



Transport Canada / Transports Canada

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# ENVIRONMENTAL ASSESSMENT FACTS



Canada

TC-1002319



## WHEN DOES THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT APPLY?

The *Canadian Environmental Assessment Act* (the CEAA) is federal legislation that applies to any federal authority, such as Transport Canada, that is considering taking a specific action in support of a project.

When a federal authority has CEAA responsibilities they are called a Responsible Authority (RA). A project can have one or more RAs.

The main purpose of the CEAA is to ensure that federal decision-makers assess the potential environmental effects of a project early on in the project development process before they take an action in support of a project.

These actions, also known as “triggers”, occur when Transport Canada and any other RAs:

- 1) is the proponent of a project;
- 2) provides financial assistance to enable a project to proceed;
- 3) leases, sells or disposes of land to enable a project to proceed; and/or,
- 4) exercises a regulatory duty to permit a project to proceed and that regulatory duty is included in the *Law List Regulations*.

Most of the time, Transport Canada is required to apply the CEAA because the department is considering granting an approval under the *Navigable Waters Protection Act* (NWPA), one of the duties listed in the CEAA *Law List Regulations* (no.4 above). The NWPA protects the public’s common law right to navigation by ensuring substantial interference to navigation is limited or mitigated prior to approving works in navigable waters.

Before Transport Canada or any other RA can issue a regulatory approval, or take any of the other actions noted above, they must first address the requirements of the CEAA. For example, if Transport Canada triggers CEAA because of the NWPA and Fisheries and Oceans Canada triggers CEAA because of *Fisheries Act* requirements, both departments will act as an RA and will work together to address CEAA requirements.

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## TYPES OF ENVIRONMENTAL ASSESSMENTS (EAs)

There are two types of EAs that can be undertaken: screenings and comprehensive studies. Projects, in rare cases, may have to be further assessed through a panel or subject to mediation if there are unresolved issues related to environmental effects or public concerns.

The vast majority of the CEAA assessments are screenings. While the term “screening” may suggest a cursory review, screenings involve the systematic assessment of environmental effects and mitigation measures in order for an RA to make a decision on the significance of environmental effects and whether or not to take an action in support of the project. For smaller projects, screenings may be carried out over a few weeks, with primarily secondary source information, such as existing reports, as the main data source.

All projects are subject to screenings unless they are identified on the *Comprehensive Study List Regulations*. Projects on the *Comprehensive Study List Regulations* are typically large-scale undertakings and for this reason a more intensive assessment is required.

## CEAA RESPONSIBILITIES

While the CEAA permits an RA to delegate the preparation of the screening report to a proponent or other party, Transport Canada may prepare the screening report for small projects, where the department is the sole RA.

When undertaking assessments in accordance with CEAA requirements, Transport Canada will consider:

- the changes that may occur to the existing environment as a result of the construction, operation, modification, decommissioning and abandonment of the project, including a consideration of the environmental effects of accidents and malfunctions and cumulative environmental effects;
- the significance of the above effects;
- measures to mitigate any significant adverse environmental effects;
- in some cases, any monitoring and/or follow-up programs; and,

- Any change to the project that may be caused by the environment will also be considered.

The RA may also consider other matters relevant to the assessment. For example, public comments may be taken into consideration when undertaking a screening, although an RA has the discretion to determine whether public participation is appropriate.

An overview of the CEAA is provided in Figure 1.

## THE PROJECT DESCRIPTION

Before undertaking the EA, the proponent will be asked to provide an accurate and current project description to Transport Canada and any other federal authority or authorities likely to require an environmental assessment under the CEAA.

The project description should include information such as:

- the need and nature of the project;
- general description of site and land features (e.g. waterways, vegetation cover, etc.)
- the main components and activities of the project, including any permanent and temporary structures, associated infrastructure, associated construction and type of equipment used;
- the interaction between project components and activities with the environmental components;
- production capacity and/or the size (e.g., the size of the dock) of the main components of the project;
- the construction, operation and decommissioning phases, and the timing and scheduling of each phase (time of year, frequency, duration, magnitude and extent of activities);
- site plans/sketches with project location, features, activities on map;
- engineering design details, when applicable (e.g., temporary diversion works);
- identification of requirements for off-site land use;
- the production processes to be used in the project;
- the project's raw materials, energy and water requirements and sources, including associated infrastructure (such as access roads);

- excavation requirements and quantity of fill added or removed;
- identification of any toxic/hazardous materials to be used or by-products of the project;
- the nature of any solid, liquid or gaseous wastes likely to be generated by the project, and of plans to manage these wastes;
- disposal procedures for any toxic/hazardous materials to be used or by-products of the project; and,
- design approaches or best practices that will be employed as part of the project to minimize environmental impacts.

