



**Affaires autochtones et
Développement du Nord Canada**

**Aboriginal Affairs and
Northern Development Canada**



Canadian Environmental Assessment Act (CEAA) 2012

Aboriginal Affairs and Northern Development Canada (AANDC)
An Environmental Management Approach

October 2, 2012



Overview

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Background: CEAA 2012

- *CEAA 2012*: Part of Government's plan for **Responsible Resource Development (R2D)** to modernize the regulatory system and allow for natural resources to be developed in a responsible & timely way.
- Amendments to *CEAA 2012* came into effect on July 6, 2012.
- Change in focus to **larger projects** with potential for significant environmental effects:
 - *Regulations Designating Physical Activities*: (<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2012-147/FullText.html>)
 - similar to old Comprehensive Study list.



Background: CEAA 2012

- **Three bodies now responsible for environmental assessments (EAs):**
 - Canadian Environmental Assessment Agency (the Agency) - *responsible for most projects*
 - Canadian Nuclear Safety Commission (CNSC)
 - National Energy Board (NEB)

} *for projects within their mandates*
- **Two types of EAs:**
 - Standard
 - Panel review
- **Legislated timelines & enforceable conditions**
 - 12 months (standard EA)
 - 24 months (Panel review)
- **Provisions for non-designated projects on federal lands**



Background: CEAA 2012

Projects on Federal Lands

- Federal authorities obliged to ensure that projects on federal lands do not cause significant adverse environmental effects:

67. An authority must not carry out a project on federal lands, or exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act that would permit a project to be carried out, in whole or in part, on federal lands, unless

- (a) the authority determines that the carrying out of the project is not likely to cause significant adverse environmental effects; or
- (b) the authority determines that the carrying out of the project is likely to cause significant adverse environmental effects and the Governor in Council decides that those effects are justified in the circumstances under subsection 69(3).



Background: CEAA 2012

Projects on Federal Lands - reporting

71. (1) The federal authority must, at the end of each fiscal year, report on its activities under sections 67 to 69 during the previous (*fiscal year*).
- (2) The information on its activities must be laid before each House of Parliament during the fiscal year after the fiscal year to which the information relates.

- No more requirement to post EAs to a public website (recall the old Canadian Environmental Assessment Registry).
- Instead, AANDC must report to Parliament yearly on its activities.



