



Canadian Environmental  
Assessment Agency

Agence canadienne  
d'évaluation environnementale

# Annual Report

## 1995-96



*Environmental Assessment ...  
before you decide*

Canada

# Canadian Environmental Assessment Agency

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Cat. No. En 104-1/1996  
ISBN: 0-662-62516-1

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

This document is also available on the Internet:  
<http://www.ceaa.gc.ca>

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# MESSAGE FROM THE MINISTER

Prevention is better than cure and that is what environmental assessment is all about. It is a powerful planning tool that provides decision makers with the information they need to approve projects that are compatible with a healthy, sustainable environment for both present and future generations.

Canadians are telling us that they are worried about environmental problems that threaten nature and their health. They will no longer tolerate inaction on the part of government or industry when it comes to stewardship over the environment. That was the principle behind the creation of the Agency, and it is the principle that guides our actions.

Throughout the next year, the Agency will continue to strive to make the process more efficient. At the recent Canadian Council of Ministers of the Environment conference in Toronto, my provincial colleagues and I agreed to work together to streamline the assessment process without compromising its standards. I am firmly committed to bring about the highest national standards as a base for environmental assessments.

We shall continue to sign agreements with the provinces that will allow for joint assessments. This addresses the issue of federal-provincial duplication in the assessment process by creating a single reporting window for industry. We are also working to make the process more efficient by building in timelines for decisions throughout the process.

With the knowledge of our continued efforts to improve the work of the Canadian Environmental Assessment Agency, I, therefore, table the Agency's second annual report with Parliament, pursuant to section 71 of the *Canadian Environmental Assessment Act*. This report presents information on the first full year of environmental assessments undertaken by the federal government under the new Act.

**Sergio Marchi**  
Minister of the Environment



# MESSAGE FROM THE PRESIDENT

The Hon. Sergio Marchi, Minister of the Environment  
House of Commons

It is with pleasure that I submit the Canadian Environmental Assessment Agency's annual report for fiscal year 1995-1996. During the past year, the federal government undertook over 5,000 environmental assessments. This report provides a statistical summary and short analysis of these activities to March 31, 1996, the first full year of implementation of the *Canadian Environmental Assessment Act*.

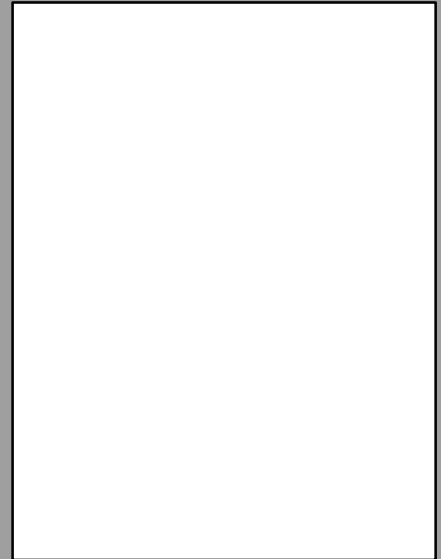
The Agency, which also observed its first anniversary of operations during this period, set out on an ambitious course of action to firmly establish the new approach to federal environmental assessment and decision making instituted by the Act. Agency staff from Head Office and our 'single-window' offices across the country have provided high-quality, professional services to facilitate compliance with the Act by federal departments and proponents. They have also actively sought to make the Agency a centre for environmental assessment expertise.

The Agency, in terms of its business and its organizational structure, is involved in continuous reform and innovation. Enhancing the efficiency and effectiveness of the environmental assessment process through standards, regulation, procedures and guidelines will ensure timeliness, predictability and certainty. The Agency itself has adopted a progressive organizational model based on a self-directed work force that focuses on maximizing service to its clients.

The application of the *Canadian Environmental Assessment Act* will continue to make a positive contribution toward informed decision making and provide the government with an effective tool in achieving the goal of sustainable development.

Respectfully submitted,

**Michel Dorais**  
President



# THE PRACTICE, THE AGENCY, THE ACT

## ENVIRONMENTAL ASSESSMENT

Environmental assessment is about making better decisions. It is about providing decision makers with the kind of information that can lead to projects more compatible with a healthy, sustainable environment for both present and future generations.

The process involves an assessment of the potential impacts of a proposed project, policy or program on the ecosystem -- the air, water, land and living organisms including human populations affected. Such assessments provide a solid basis for limiting or eliminating environmental effects, and making informed decisions.

Environmental assessment is now part of public decision making at all levels of government in Canada, and is used world wide in over 100 countries, in many international organizations and funding agencies, and increasingly, by business. By integrating environmental factors, public concerns and community values early in the decision-making process, business and governments can make timely decisions concerning projects. The process helps business and governments to meet their responsibilities for the environment, and earn public confidence.

## ENVIRONMENTAL ASSESSMENT - A GOOD BUSINESS PRACTICE

The review of a project and its alternatives through environmental assessment can lead to a more effective and efficient project.

- **Application of the process can save time and money in the long run.** By integrating environmental factors in decision making at the planning stage, proponents and governments can avoid expensive and sometimes controversial remedial action afterward.
- **The process promotes investment stability.** Environmental assessment is a clear manifestation of our country's concern for its resource-based economy and the priority it gives to sustainability. This in itself is a factor in investment stability.
- **It keeps business and governments in touch.** Input through public consultation, before plans are finalized and investments made, can improve community relations and ensure dollars are well invested.
- **As a good management practice, environmental assessments can support future prosperity.** Through decisions based on recommendations from the process, there can be more prudent use of resources and a reduction of environmental threats to human health and ecosystems.



- **Environmental assessment leads to informed decisions .**  
Such decisions, in turn, are good for investment, for the health of the organization, its employees and the community where it operates. Responsible decisions sustain and enhance the value of the environment we bequeath to future generations.

## THE CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY

The Canadian Environmental Assessment Agency was created on December 21, 1994 to administer the federal environmental assessment process. It replaced the Federal Environmental Assessment Review Office (FEARO). The Agency reports directly to the Minister of the Environment. Its mission:

*To provide effective means of integrating environmental factors into federal planning and decision making in a manner that takes into account public values and the goal of sustainable development.*

The Agency has four key roles:

- administering the environmental assessment process;
- providing legal, procedural and policy advice to the Minister of the Environment on the Minister's responsibilities under the *Canadian Environmental Assessment Act* (the Act);
- providing opportunities for public participation in the federal environmental assessment process; and
- promoting sound environmental assessment practices.