Proponents are encouraged to submit this project description once details about the project are known, with any gaps or uncertainties in relation to project details identified. The project description will likely need to be updated as further information on the project becomes available.

A good communication and frequent exchanges are essentials between Transport Canada, any other RAs or expert departments and the proponent in order to insure an efficient information sharing.

In some cases, proponents may know if there are other federal authorities that may have regulatory or CEAA requirements. For example:

- if federal funding is being sought, CEAA will likely need to be addressed by the funding agency;
- if there are other approvals that are noted in the *Law List Regulations*, the approving authority may have CEAA responsibilities (e.g., Fisheries and Oceans Canada for approvals under the Fisheries Act); and,
- if federal lands are involved, the federal land owner may have CEAA requirements.

If the proponent knows of other federal authorities that may have CEAA requirements, the proponent is encouraged to identify these in the project description.

The Regional Offices of the Canadian Environmental Assessment Agency ([www.ceaa.gc.ca](http://www.ceaa.gc.ca)) can assist the proponent in identifying other federal authorities and other jurisdictions they may have to contact.

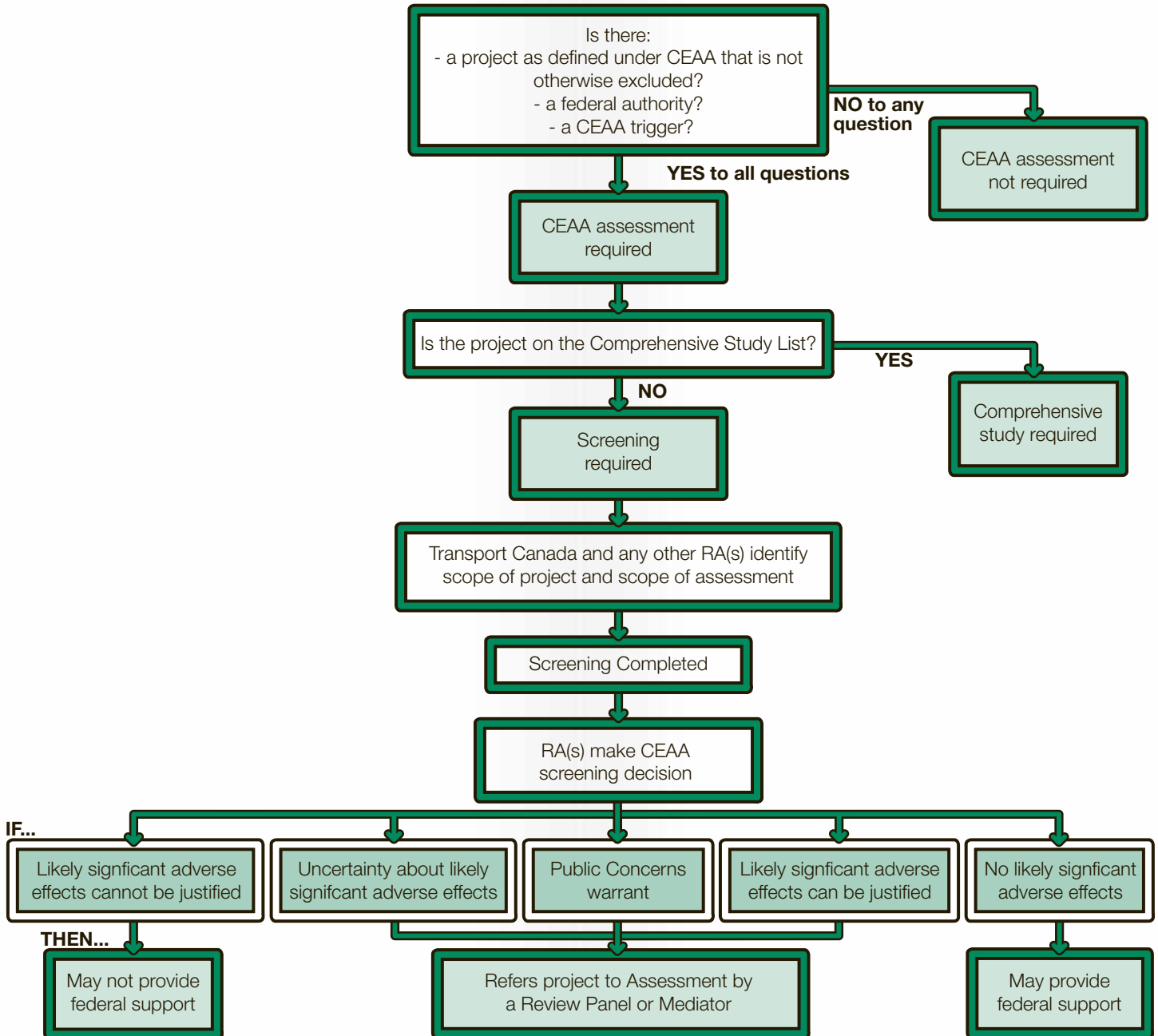
Further guidance on project descriptions can be found in the Canadian Environmental Assessment Agency's Operational Policy Statement: *Preparing Project Descriptions under the Canadian Environmental Assessment Act* (August 2000). This can be found on their website at [www.ceaa.gc.ca](http://www.ceaa.gc.ca).

