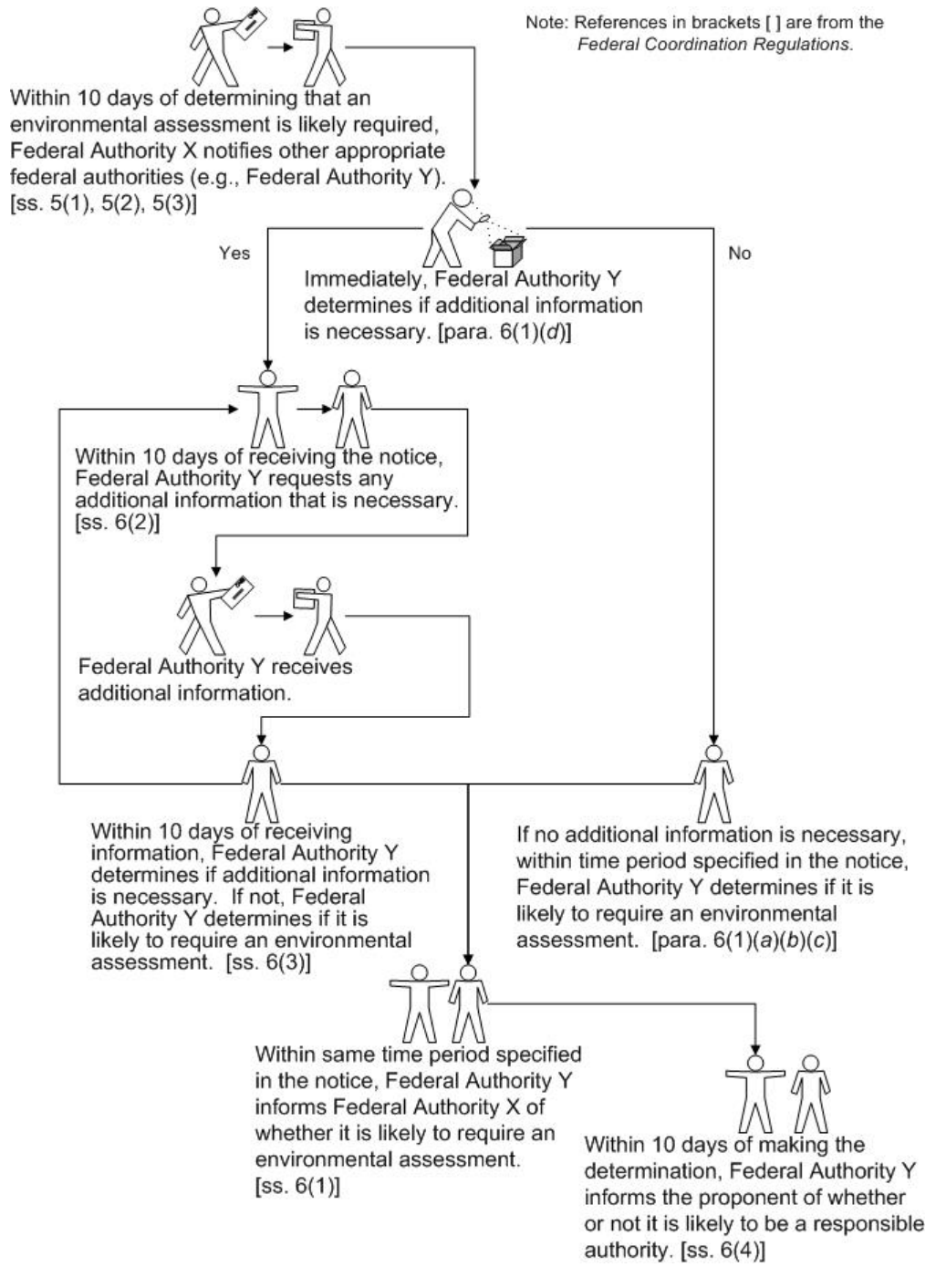
<p>identify the Agency as the federal environmental assessment coordinator.</p> <p>The Agency will take steps to ensure that the appropriate federal authorities are identified.</p>	<p>Upon determining that an environmental assessment is required.</p>	<p>4.1 Identify the Federal Environmental Assessment Coordinator.</p>
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Related guidance

Please refer to the guide entitled [How to Determine if the Act Applies](#) for detailed information about how to determine if the Act applies to a proposed project.