The Agency administers the federal environmental assessment process chiefly by the following activities:

- assisting federal departments and agencies in meeting 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, for example, the provinces and territories to ensure that environmental assessment processes are co-ordinated whenever projects with shared jurisdictions are reviewed;
- ensuring that there are opportunities for the public to participate in the process; and
- providing some measure of funding to assist effective public participation in reviews by a panel or a mediator.



## PARTNERSHIPS

The Agency works in partnership to promote sound environmental assessment practices in Canada and abroad. The Agency includes the following among its partners:

**Federal Departments and Agencies** The Agency serves as an overseer of the federal process. It assists federal departments and agencies to meet their obligations under the Act; the Agency also administers and supports environmental assessment panels and mediators appointed by the Minister of the Environment to review major projects.

**Provincial and Territorial Governments** The Agency works closely with other jurisdictions to co-ordinate federal and provincial environmental assessment activities.

**Industry/Proponents** Central to the Agency's mandate is providing all proponents, including the federal government, with a timely and predictable process, and access to both the tools and the information they need to comply with the Act.

**Public and Non-Government Organizations** The Act promotes the integration of public values in decision making. Accordingly, the Agency seeks to maximize the public's participation throughout the environmental assessment process, and places considerable emphasis on transparency and information sharing.

**Aboriginal Peoples** The Agency works with Aboriginal peoples to ensure that the environmental assessment regimes developed and implemented pursuant to comprehensive land claims agreements, self-government agreements and devolution initiatives, such as the *Framework Agreement on First Nation Land Management*, are consistent with the requirements of the Act, and can be co-ordinated with existing environmental assessment regimes.

**International Community** International partnerships give Canada the opportunity to share environmental assessment expertise and, at the same time, provide access to the research being undertaken by other countries. Keeping in step with the environmental initiatives of international organizations and other countries also helps ensure the competitive position of Canadian exporters. In addition, Canada's international environmental assessment responsibilities must respect foreign policy and trade practices, and ensure consistency with the processes of these other countries and organizations.

## ORGANIZATIONAL STRUCTURE

Guided by a desire to contribute to the renewal of the Public Service, the Agency in June 1995 introduced a progressive and modern organizational model: self-directed work teams. While providing the Agency with new ways of managing the key to its success, namely its human





resources, this model also gives it the flexibility to meet its objectives, and respond to the evolving needs of its partners. This new model is an alternative to traditional hierarchical management structures. It is based on the principle that those closest to clients are best equipped to understand and respond to their needs. Following are the mission statements of each of the eleven teams:

**Executive** Provide overall strategic direction and management, and set the context for the Agency's activities. This team also manages Parliamentary relations, ministerial services and correspondence.

**Public Review and Participant Funding** Develop and manage effective and independent public reviews and mediations to fulfil the Agency's mission. This team also manages the Participant Funding Program.

**Class Screenings and Comprehensive Studies** Undertake and manage the Agency's responsibilities for comprehensive studies and class screenings; and advocate timely, efficient, high-quality environmental assessments of projects.

**Client Liaison** Facilitate the consistent application of federal environmental assessment requirements through interdepartmental co-ordination and harmonization with the environmental assessment processes of provinces and other jurisdictions. This team includes headquarters and regional staff. It provides the Agency's clients with information, advice and services to enhance the quality of environmental assessments and promote compliance with the Act and its regulations.

**Regulatory Development and Compliance Monitoring** Provide an effective legislative and regulatory framework for integrating environmental assessment into federal decision making; monitor and promote compliance within that framework; and explore alternatives to regulations to address problems.

**Environmental Assessment Enhancement and International Affairs** Function as a centre of expertise on good environmental assessment practices and ensure that Canada's international environmental assessment interests and commitments are met. The mission includes continued enhancement of the Agency's environmental assessment knowledge base; the transfer of this knowledge, including training on the Act, to Agency clients; and, the development of processes, procedures and standards to advance the efficient practice of environmental assessment.

**Aboriginal Affairs** Provide advice on Aboriginal environmental assessment matters to the Agency and other clients in order to shape the federal approach to integrating environmental assessment requirements into comprehensive land claims agreements, self-government agreements and federal devolution initiatives; provide advice and support services to the federal administrator of the *James Bay and Northern Quebec Agreement* (JBNQA); and, manage the environmental assessment processes established under the JBNQA and related environmental assessment activities.

**Communications and Information Management** In support of the Agency's objectives, provide value-added communications advice, translation and editing



services, information distribution services to internal and external clients, and specialized information management and informatics services; promote environmental assessment to the public; and manage a reference centre, a national public registry index system, an Internet site, and a communications program which facilitates informed public participation in the federal environmental assessment process.

**Comptroller, Administration and Cost Recovery** Provide financial and administrative services to the Agency, including the development of mechanisms for cost recovery.

**Legal Services** Provide professional legal services to the Agency, and effectively identify potential legal issues associated with the design and implementation of the Act and the environmental assessment regulatory framework.

**Human Resources** Provide professional advice and human resource services to all of the Agency's employees, develop the concept of semi-directed work teams for the Agency, and assist in its implementation.

## LEGAL INSTRUMENTS

The Agency is guided by the following instruments:

- the *Canadian Environmental Assessment Act* (1992) and its regulations: *the Law List, Comprehensive Study List, Inclusion List and Exclusion List*;
- the *Act to amend the Canadian Environmental Assessment Act* (1994);
- bilateral agreements with provincial governments that set out mutually agreed upon procedures for co-ordinating environmental assessment activities across jurisdictions; and
- international agreements containing environmental assessment provisions to which Canada is a signatory, i.e., United Nations Economic Commission for Europe *Convention on Environmental Impact Assessment in a Transboundary Context*, the United Nations *Convention on Biological Diversity* and the *North American Agreement on Environmental Co-operation*.

The Agency also assists the Minister to implement the 1990 Directive on the *Environmental Assessment of Policy and Program Proposals* which involves issuing guidance to federal authorities.



In addition, the President of the Agency has been designated by Order-in-Council as the federal administrator of the environmental and social protection regimes set out in Chapters 22 and 23 of the 1975 *James Bay and Northern Quebec Agreement* and the *North Eastern Quebec Agreement*.

