



Program Updates – Contaminated Sites, Solid Waste Management Initiative, LEDSP

Regulation Updates - Impact Assessment Act, Fisheries Act, Navigable Waters Act



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ISC Environmental Programs Overview



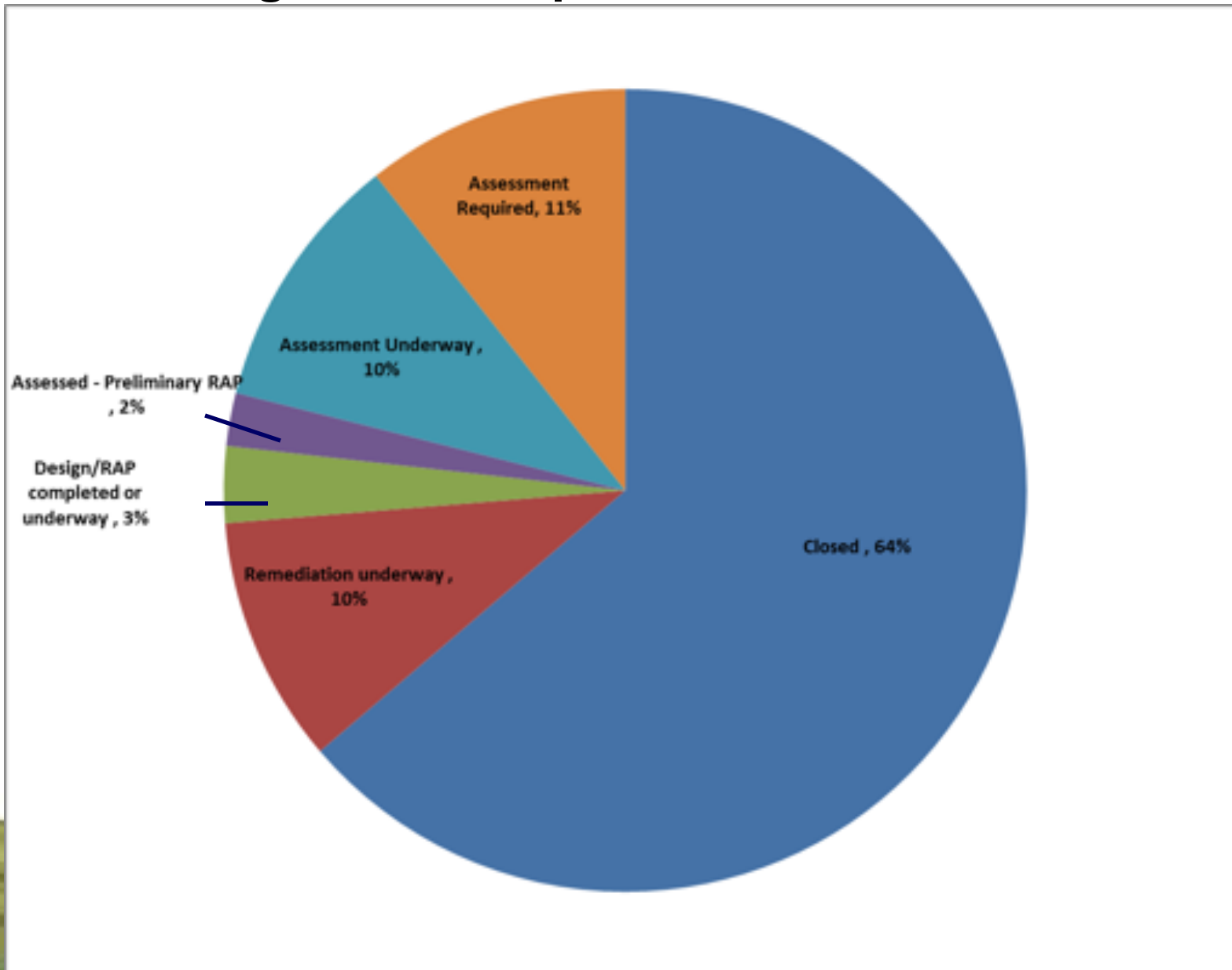
Contaminated Sites Management Program

- Assessment and Remediation of sites that are ISC liabilities
- Risk to human health & the environment, limit the use & development of reserve land
- Program managed by the Environment Unit; projects delivered in partnership with CID
- Public Database of known and suspected contaminated sites: Federal Contaminated Sites Inventory - <http://www.tbs-sct.gc.ca/fcsi-rscf/home-accueil-eng.aspx>
- Most sites caused by fuel; three large industrial sites (~46% of the liability)