**Figure 5:
Identify other
federal
authorities**

Figure 5: Identify Other Federal Authorities



3.2 Determine if Additional Information Is Necessary

Need to determine if additional information is necessary

According to the *Federal Coordination Regulations*, once a federal authority receives a project description, it must determine whether:

- it is likely to be a responsible authority;
- it is not likely to be a responsible authority; or
- it requires additional information to make this determination.

If the project description does not contain the required information as defined in [2.1 Prepare the Project Description](#), or if the federal authority determines that additional information is necessary to make a determination about whether it is likely to be a responsible authority, the federal authority may request additional information from the appropriate parties.

Requesting additional information

The federal authority has the option of requesting additional information if the information in the project description is not adequate to determine whether it is likely to be a responsible authority.

Additional information may include:

- further information from the proponent about the project, its location and environmental factors potentially affected by the project;
- legal opinions or internal documents; or
- information held by other federal authorities or jurisdictions.

Procedures if additional information is necessary

As depicted in [Figure 3](#) (federal-only environmental assessment) and [Figure 4](#) (multi-jurisdictional environmental assessment), if the federal authority determines that additional information is necessary...

the federal authority should...	When?
request the additional information from the most appropriate party or parties (i.e., the party who provided the project description, the proponent, legal counsel, etc.).	Within 10 days of making the determination that more information is required.
upon receiving the requested information, determine if additional information is still necessary. If it is determined that additional information is still required, request additional	Within 10 days of receiving the information.

information from the most appropriate party or parties.	
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Next steps

Once a federal authority has determined that no more information is necessary, the next step is to determine if it is likely to be a responsible authority, as described in [3.3 Determine if You Are Likely to Be a Responsible Authority](#).

3.3 Determine if You Are Likely to Be a Responsible Authority

Need to determine if there is a responsible authority

If the project description contains the necessary information, or the federal authority has obtained the information using the steps outlined in [3.2 Determine if Additional Information Is Necessary](#), the federal authority should be able to determine whether:

- it is likely to require an environmental assessment (i.e., is likely to be a responsible authority); or
- it is not likely to require an environmental assessment (i.e., is not likely to be a responsible authority).

There are time lines for these decisions in the *Federal Coordination Regulations*. These time lines were developed so proponents can know, in a timely manner, whether there are federal environmental assessment requirements for their project.

Determining if the Act applies

To determine if an environmental assessment is likely to be required, the federal authority must determine whether the project meets the definition of “project” in the Act, and whether the project is excluded by the Act or regulations under the Act. The federal authority must then determine if it requires an environmental assessment under the Act.

Section 5 of the Act states that an environmental assessment of a project is required before a federal authority exercises one of the following powers or performs one of the following duties or functions in respect of a project:

- (a) is the proponent of the project;
 - (b) provides financial assistance to the proponent to enable the project to be carried out in whole or in part;
 - (c) sells, leases or otherwise disposes of lands or any interests in lands to enable the project to be carried out in whole or in part; or
 - (d) issues a permit or licence, grants an approval or takes any other action described in the [Law List Regulations](#), to enable the project to be carried out in whole or in part.
-

Identifying a responsible authority

A federal authority that exercises one of the powers or performs one of the duties or functions in section 5 of the Act will be a responsible authority for the environmental assessment of the proposed project.

Dealing with uncertainty

The federal authority does not need to be certain whether it is a responsible authority; but rather, it needs to decide if it is likely to be a responsible authority for the project.

A determination that it is likely to be a responsible authority does not commit the federal authority to requiring an environmental assessment of the project in the future; likewise a determination that it is unlikely to be a responsible authority does not prevent the federal authority from later requiring an environmental assessment of the project.

If the federal authority is uncertain about what determination to make, it should consider determining that it is likely to be a responsible authority. If it does so, it can participate in the environmental assessment under the coordination of the federal environmental assessment coordinator until it is certain of its role.

If it turns out later that the federal authority will not be a responsible authority, it can withdraw from the environmental assessment. It may continue as an expert federal authority if appropriate.

Withdrawing from the environmental assessment once it has started is preferable to the potential delays caused by joining later after key decisions concerning the conduct of the environmental assessment have already been made.