## **THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT**

The *Canadian Environmental Assessment Act* (the Act) is the legal basis for the federal environmental assessment process. The Act and its regulations, implemented in January 1995, set out, for the first time in federal legislation, the responsibilities and procedures for carrying out the environmental assessments of projects which involve the Government of Canada.

The Act is founded on a number of guiding principles:

- A healthy environment and a healthy economy can be achieved by making sure that the impacts on the environment are known before federal decisions are made. The Act recognizes the environment and the economy as interdependent.
- 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.

The Act requires the federal government to conduct an environmental assessment before a federal authority (department or agency):

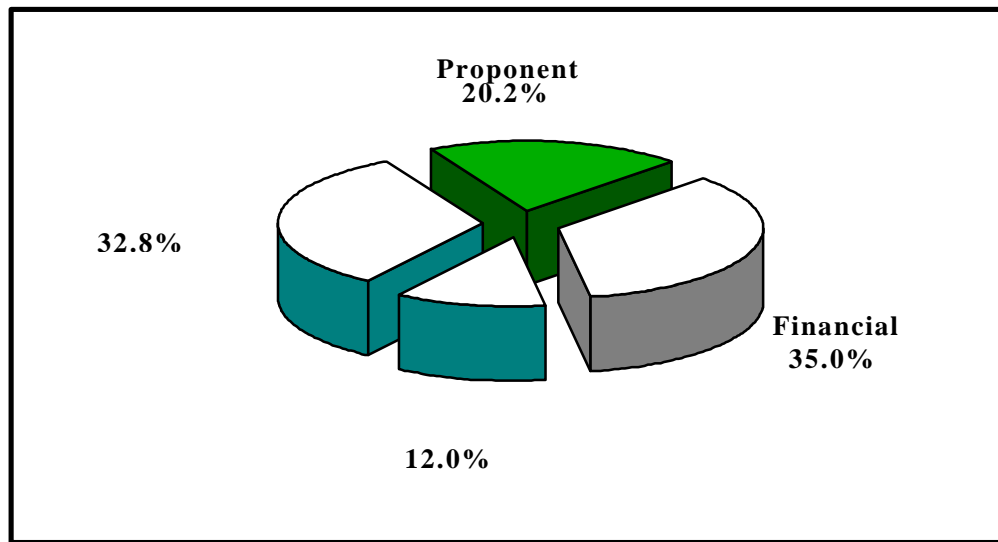
- carries out a project;
- provides financial assistance to enable a project to be carried out;
- sells, leases, disposes of an interest in federal lands or otherwise transfers control and administration of federal land to a province to enable a project to be carried out; or
- issues a licence, permit or other authorization included in the *Law List Regulations* to enable a project to be carried out.

The Act establishes four types of assessment to provide flexibility in assessing projects of varying scale and complexity:

- screening,
- comprehensive study,
- review by a mediator,
- review by a panel.



**Figure 1: Environmental Assessment Triggers  
April 1, 1995 to March 31, 1996**



More than 99 per cent of federal environmental assessments are conducted by federal authorities by means of a screening or comprehensive study.

Projects subject to a federal decision require a comprehensive study, if the project is specifically identified in the *Comprehensive Study List Regulations*. Those projects require more in-depth study. Similarly, the *Exclusion List Regulations* set out projects which do not require environmental assessment pursuant to the Act because their environmental effects are deemed to be insignificant.

Under certain circumstances, screenings and comprehensive studies can be referred for further assessment. These projects, usually small in number, are assessed by a mediator or a panel appointed by the Minister of the Environment. Panels are usually composed of at least three persons.



# PERFORMANCE

The 1995-1996 fiscal year saw the first year of operation of the Canadian Environmental Assessment Agency and the first full year of the implementation of the *Canadian Environmental Assessment Act*.

## AGENCY'S OBJECTIVES

The Agency set out to meet the following objectives for the 1995-1996 fiscal year:

- Promote the value of environmental assessment for decision makers;
- Deliver high-quality, professional services that assist departments and proponents in satisfying the requirements of the Act and the Cabinet Directive on the assessment of policies and programs;
- Manage public reviews that are fair, impartial, credible and efficient, and lead to informed decision making that further the goal of sustainable development;
- Improve the regulatory framework and develop clear, consistently applied rules for all stages of the process;
- Facilitate the co-ordination of federal environmental assessment activities across government and with other jurisdictions;
- Provide timely advice to the government on the effective implementation of both the Act and the values on which it is based;
- Be recognized as a centre for environmental assessment expertise; and
- Improve the efficiency of the federal process through measures such as cost recovery, and, in so doing, support government-wide management reform initiatives.

## ENVIRONMENTAL ASSESSMENT PROMOTION

Promotion of the value of environmental assessment is a key element of an effective environmental assessment process. The Agency has undertaken a number of initiatives to promote to a broad audience an understanding of environmental assessment, and to make more accessible the Agency's knowledge and expertise.

Major initiatives during the past year have included the publication of specialized process guides for practitioners, as well as simplified guides for the public; education and training



workshops across the country; and, the promotion of the Federal Environmental Assessment Index, a regularly updated guide to environmental assessments being conducted involving the federal government.

In 1995, the Agency created its Web site or "home page" on the Internet. The site was first intended as a means of facilitating public access to the Federal Environmental Assessment Index. However, since then the site has been expanded to include some of the Agency's extensive information holdings, as well as information on the Act, the Agency and practice of environmental assessment. The index currently has general information on approximately 5,500 environmental assessments involving the federal government, and has a sophisticated search capability for users to find detailed information on any of the environmental assessments listed. In June 1995, the Agency's home page won the Canadian Internet Award for best law resource. During the year, the Agency's Internet site received over 110,000 'visits'.

Guided by an open, two-way communications policy, the Agency has worked closely with its partners to promote the attainment of mutual objectives. The Agency has worked principally with the federal Senior Management Committee on Environmental Assessment, the multi-stakeholder Regulatory Advisory Committee, the Environmental Assessment Caucus of the Canadian Environmental Network and federal Regional Environmental Assessment Committees.

## COMPLIANCE

The Agency uses progressive communications strategies to ensure that stakeholders understand what they must do to adhere to requirements prescribed by law, and in the past year has initiated consultations with stakeholders to determine if a more formal compliance policy is required.