*The timely provision of an adequate project description by the proponent is critical to enabling federal authorities to determine whether a federal environmental assessment is required and, if one is required, to facilitate its efficient conduct. The quality and completeness of the project description have a direct bearing on time lines. Incomplete or inadequate information will lead to delays in initiating and completing the environmental assessment process.*

## DEFINING THE SCOPE OF PROJECT

A key step in conducting an environmental assessment is defining the scope of project. This is the process of defining what project components will be assessed through CEAA. The requirement for scoping the project rests with the RA. However, the proponent plays a very important role in providing information to the RA so that appropriate scoping decisions and assessment of effects can be undertaken. This is done through the provision of a project description.

**FIGURE 1: CANADIAN ENVIRONMENTAL ASSESSMENT ACT – SCREENINGS**



## THE CANADIAN ENVIRONMENTAL ASSESSMENT REGISTRY (CEAR)

RAs are responsible for posting a notice on the Canadian Environmental Assessment Registry noting that the environmental assessment has commenced. Any decisions arising from the assessment will also be posted on this registry. It should be noted that certain timelines are imposed for posting certain decision on the CEAR (e.g. some timelines must be respected for posting the Decision).

## ROLE OF EXPERT FEDERAL DEPARTMENTS

While some federal authorities may be RAs (decision makers under CEAA) there may also be expert departments. These federal departments provide expert advice to RAs on technical and scientific matters even though they do not have formal decision making responsibilities under CEAA. For instance, Environment Canada is often considered as an expert federal department.

## PROCEEDING WITH YOUR PROJECT

After Transport Canada has completed the environmental assessment they will determine whether or not the proposed project is likely to have significant adverse environmental effects. If Transport Canada concludes the project is not likely to have significant environmental effects, Transport Canada can then make a separate decision on whether or not to take an action which **may** allow a project to proceed in whole or in part (e.g. granting of an approval under the NWPA, provision of funding). The EA determination is not an approval allowing a proponent to proceed with a project, but rather a determination that Transport Canada may take an action in support of a project. Other approvals may also be required and it is only after all approvals have been granted that the proponent will be able to proceed with the project.

## RESPONSIBILITY FOR MITIGATION MEASURES AND FOLLOW-UP PROGRAMS

Through the environmental assessment, Transport Canada may have identified specific mitigation measures and/or follow up programs that are required to address environmental effects. The proponent may be asked to provide evidence to Transport Canada that mitigation measures have been implemented.

For screenings, the proponent may be asked to sign the final EA to acknowledge that they have read and understood the environmental screening report and accept responsibility for the implementation of the mitigation measures and follow-up programs documented in the screening report.

While the CEAA applies to federal authorities, the proponent plays an important role in the efficient and effective execution of the act through:

- the exchange of information with federal authorities; and,
- the implementation of the project consistent with the assessment, decisions, and mitigation measures outlined in the EA.

## FOR MORE INFORMATION

Transport Canada has published a *Proponent's Guide for Environmental Assessment*. This document provides additional information on Transport Canada's mandate, the CEAA and the NWPA. Additional information can also be obtained from Transport Canada's regional offices. Contact information can be found on the Transport Canada website ([www.tc.gc.ca](http://www.tc.gc.ca)).