Procedures when no additional information is necessary

As depicted in [Figure 3](#) (federal-only environmental assessment) and [Figure 4](#) (multi-jurisdictional environmental assessment), if the federal authority determines that no additional information is necessary...

the federal authority must ...	When?
make the determination of whether: <ul style="list-style-type: none"> • it is likely to be a responsible authority; or • it is not likely to be a responsible authority. 	Within 30 days of receiving project description, or within 10 days of receiving requested additional information.
inform the proponent, or the province if appropriate, of whether it is likely to be a responsible authority required to ensure that an environmental assessment is conducted.	Within 10 days of making the determination.

Note: In cases where the province is representing both federal and provincial involvement in a project under a [federal–provincial agreement](#), the federal authority must inform the province of its determination within 10 [days](#) of making the determination.

Next steps

Once the federal authority has notified the proponent of whether it is likely to be a responsible authority, it may be required to notify other federal authorities, as described in [3.4 Notify Other Federal Authorities](#) of this guide.

Related guidance

Please refer to the guide entitled [How to Determine if the Act Applies](#) for additional information about how to determine if the Act applies to a proposed project.

3.4 Notify Other Federal Authorities

Need to notify others

The [Federal Coordination Regulations](#) require that, as part of the coordination procedure, the federal authorities be identified to:

- determine which other federal authorities are likely to be responsible authorities; and
- determine if there are expert federal authorities in relation to the project.

There are time lines for the notification procedures in the *Federal Coordination Regulations*, so proponents can know, in a timely manner, who is likely to be involved in the environmental assessment for their project.

Who should notify others?

The notification requirements under section 5 of the *Federal Coordination Regulations* only apply to a federal authority that has determined that it is likely to be a responsible authority.

Usually, the party that originally sent the project description (i.e., the proponent, the province or the Agency), will indicate if the project description has been sent to more than one federal authority.

If it has been sent to more than one federal authority, only one federal authority that has determined that it is a responsible authority needs to apply section 5. Where more than one responsible authority is identified, the responsible authorities must, in collaboration with the Agency if necessary, select which one will assume the federal coordination responsibilities. This is discussed further in [Part 4. Identification of the Federal Environmental Assessment Coordinator](#).

Decide whom to notify

The federal authority that has identified itself as a likely responsible authority must notify other federal authorities that are likely to be responsible authorities or expert federal authorities of the project.

To do this, the federal authority has to make a judgment about which federal authorities are:

- likely to be responsible authorities; or
- likely to be expert federal authorities with information or expertise needed to conduct an adequate assessment.

It is important for the federal authority to exercise good judgment so unnecessary notification of other federal authorities is avoided.

Time lines for response to notices

The federal authority must set a time line no longer than 30 [days](#), within which the other federal authorities receiving the notice must respond.

This time line is to be set in consultation with the federal authorities being notified.

A telephone conversation or e-mail exchange to consult on the time line would normally be sufficient.

Contents of the notice

The notice must include:

- the project description;
- the name and address of the person to whom the other federal authorities are to respond; and
- the time within which a response is required, the maximum of which is 30 [days](#).

The notice must be written, but it may be transmitted by fax or e-mail.

Procedures to notify other federal authorities

As depicted in [Figure 5](#), if the federal authority determines that it is likely to be a responsible authority...

the federal authority must...	When?
issue a notice to other federal authorities that are likely to be responsible authorities or expert federal authorities of the project, and ensure that the notice contains all required contents .	Within 10 working days of making a determination that it is likely to be a responsible authority.

For region-specific guidance

The Agency's practices and procedures for notifying federal authorities and potential responsible authorities may vary from region to region according to what has been agreed in established federal–provincial agreements.

For further information on how to deal with notification procedures or to clarify the situation within your region, please contact the [Canadian Environmental Assessment Agency office](#) in your region.

Next steps

Once the proponent and the other federal authorities have been notified, the other federal authorities must respond to the notice and indicate whether they are likely to be involved in the environmental assessment. This is described in [3.5 Respond to a Notice](#) of this guide.

3.5 Respond to a Notice

Need to respond to notification

A federal authority that has received a notice from a federal authority that is likely to be a responsible authority must respond to the notice in accordance with the *Federal Coordination Regulations*.

What are the response requirements?

If a notice is received from a federal authority, the federal authority must determine if:

- it is likely to be a responsible authority;
- it is not likely to be a responsible authority;
- it is in possession of specialist or expert information that is necessary to conduct the environmental assessment; or
- it requires additional information to make this determination.