In addition, following the implementation of the Act, the Agency and Industry Canada undertook a joint program to monitor potential concerns with the administration of the new process, and any positive or negative impacts on competitiveness. After one year, no major problems were identified, and minor difficulties were corrected.

As part of its education strategies, the Agency has published detailed process guides, such as the *Responsible Authority's Guide* and a computerized tutorial; held country-wide training seminars; and provided project-specific advice and guidance to ease the transition to the new regime.

The following guides were developed in the past year:

- Scope of an Environmental Assessment under the *Canadian Environmental Assessment Act*;
- Assessing Environmental Effects on Physical and Cultural Heritage Resources; and
- Biological Diversity and Environmental Assessment.



## ENVIRONMENTAL ASSESSMENTS

Following is a statistical summary of federal environmental assessments (EAs) initiated during the period April 1, 1995 to March 31, 1996. Twenty two federal departments and agencies reported a total of 5,514 environmental assessments started under the *Canadian Environmental Assessment Act*.

### STATISTICAL SUMMARY

<b>Table 1: Federal Environmental Assessments Initiated Between April 1, 1995 to March 31, 1996</b>					
<b>Department</b>	<b>Total EAs</b>	<b>Type</b>	<b>Approved</b>	<b>Completed</b>	<b>Further Review</b>
Agriculture and Agri-Food Canada	426	Screening	424	424	none
Atlantic Canada Opportunities Agency	322	Screening	318	318	none
Atomic Energy Control Board	17	Screening	14	14	none
Canadian Heritage	523	Screening	404	405	none
Canadian International Development Agency	13	Screening	13	13	none
Correctional Service Canada	2	Screening	--	--	none
Department of Foreign Affairs and International Trade	5	Screening	5	5	none
Environment Canada	539	Screening	516	518	none
Federal Office of Regional Development - Quebec	770	Screening	710	710	none
Fisheries and Oceans	337	Screening	231	231	none
	6	Comp. Study	2	2	
Health	3	Screening	1	1	none
Human Resources Canada	41	Screening	39	39	none
Indian and Northern Affairs Canada					
Northern Affairs					
Northwest Territories	304	Screening	260	44	none
Yukon	356	Screening	354	354	none
Indian and Inuit Affairs	557	Screening	538	552	none
Industry Canada	77	Screening	77	77	none
National Defence	134	Screening	99	99	none
	2	Comp. Study			
National Energy Board	83	Screening	65	65	Moved to joint panel (1)
National Transportation Agency of Canada	165	Screening	119	119	none
Natural Resources Canada	69	Screening	58	58	none
Public Works and Government Services Canada	75	Screening	58	69	none
Revenue Canada, Customs, Excise and Taxation	2	Screening	—	—	none
Transport Canada	553	Screening	494	495	none
	2	Comp. Study			
Western Economic Diversification Canada	131	Screening	98	98	none
<b>TOTALS</b>	<b>5,514</b>	<b>Screenings 5,504 Comp. Study 10</b>	<b>4,897</b>	<b>4,710</b>	<b>Moved to joint panel 1</b>



## SCREENINGS AND COMPREHENSIVE STUDIES

Most environmental assessments conducted by the federal government are screenings. During the past year federal departments and agencies initiated a total of 5,504 screenings. Ten comprehensive studies were started. Projects requiring a comprehensive study are identified on the *Comprehensive Study List Regulations* of the Act.

During the past year, the Agency completed its responsibilities under the Act for three comprehensive study reports: the Musselwhite Gold Mine project (Ontario); Canadian Forces Base Calgary (Alberta); and Huckleberry Copper and Gold Mine (British Columbia). In all three studies, the Minister concluded that the projects did not require further assessment and referred the projects back to the responsible authorities, the Departments of Fisheries and Oceans and National Defence, to take appropriate decisions on the projects.

These first comprehensive study reports permitted the Agency to further develop guidelines and procedures for preparing and reviewing the reports and for conducting the statutory public consultation period. Proponents have collaborated in placing public notices in local media. The Agency, with the cooperation of its partners, has successfully managed the review process for comprehensive study reports, that is, from the reception of the report from the responsible authority to the decision by the Minister, in an average of 45 days.

## ENVIRONMENTAL ASSESSMENT PANELS

The Agency managed eleven public reviews in 1995-96: two under the *Canadian Environmental Assessment Act*, namely, Sunshine Ski Development and Express Pipeline; nine under the federal *Environmental Assessment and Review Process Guidelines Order*, namely, Elliot Lake Mines Decommissioning (Ontario), Nuclear Fuel Waste Management and Disposal Concept (National), Lachine Canal Decontamination (Quebec), Cigar Lake, McArthur River and Midwest Uranium Mining Developments (Saskatchewan), BHP Diamond Mine (Northwest Territories), Gently II (Quebec) and Pine Coulee Water Management (Alberta). The last two reviews were completed and the reports published. The government handed down a decision on two other projects reviewed by a panel: Low-level Military Flying Activities in Quebec and Labrador, and Northern Diseased Bison.

The Act requires that the public reviews conducted under the previous environmental assessment regime continue in a manner which satisfies the requirements of the *Environmental Assessment and Review Process Guidelines Order*.

Federal-provincial panels operated with respect to five projects which required public reviews under both federal and provincial processes. For these reviews, federal-provincial cost-sharing agreements were established.