AANDC's Environmental Management Approach

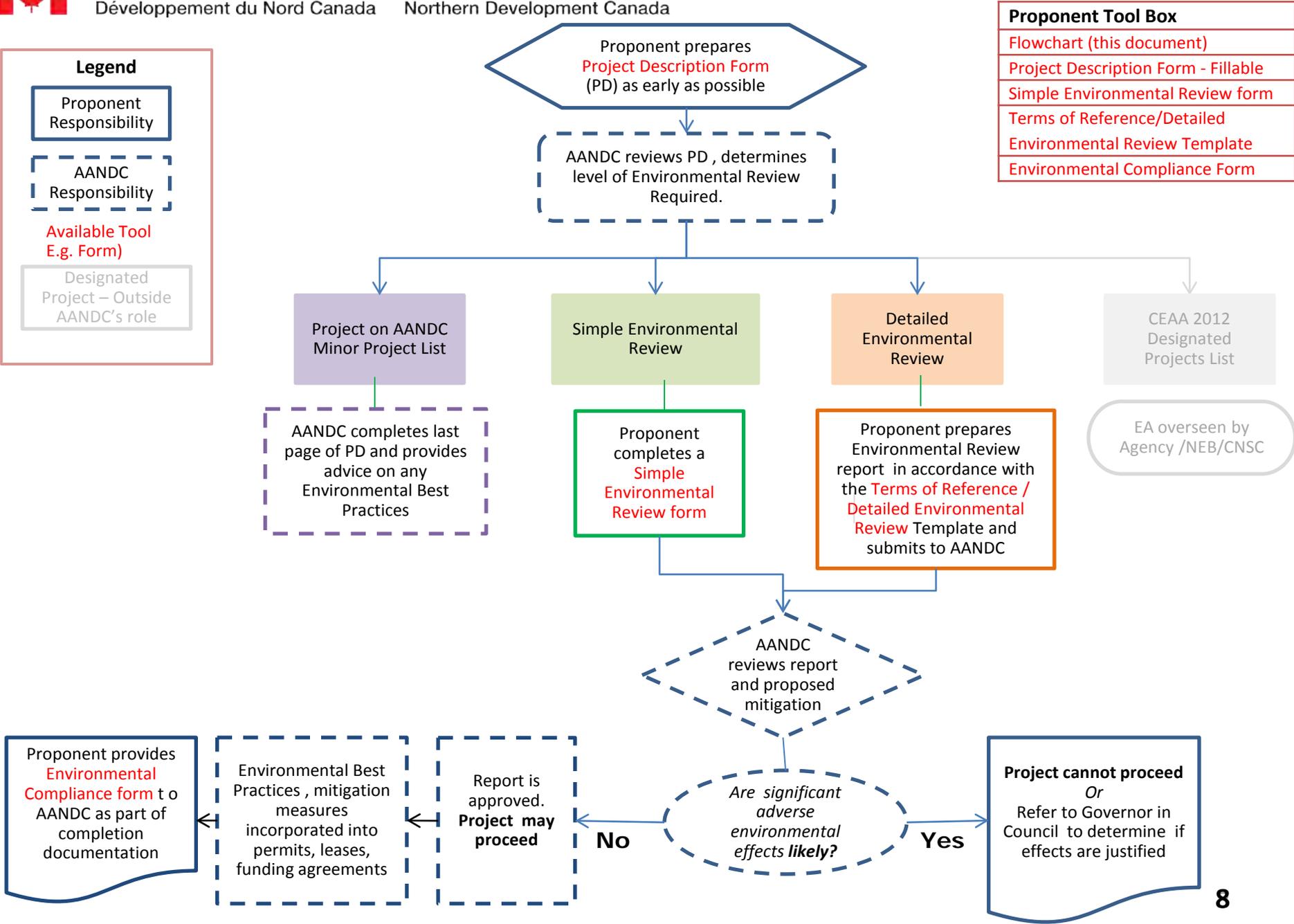
- National Steering Committee and task teams are developing an *AANDC Environmental Management Approach* to meet requirements of CEAA 2012.
- Principles:
 - Applies to AANDC-supported projects (**permits, leases or funding**).
 - Develops or modernizes elements of the existing processes (i.e. old CEAA screening process) as appropriate.
 - Analysis should be commensurate with the risk and likelihood of significant adverse environmental effects.
 - Projects are still subject to all applicable federal laws, standards and permits.
 - Seek subject matter expertise from other departments and agencies.



Proponent Tool Box
Flowchart (this document)
Project Description Form - Fillable
Simple Environmental Review form
Terms of Reference/Detailed Environmental Review Template
Environmental Compliance Form

Legend

- Proponent Responsibility
- AANDC Responsibility
- Available Tool E.g. Form
- Designated Project – Outside AANDC's role





How is “project” defined?

- s. 66. “*project*” means a physical activity that is carried out in relation to a physical work and is not a designated project.
- Not a “project”: *studies, equipment purchase, loan repayments.*
 - However, AANDC environment officers may input into feasibility studies, and terms of references to advise on environmental legislative requirements and best practices.
 - If in doubt, consult your AANDC environment officer!



What about off-reserve projects?

- CEAA s. 67 only applies to federal lands.
- Off-reserve projects must satisfy all applicable laws, standards and permits.



In summary...

- Legal obligation remains to ensure projects & activities **on federal lands** do not result in adverse environmental effects.
- Streamlined process will match the **level of review to the environmental risk** of a project.
- **Off-reserve projects** subject to all applicable laws, standards and permits.
- AANDC environment officers will continue to participate on project teams, review documents, and **advise on environmental legislative requirements and best practices.**
- AANDC will continue to work closely with First Nations/Tribal Councils to ensure that decisions are made in a timely and environmentally responsible manner.



Next Steps

- AANDC continues to develop/implement the *environmental management approach*.
 - Testing and final approval of tools ongoing (November to March 2012).
- Information sessions & communication with First Nations/Tribal Councils (September to March).
- Establishment of coordinated referral process with expert departments (e.g., Environment Canada, DFO).



Further information

- **Canadian Environmental Assessment Act 2012**
<http://laws-lois.justice.gc.ca/eng/acts/C-15.21/FullText.html>
- **Environmental Management Approach for Non-Designated Projects on Reserve Land**
<http://www.aadnc-aandc.gc.ca/eng/1345141628060/1345141658639>
- **Ontario Region Environment Officers**

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Questions??