The federal authority must respond within the time line indicated in the notice. This time line, according to subsection 5(3) of the Regulations, must not exceed 30 [days](#).

Are you a responsible authority?

The criteria for determining whether a federal authority is a responsible authority are described in [3.3 Determine if You Are Likely to Be a Responsible Authority](#).

Are you an expert federal authority?

A federal authority, if it is unlikely to be a responsible authority in relation to a project, must determine whether it is likely to be an expert federal authority.

An expert federal authority is a federal authority that possesses specialist or expert knowledge or information that may be necessary to conduct the environmental assessment and that falls within the legislated mandate of that authority.

Specialist knowledge or expert information may not be necessary to the environmental assessment if:

- one of the federal authorities involved already possesses the information;
 - it is not applicable to the project in question; or
- no responsible authority requests such knowledge or information.
-

Requesting additional information

The procedure for requesting additional information is the same as is described in [3.2 Determine if Additional Information Is Necessary](#), except that the federal authority may also request additional information to determine whether it is an expert federal authority.

Procedures to respond to a notice

Once a federal authority has received a notice from another federal authority...

the federal authority must ...	When?
respond to the notice and inform the contact of the determination of whether the federal authority is: <ul style="list-style-type: none"> • likely to be a responsible authority; • not likely to be a responsible authority; or • likely to be an expert federal authority. 	Within 10 days after making the determination.
inform the proponent of the determination.	
check to see if it has previously conducted an environmental assessment under the Act for the project or part of the project. If it has, it must provide to the contact given in the notice: <ul style="list-style-type: none"> • any previous environmental assessment report; and • an indication of what course of action was taken. 	

Next steps

Once a federal authority has identified itself as a responsible authority, it is required to ensure that an environmental assessment is conducted for a project in accordance with the Act. The federal environmental assessment coordinator must be identified. This is described in [Part 4. Identification of the Federal Environmental Assessment Coordinator](#) of this guide.

Part 4. Identification of the Federal Environmental Assessment Coordinator

Purpose of Part 4 Part 4 of this guide provides an overview of the main steps in identifying the federal environmental assessment coordinator.

Contents of Part 4 This part contains the following sections:

Section	Page
4.1 Identify the Federal Environmental Assessment Coordinator	43
4.1.1 Responsible Authority as Federal Environmental Assessment Coordinator	47
4.1.2 The Agency as Federal Environmental Assessment Coordinator	50

Related guidance For additional information on the role of the federal environmental assessment coordinator, please refer to the guide entitled [Federal Coordination: An Overview](#).

4.1 Identify the Federal Environmental Assessment Coordinator

When to identify the federal environmental assessment coordinator

The identification of the federal environmental assessment coordinator is required as early as possible in the environmental assessment planning.

If one or more responsible authority is identified, and it is known that an environmental assessment is required under the Act, steps can be taken to formally identify the federal environmental assessment coordinator.

In cases where the identification process is not occurring in a timely manner, the Agency may assume an informal coordination role to assist in the process and may select a responsible authority to be the federal environmental assessment coordinator.

Who is the federal environmental assessment coordinator?

The federal environmental assessment coordinator will be either a responsible authority or the Canadian Environmental Assessment Agency.

The determination of the federal environmental assessment coordinator will depend on:

- the type of environmental assessment (e.g., screening);
 - whether the environmental assessment is federal-only or multi-jurisdictional; and
 - whether there is one or more responsible authority.
-

Bodies not defined as federal authorities

Bodies not defined as a federal authority under the Act cannot be a responsible authority or a federal environmental assessment coordinator. For example, such bodies include port authorities and band councils. Additional examples are given in the guide [How To Determine if the Act Applies](#), in [section 2.3](#).

Thus, even though certain entities specified in the Act may be required to conduct environmental assessments, (e.g., if specific regulations are developed and put into force under the Act), such entities are not federal authorities and cannot assume the role of the federal environmental assessment coordinator.

Identifying the federal environmental assessment coordinator

The following table provides a summary of the various scenarios for which a federal environmental assessment coordinator is required. It also indicates who the designated federal environmental assessment coordinator will be in each scenario.