The following tables summarize the details of the environmental assessment panel reviews conducted under the various regulatory regimes:





## PANEL REVIEWS 1995-96

**Table 2: Panel Reviews under the *Canadian Environmental Assessment Act***

Panel/Project Description	Referral Date	Responsible Authority	Review Status	Major Issues	Capital Costs	Target Date
<p><b>SUNSHINE</b> Sunshine Village Corporation proposes to expand the capacity of a ski resort located in Banff National Park.</p>	January 1994	Canadian Heritage	The panel is currently awaiting clarification of its terms of reference in light of decisions by the Federal Court of Canada.	Future development of the ski area and the environmental and socio-economic effects of the project	\$10 million	
<p><b>EXPRESS PIPELINE</b> Express Pipeline Ltd. proposes the construction and operation of a pipeline and related facilities to ship crude oil from southern Alberta to the United States.</p>	June 1995	National Energy Board	The joint panel completed hearings in March 1996.	Effects on native prairie vegetation as habitat for rare and endangered species, soils, hydrology, historic resources, and land use	\$189 million	June 1996



## PANEL REVIEWS 1995-96

**Table 3: Panel Reviews under the *Guidelines Order***

<b>Panel/Project Description</b>	<b>Referral Date</b>	<b>Responsible Authority</b>	<b>Review Status</b>	<b>Major Issues</b>	<b>Capital Costs</b>	<b>Target Date</b>
<b>ELLIOT LAKE</b> Rio Algom Ltd. & Denison Mines Ltd. proposes the decommissioning of uranium mine tailings management areas near Elliot Lake, Ontario.	February 1993	Atomic Energy Control Board	The panel completed the public hearing phase of the review in January 1996.	Health and safety of the public in the region , impacts on the Serpent River watershed and selection of the best approach to decommissioning	\$50 to \$240 million depending on the decommissioning method used	June 1996
<b>NUCLEAR FUEL WASTE</b> Atomic Energy of Canada Limited puts forward a concept of deep geologic disposal of nuclear fuel waste.	September 1988	Atomic Energy of Canada	Public hearings, in three phases, began in March 1996.	The safety and acceptability of the disposal concept, related to nuclear fuel waste management issues, including the social, economic and environmental implications of the concept	\$13 billion, if the concept is approved	March 1997
<b>LACHINE CANAL</b> Parks Canada proposes to dispose of contaminated sediments from the Lachine Canal and adjacent areas upstream to allow the canal to be used for public recreation.	June 1989	Parks Canada (Canadian Heritage), Old Port of Montreal Corporation	A joint federal-provincial public review held by a joint Canada-Quebec environmental assessment panel will resume in May 1996.	Environmental and social impacts of decontamination and the treatment and storage of the contaminated sediments	\$6 to \$43 million depending on method used	September 1996



## PANEL REVIEWS 1995-96

**Table 3: (concluded): Panel Reviews under the *Guidelines Order***

Panel/Project Description	Referral Date	Responsible Authority	Review Status	Major Issues	Capital Costs	Target Date
<p><b>URANIUM MINES IN NORTHERN SASKATCHEWAN</b> Cigar Lake Mining Corporation proposes the development of a uranium deposit at <b>Cigar Lake</b>.</p>	August 1991	Energy, Mines and Resources (Natural Resources Canada)	The panel is reviewing the Environmental Impact Statement. Hearings are scheduled for September and October 1996. A supplementary session on tailings disposal will be scheduled at a later date.	Effects of mining developments on the physical environment, socio-economic impacts and the impacts on health and safety	\$410 million	April 1997
<p>Cameco Corporation proposes the development of a uranium mine at <b>McArthur River</b>.</p>	August 1991	Same	Hearings are scheduled for September and October 1996.	Same	\$360 million	March 1997
<p>Cogema Resources Inc. proposes the development of the <b>Midwest</b> mine.</p>	July 1994	Atomic Energy Control Board	Panel hearings are scheduled for May and June 1996. A supplementary session on tailings disposal will be scheduled at a later date.	Same	\$360 million	April 1997
<p><b>BHP DIAMOND MINE</b> BHP Diamonds Inc. proposes the development of an open-pit and an underground diamond mine in the Lac de Gras area of the Northwest Territories.</p>	July 1994	Indian and Northern Affairs Canada	The panel received an Environmental Impact Statement in July 1995 and held 18 days of public hearings in nine Northwest Territories communities in January and February 1996.	Effects on environmental and social-economic impacts with the development and operation of the mine	\$750 million	Mid-1996



## PANEL REVIEWS 1995-96

**Table 4: Completed Panel Reviews under the *Guidelines Order***

Panel/Project Description	Referral Date	Responsible Authority	Review Status	Major Issues	Capital Costs	Target Date
<p><b>NORTHERN DISEASED BISON</b> Parks Canada (now part of Canadian Heritage) and Agriculture and Agri-Food Canada searched for solutions to deal with a herd of threatened subspecies bison with a high prevalence of both tuberculosis and bovine brucellosis.</p>	April 1988	Parks Canada (Canadian Heritage), Agriculture and Agri-Food Canada	The panel submitted its report to Ministers in August 1990.	Bovine tuberculosis and brucellosis in bison herds in Wood Buffalo National Park, sustaining healthy bison herds, preventing the spread of the diseases	No capital costs	Government response to the panel's recommendations: April 1995
<p><b>LOW LEVEL MILITARY FLYING ACTIVITIES</b> The Department of National Defence proposed to increase the number of aircraft, increase training flights to a maximum of 18,000, extend the flying season, provide additional target area and change the designated flying areas for flight training activities in the Quebec-Labrador peninsula.</p>	February 1986	National Defence	The panel conducted public hearings in September and October 1994, and submitted its report in February 1995.	Mitigation and monitoring, impact on human health, the natural environment, land use and socio-economic effects	Projected expenditure over 15 years is \$1.5 billion and operations costs	Government response accepting most of the panel's recommendations: May 1995
<p><b>GENTILLY II</b> Hydro Quebec proposed to build a dry-storage facility for spent nuclear fuel waste at its Gentilly II nuclear power station (Quebec).</p>	June 1994	Atomic Energy Control Board	The federal-provincial panel submitted its report in December 1994.	Safe storage of the nuclear waste, environmental impact and potential hazards to human health	\$50 million	AECB response, accepting the panel's recommendations: April 1995
<p><b>PINE COULEE</b> Alberta Public Works and Supply Services proposed a water management project consisting of a diversion weir and supply canals.</p>	June 1994	Transport Canada	Public hearings were conducted in September, October 1994. In February 1995, the panel submitted its report and recommended approval be given	Impact on navigation, Aboriginal interests, fish and fish habitat, migratory birds and vulnerable, threatened or endangered wildlife species	\$770 million	Government response accepting the panel's recommendations:





## **ASSESSMENTS UNDER THE JAMES BAY AND NORTHERN QUEBEC AGREEMENT**

The Waskaganish local administration undertook an environmental assessment of a project to relocate the village's water intake. On the basis of the impact study submitted and of additional information requested by the Federal Review Panel South of the 55th Parallel (COFEX - South), the project was approved in January 1996 with certain conditions.

## **PARTICIPANT FUNDING PROGRAM**

The Participant Funding Program began in 1991-1992 to help concerned citizens and organizations participate effectively in the environmental assessment of projects through mediation and panel reviews. The Act now provides a statutory basis for the program. The fund is administered by the Agency.

During the past year, the government provided \$470,000 to a total of 76 recipients.

An evaluation of the effectiveness and efficiency of the program was completed in 1995-1996, and concluded that the program was meeting its objectives.

## **THE PUBLIC REGISTRY SYSTEM**

Under the Act, a government-wide public registry system has been developed in consultation with all federal government departments. It provides convenient and cost-effective public access to information related to environmental assessments conducted under the Act. The Public Registry System was implemented in January 1995.

The Registry is accessed through the Federal Environmental Assessment Index which is distributed monthly to over 170 public, university and government libraries, and is available on the Internet. The Index provides basic information, a contact for further information and related documents on environmental assessments being conducted involving the federal government. The system has facilitated public participation in the process and enhanced the exchange of information.

## **REGULATORY DEVELOPMENT**

During the past year, the Agency initiated the development of three additional regulations to meet specific needs and circumstances: the Federal Co-ordination, Projects Outside Canada and Inclusion List, Part II regulations. This development is being undertaken in consultation with other federal departments and agencies, provincial and territorial governments, the private sector, environmental and Aboriginal groups and the general public, and with the assistance of the multi-stakeholder Regulatory Advisory Committee. Two other rule-making options are being actively pursued: Panel Procedures and Crown Corporations.



## **Federal Co-ordination**

This regulation, formerly known by the working title, One Project-One Assessment, will ensure that federal environmental assessment is efficiently co-ordinated among federal authorities under the Act. The proposed regulation includes two elements:

- early identification and notification of the federal authorities which may be involved in a project; and
- a requirement that federal responsible authorities release their determinations on adverse environmental effects according to schedule.

The regulation ensures that federal environmental assessment is efficiently co-ordinated among federal authorities; provides private sector proponents with certainty on the timing of federal determinations; reduces the likelihood of multiple environmental assessments of the same project; and facilitates co-ordination with the provinces and territories on environmental assessment.

## **PROJECTS OUTSIDE CANADA**

This regulation will allow the federal government to assess projects outside Canada in a manner that takes into account principles of international law, sovereign rights, Canada's international relations objectives and overseas development assistance and trade. The regulation will vary and exclude certain procedures and requirements of the Act in order to adapt the process for projects undertaken outside of Canada. In doing so, the regulation will support the development of environmental assessment processes in other countries; enhance international co-operation; and facilitate a more streamlined and efficient process.

## **PANEL PROCEDURES**

The Act provides for the development of procedural regulations, including timelines, for all phases of the environmental assessment process. The first set of procedures to be developed will be for the panel review phase of the process. A subcommittee of the Regulatory Advisory Committee is developing, through broad consultations, procedures to lay the groundwork for a more effective and efficient process that is nationally consistent. The committee will review the procedures and recommend whether they should be set out in a guideline or regulation, or a combination of both.

## **INCLUSION LIST, PART II**

Part II of the Inclusion List Regulations will prescribe additional physical activities not relating to a physical work, for the purpose of the definition of 'project' in the Act. This will broaden the scope of application of the Act to require environmental assessments of a greater number of physical activities that have potential to cause significant environmental effects. A subcommittee of the Regulatory Advisory Committee has overseen the preparation of a preliminary list of candidate activities for consideration, incorporating suggestions from government departments, industry associations and environmental groups. The list will be further developed and refined to produce a draft of the new regulation.



## **CROWN CORPORATIONS**

During 1995-1996, the Agency drafted a discussion paper on rule-making options for Crown corporations. These options were the object of discussion at the March 1996 meeting of the Regulatory Advisory Committee.

Crown corporations are not currently covered by the Act. The proposed regulation will establish the obligations of these corporations to conduct environmental assessments in the spirit of the Act. It will reflect the particular circumstances of the corporations such as commercial competitiveness, and will allow for flexibility of the process.

## **INITIATIVES INVOLVING ABORIGINAL PEOPLES**

During the past year, the Agency has provided advice and assistance to federal officials involved in developing environmental assessment provisions for implementation legislation for four comprehensive land claim Final Agreements and for environmental assessment provisions in nine Agreements in Principle.

In addition, the Agency provided advice and assistance on the environmental assessment requirements of the *Framework Agreement on First Nation Land Management*. The Agency's efforts have continued to promote the development of Aboriginal regimes which are consistent with those of other jurisdictions and which may be co-ordinated with other regimes.

In October 1995, the Agency distributed the "Options for Environmental Assessment by First Nations" paper to Band Councils throughout Canada. The paper outlines possible consultative and process development options for the proposed *Canadian Environmental Assessment Act* regulations dealing with Indian lands and funding. It is the first step in a series of consultations with First Nations across Canada.