If the environmental assessment is a...	the federal environmental assessment coordinator will be ...a responsible authority or ...the Agency	
federal-only screening involving only one responsible authority	✓ sole responsible authority.	
federal-only screening involving two or more responsible authorities	✓ responsible authority that is <u>selected</u> by the responsible authorities. If the responsible authorities are unable to make a selection in a timely manner, the Agency will select a responsible authority to assume the role.	
federal-only screening involving one or more responsible authority and a port authority, band council or prescribed authority	✓ sole responsible authority, or the responsible authority <u>selected</u> by the responsible authorities.	
multi-jurisdictional screening		✓ Agency for all multi-jurisdictional screenings.
comprehensive study		✓ Agency for all comprehensive studies.

Exceptions

If a specific agreement is developed between the Agency and the responsible authority(ies), the role of the federal environmental assessment coordinator may be transferred as described in the following table.

If the environmental assessment is a...	and a	then...
screening involving two or more responsible authorities (no other jurisdictions)	specific agreement has been established between the Agency and the responsible authorities,	the Agency may assume the role of the federal environmental assessment coordinator.
multi-jurisdictional screening or a comprehensive study	specific agreement has been established between the Agency and the responsible authorities,	a responsible authority may assume the role of the federal environmental assessment coordinator.

Coordination with bodies not defined as federal authorities

When a port authority, band council or other body not within the Act’s definition of a federal authority is required to conduct an environmental assessment, the coordination role will depend on whether other parties are involved.

If the environmental assessment is a...	and	then...
screening or a comprehensive study	no other parties are involved	there is no federal environmental assessment coordinator.
screening	there is one or more responsible authority involved	the rules applied to responsible authorities determine who is the federal environmental assessment coordinator.
multi-jurisdictional environmental assessment or a comprehensive study	there is one or more responsible authority involved	the Agency is the federal environmental assessment coordinator.

Uncertainty of whether an environmental assessment is required

If a federal authority has not declared itself as a responsible authority and it is not certain whether an environmental assessment is required under the Act, a federal environmental assessment coordinator cannot be identified.

In these cases, a federal authority or the Agency may assume the role of an informal coordinator. For example, for the purposes of identifying responsible authorities or determining if an environmental assessment is required, a federal authority or the Agency may undertake coordination activities.

This informal coordination activity does not automatically cause the Agency or the federal authority to be appointed to the role of the federal environmental assessment coordinator for the assessment, if one is indeed required.

Delegation of coordinator role

No person or body other than a responsible authority or the Agency may assume the role of the federal environmental assessment coordinator.

In other words, under no other circumstances can the powers, duties or functions of the federal environmental assessment coordinator be delegated to a third party.

4.1.1 Responsible Authority as Federal Environmental Assessment Coordinator

Responsible authority as federal environmental assessment coordinator

The Act, subsection 12.4(2), specifies the two circumstances in which a responsible authority must assume the role of the federal environmental assessment coordinator.

The two situations both apply to federal-only screenings.

One responsible authority for a federal-only screening

If only one responsible authority has been identified in relation to a project requiring a screening, that responsible authority must assume the role of the federal environmental assessment coordinator.

More than one responsible authority for a federal-only screening

If more than one responsible authority is identified in relation to the project requiring a federal-only screening, the coordinator is:

- the responsible authority that is selected by all responsible authorities for the project (see the [selection principles](#)); or
 - the responsible authority that is designated by the Agency if the responsible authorities for the project fail to make their selection within a reasonable time.
-

Exception if there is a specific agreement

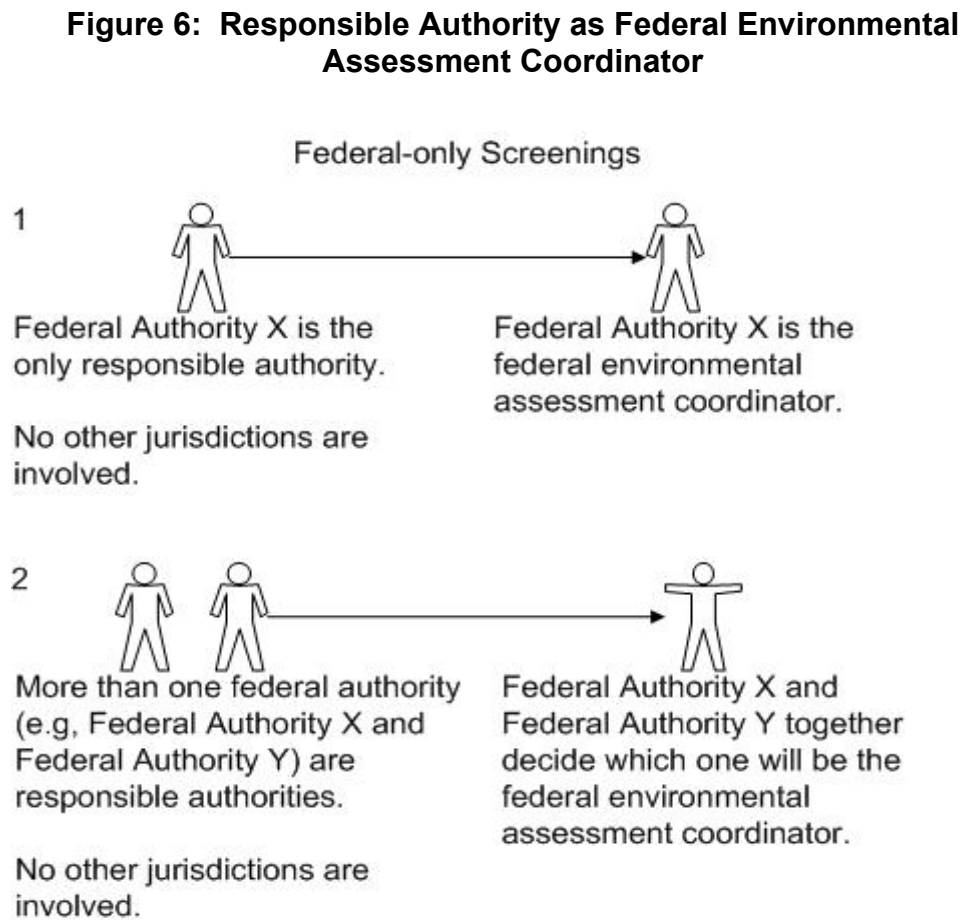
For a screening involving two or more responsible authorities (no other jurisdictions), the Agency may assume the role of the federal environmental assessment coordinator, if a specific agreement has been established between the Agency and the responsible authority that would otherwise assume the federal environmental assessment coordinator role.

Where such an agreement is developed, the agreement must be included in the project registry. Specifically, it must be included in both the Internet site and the project file of the Canadian Environmental Assessment Registry (the Registry), as per subsections 55.1(2) and 55.4(2) of the Act.

Agreements can be flexible

The Act, under subsection 12.4(4) allows flexibility to make the agreements between the Agency and the responsible authority(ies) apply generally to a number of projects, rather than to only one specific project. This will help to avoid having to generate specific agreements for each individual project involving the same parties.

**Figure 6:
Responsible
authority as
federal
environmental
assessment
coordinator**



Selection principles if two or more responsible authorities

If there are two or more responsible authorities involved in the federal-only screening of a project, the responsible authorities must select the federal environmental assessment coordinator.

The following general principles may be used by the responsible authorities, in descending order of importance:

- relative magnitude of involvement of each responsible authority in enabling the project to proceed;
- duration of the involvement of each responsible authority in the project; and
- sequence of the involvement of the responsible authorities in the project. (A federal authority that is involved early in project planning may take the coordinator role before one that is involved only at a later date.)

**Change of
federal
environmental
assessment
coordinator**

If a responsible authority has assumed the role of the federal environmental assessment coordinator and another responsible authority is later identified, the responsible authority acting as the federal environmental assessment coordinator may transfer its role to the latter responsible authority, if the responsible authorities agree that the transfer is appropriate.

For instance, such a transfer could occur if the subsequent responsible authority identified has a greater interest or more direct involvement in the project than the first.

Likewise, a transfer could occur when a follow-up program is deemed to be appropriate by a responsible authority. If the federal environmental assessment coordinator is not involved in the follow-up program, but another responsible authority is, the coordination role may be transferred to the responsible authority involved in the follow-up program.

4.1.2 The Agency as Federal Environmental Assessment Coordinator

Agency as federal environmental assessment coordinator

The Act, under [subsection 12.4\(1\)](#), specifies the two circumstances in which the Canadian Environmental Assessment Agency must assume the role of the federal environmental assessment coordinator.

Comprehensive study

If the project which requires environmental assessment is described in the [Comprehensive Study List Regulations](#), then the Agency must assume the role of the federal environmental assessment coordinator.