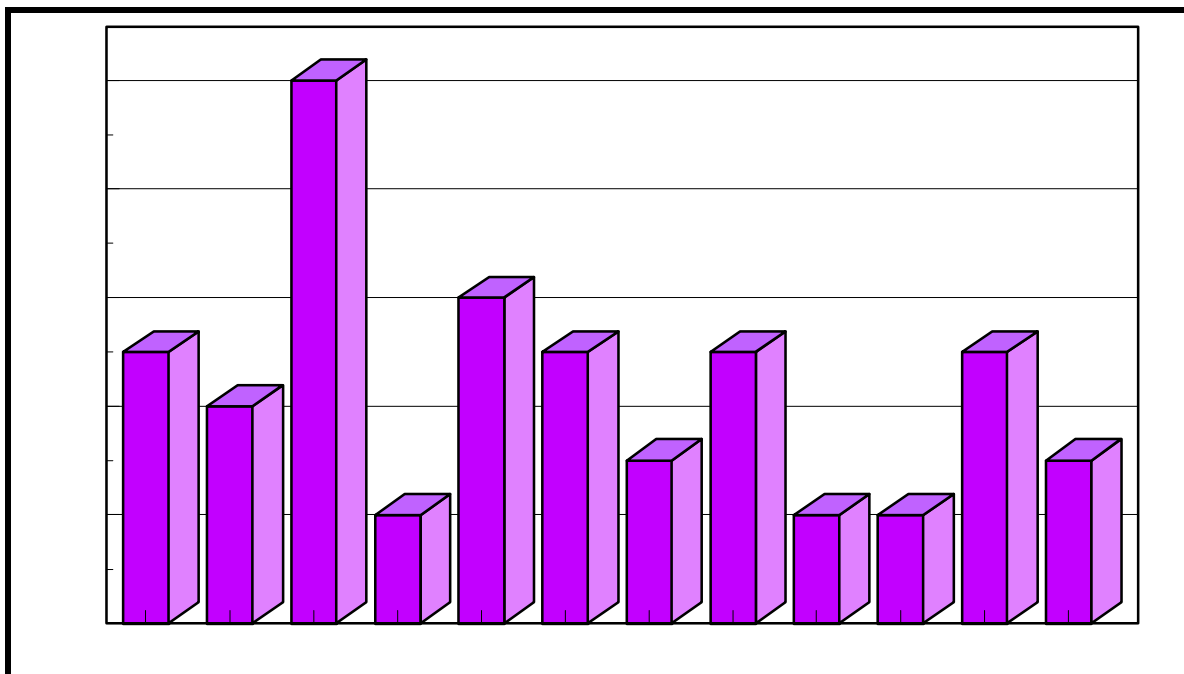
## **FEDERAL-PROVINCIAL CO-ORDINATION**

A number of projects across Canada are subject to the environmental assessment regimes of both the federal and provincial governments. The Agency is developing agreements with the provinces to ensure that one assessment process is used which meets the requirements of both jurisdictions. The *Framework for Environmental Assessment Harmonization*, adopted by the Canadian Council of Ministers of the Environment in November 1992, has provided the basis for the development of these bilateral agreements.





**Figure 2: Environmental Assessments by Province  
April 1, 1995 to March 31, 1996**



Currently, the Agency has concluded bilateral agreements with Alberta and Manitoba. These agreements outline how federal and provincial legal and operational requirements will be met. They establish designated offices to act as a federal liaison with the provincial environmental assessment administrators, stakeholders and developers. Federal offices were established in Edmonton in September 1994, Winnipeg in May 1995, and Halifax in March 1995. (See below, 'Procedural Advisory Services and Client Liaison')

Discussions with British Columbia and Ontario are now at an advanced stage, with agreements expected in the coming fiscal year.

## **PROCEDURAL ADVISORY SERVICES AND CLIENT LIAISON**

The Agency provides its clients with ready access to a number of services that enhance the quality of environmental assessment activities: procedural advice and support and assistance in identifying opportunities to apply environmental assessment early in the planning and decision-making process.

Regional offices serve this function. They are located in **Vancouver** (serving British Columbia, Yukon and the Northwest Territories); **Edmonton** (serving Alberta); **Winnipeg** (serving Manitoba and Saskatchewan); **Halifax** (serving Newfoundland, Nova Scotia, New Brunswick and Prince Edward Island); and in **Head Office** for Ontario and Quebec.



Regional offices provide the following services:

- a "single window" for public access to information on the federal environmental assessment process and requirements of the Act;
- a centre for facilitating the regional application of the *Canadian Environmental Assessment Act* by providing process advice and direction to all appropriate federal and provincial authorities;
- a follow-up service for information on federal environmental assessment requirements;
- a walk-in and mail-out service for information and publications regarding the implementation of the Act; and
- Agency participation in local development planning exercises and in speaking engagements at conferences, meetings and at educational institutions on the federal role in environmental assessment.

## **COST RECOVERY AND PROCESS EFFICIENCY**

The 1995 federal Budget introduced a number of measures pertaining to the cost-recovery of federal goods and services. Among these measures was a reference to environmental assessment:

“The Minister of the Environment will develop, in consultation with concerned Ministers, provinces and stakeholders, proposals for recovering costs attributable to environmental assessments as well as options for streamlining procedures and timelines for the environmental assessment process”.

To give effect to this mandate, the Agency created an interdepartmental working committee composed of federal departments involved in undertaking most of the government's environmental assessments. The committee developed a *Discussion Paper on Cost Recovery* and a *Position Paper on Process Efficiency* for release in mid-1996. These papers will serve as the basis for consultations with all stakeholders. Following the consultation period, proposals on recovering the cost of environmental assessment and improving the efficiency of the environmental assessment process will be prepared for the consideration of ministers.

Process efficiency is closely associated with the cost recovery initiative. If costs are to be recovered from proponents who benefit directly from environmental assessment, then it must clearly be demonstrated that the system is efficient.

The government has already begun to implement process efficiency. The *Canadian Environmental Assessment Act* represents the ongoing evolution of the practice of environmental assessment at the federal level. One year after the promulgation of the Act, many of the intended reforms are in place and others are being developed.



## INTERNATIONAL AFFAIRS

Canada is well regarded internationally and plays an active role on the world stage in the field of environmental assessment. The Canadian process was recently praised in the Organization for Economic Co-operation and Development's Environmental Performance Reviews: "Notable achievements have been made in integrating environmental considerations into economic and sectoral policies". The Agency also received the International Association for Outstanding Achievement Award for 1995.

The government has stated its commitment to actively promote sustainable development in the international sphere, and Canada is signatory to several international agreements involving environmental assessment. International relationships give Canada the opportunity to share environmental assessment expertise and, at the same time, access research being undertaken by other countries as a cost-effective way to enhance the Agency's environmental assessment knowledge base.

As a signatory to the United Nations Economic Commission for Europe, *Convention on Environmental Impact Assessment in a Transboundary Context*, the Agency, on behalf of Canada, has been addressing the issues related to the implementation of the Convention so that it can be ratified. The Convention will apply to projects in Canada that may cause significant adverse transboundary environmental effects.

Canada is a signatory to the *North American Agreement on Environmental Co-operation* which contains provisions for the assessment of projects likely to cause significant adverse transboundary effects. The Agency, on behalf of Canada, is working with the United States and Mexico to develop recommendations with respect to the notification, assessment and mitigation of such projects.