Multi-jurisdictional environmental assessment

If the project which requires environmental assessment is subject to the Act and the environmental assessment of another specified jurisdiction (i.e., provincial governments, selected Aboriginal governments or governing bodies, foreign governments and international organizations of states), then the Agency must assume the role of the federal environmental assessment coordinator.

Exception if there is a specific agreement

For a multi-jurisdictional screening or a comprehensive study, a responsible authority may assume the role of the federal environmental assessment coordinator, if a specific agreement has been established between the Agency and the responsible authority that would otherwise have the federal environmental assessment coordinator role.

Where such an agreement is developed, the agreement must be included in the project registry. Specifically, it must be included in both the Internet site and the project file of the Registry as per [subsections 55.1\(2\)](#) and [55.4\(2\)](#) of the Act.

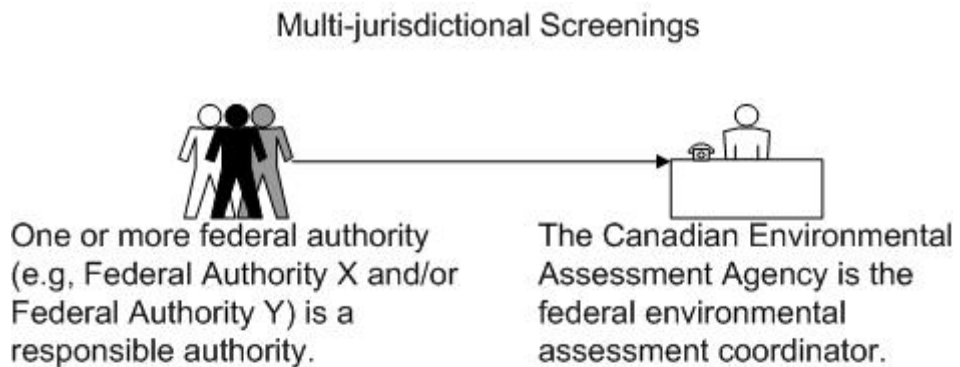
Agreements can be flexible

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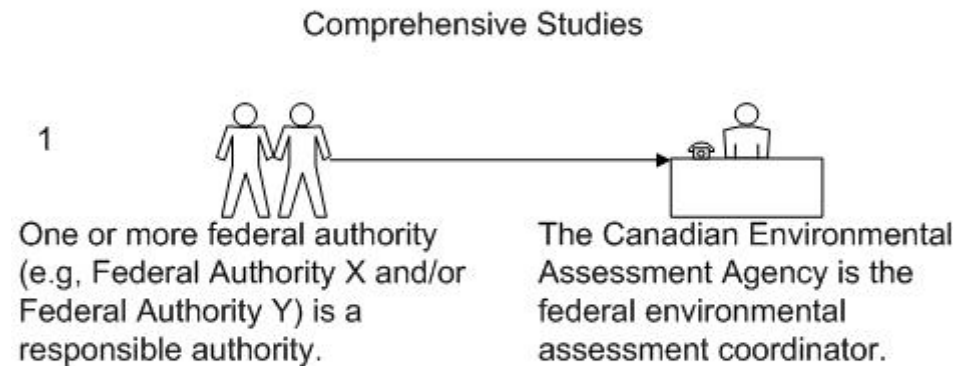
This will help to avoid having to generate specific agreements for each individual project involving the same parties.

Figure 7:
Agency as
federal
environmental
assessment
coordinator

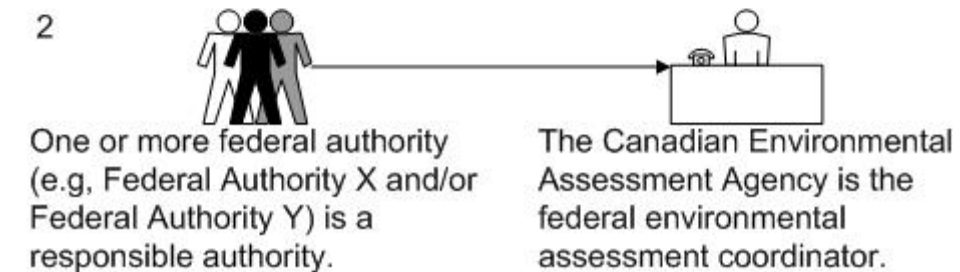
Figure 7: Agency as Federal Environmental Assessment Coordinator



Another jurisdiction is involved.



No other jurisdiction is involved.



Another jurisdiction is involved.