In 1993, the Agency's forerunner, the Federal Environmental Assessment Review Office, launched, in collaboration with the International Association for Impact Assessment, a three-year International Study of the Effectiveness of Environmental Assessment. One objective of the study is to strengthen environmental assessment as a practical tool for decision making in support of sustainable development. It draws primarily on experience and sound practice to identify lessons for the future. The completion of the study will be marked with a final report to be published in mid-1996 at the IAIA's annual conference in Lisbon, Portugal. It will recommend areas of environmental assessment that need further research and means to improve existing processes.

The Agency has developed, in collaboration with international agencies and organizations, a report for the establishment of an environmental assessment managers' Internet network. The project was one of a number detailed in the Agenda for Action of the first International Summit on Environmental Assessment held in Quebec City in June 1994.

Bilateral environmental agreements have been signed with Hong Kong, China, Russia, the Netherlands, Poland, Mexico and, most recently, Chile. These arrangements are intended to promote co-operation on the environment and to share environmental management experience. They include provisions for the exchange of specialists; the exchange of scientific, technical and environmental information; and sponsorship of joint workshops, programs and projects.



# PUBLICATIONS LIST

Following is a list of selected titles that can be obtained from the Agency's Publications Service:

Canadian Environmental Assessment Agency  
Publications Service  
200 Sacré-Coeur Boulevard  
Hull, Quebec  
K1A 0H3

Telephone: (819) 994-2578  
Facsimile: (819) 953-2891  
Internet Site: <http://www.ceaa.gc.ca>  
Internet E-mail: [parents@fox.nstn.ca](mailto:parents@fox.nstn.ca)

The Agency is currently reviewing its cost-recovery policy with respect to publications. Unless otherwise indicated, publications are free of charge. As a rule, publications of a general nature are free of charge and available on the Internet or in printed versions. Publications, usually of a technical nature, which are destined for specialized groups, have a price associated with them. Such publications are not on the Internet. Agency publications can be consulted free of charge at any library taking part in the federal government's Depository Services Program.

## PRINT PUBLICATIONS

### 1. GENERAL

*Environmental Assessment: It's in our Hands* (corporate brochure)  
(This brochure is available for the visually challenged in alternative formats: audio cassette, large print, computer diskette and braille.)

*Accessible Public Information on Federal Environmental Assessments*  
(Federal Environmental Assessment Index brochure)

Fact Sheets Series

- I. *Highlights of the Canadian Environmental Assessment Act*
- II. *An Overview of the Canadian Environmental Assessment Process*
- III. *The Canadian Environmental Assessment Agency*
- IV. *Putting the Act into Practice - the Canadian Environmental Assessment Act Regulations*
- V. *Public Participation under the Canadian Environmental Assessment Act*

*The Canadian Environmental Assessment Process, Citizen's Guide*

*First Annual Report, January 19 to March 31, 1995*



## **2. ENVIRONMENTAL ASSESSMENT PROCESS GUIDES**

*The Responsible Authority's Guide* (\$46.00)

*Training Compendium* (\$56.00)

The Training Compendium includes all of the above-mentioned guides and fact sheets, the Act and regulations and CLEAR, a computerized tutorial on the application of the Act.

*Physical and Cultural Heritage Resources (New Reference Guide of the Responsible Authority's Guide)* (\$4.25)

## **3. ENVIRONMENTAL ASSESSMENT PANEL REPORTS**

*Air Traffic Management in Southern Ontario, Interim Report of the Environmental Assessment Panel*

*Dominique-Janine Extension, McLean Lake Project and Midwest Joint Venture*

*Dry Storage of Irradiated Nuclear Fuel from the Gentilly 2 Power Station*

*Fraser-Thompson Corridor Review*

*Military Flying Activities in Labrador and Quebec*

*McArthur Underground Exploration Program*

*Northern Diseased Bison*

*The Northumberland Strait Crossing Project*

*Oldman River Dam*

*Rafferty-Alameda Project*

*Pine Coulee Water Management Project, Willow Creek Basin, Southwest of Stavely, Alberta*

*Rabbit Lake Uranium Mining A-Zone, D-Zone and Eagle Point*

*Vancouver International Airport, Parallel Runway Project*



#### **4. SPECIAL PUBLICATIONS**

*Sandspit Small Craft Harbour Mediation Process, Evaluation of the Mediation Process* (\$9.95)

*An Evaluation of the Environmental Impact Statement on Atomic Energy of Canada Limited's Concept for the Disposal of Canada's Nuclear Fuel Waste, Report of the Scientific Review Group of the Environmental Assessment Panel* (\$20.00)

*International Study of the Effectiveness of Environmental Assessment, Information Bulletin No. 1, March 1994* (Co-published with the International Association for Impact Assessment)

*International Study of the Effectiveness of Environmental Assessment, Proposed Framework* (Co-published with the International Association for Impact Assessment)

*International Study of the Effectiveness of Environmental Assessment, Environmental Assessment: Toward Improved Effectiveness, Interim Report and Discussion Paper, December 1995* (Co-published with the International Association for Impact Assessment)

*International Study of the Effectiveness of Environmental Assessment. Environmental Assessment in Canada: Frameworks, Procedures and Attributes of Effectiveness* March 1996 (Co-published with the International Association for Impact Assessment)

*International Summit on Environmental Assessment, Final Report, December 1994* (Co-published with the International Association for Impact Assessment)

*International Study of the Effectiveness of Environmental Assessment, Information Bulletin, Update, April 1995* (Co-published with the International Association for Impact Assessment)

*International Study of the Effectiveness of Environmental Assessment, Towards an Environmental Assessment Network* (Co-published with the International Association for Impact Assessment)

#### **5. RESEARCH AND DEVELOPMENT SERIES**

*Directory of Environmental Assessment Practices in Canada* (\$6.25)

*Strategic Environmental Assessment, A Bibliography* (\$4.75)

*A Guide on Biological Diversity and Environmental Assessment*



## ELECTRONIC PUBLICATIONS

*Federal Environmental Assessment Index* (updated monthly)

Internet version: <http://www.ceaa.gc.ca>

CD-ROM Version (Subscription: \$120.00/year, except for participants in the government's Depository Services Program)

*CLEAR* - Computerized tutorial on the application of the *Canadian Environmental Assessment Act* (\$23.00)



# ACKNOWLEDGEMENTS

This annual report represents a team effort by members of the Agency; each team had a hand in writing the summary of its activities for the year under review. The report was then edited in both official languages and designed entirely in-house. We gratefully acknowledge the contribution of the following members in the production of the report:

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