Ontario Region CS Snapshot March 2019 - 422 Sites



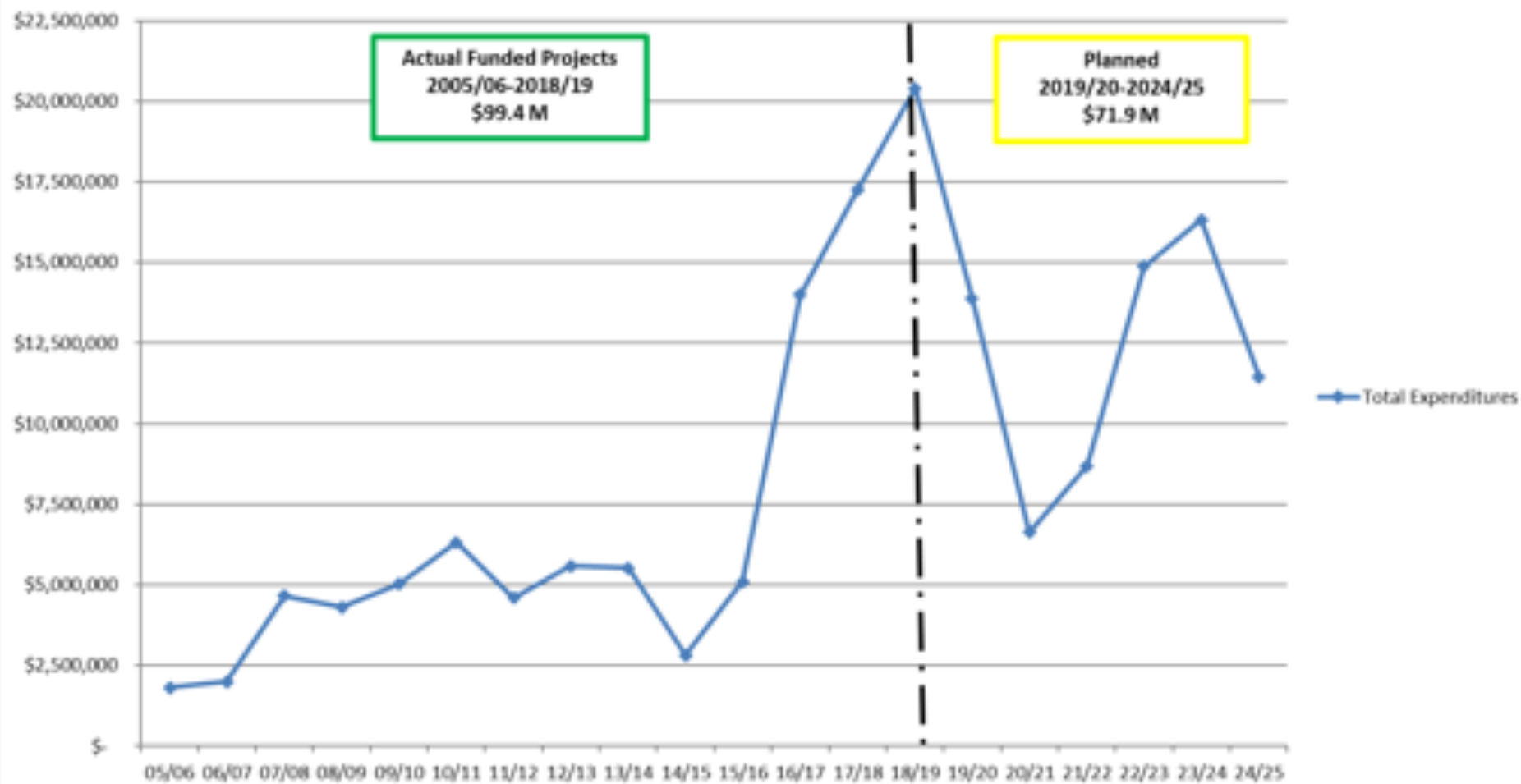
Contaminated Sites Management Program Funding

- The primary source of funding for ISC is the Federal Contaminated Sites Action Plan (FCSAP)
- FCSAP was established in 2005 as a 15-year program with funding of \$4.54 billion from the Government of Canada.
- The program was renewed for another 15 years (2020 to 2034) with \$1.16 billion announced in Budget 2019 for the first five years (Phase IV, 2020 to 2024).
- The program helps federal departments, agencies, and consolidated Crown corporations that are responsible for federal contaminated sites to undertake site assessment and remediation activities, which reduces risks to the environment and to human health.
- In 2018/19 Ontario Region funded \$21.8 million to support the assessment and remediation of 90 contaminated sites in 25 First Nations In 2019/20
- Ontario Region's estimated expenditure is \$13 Million.





ISC Contaminated Sites Actual and Planned Expenditures





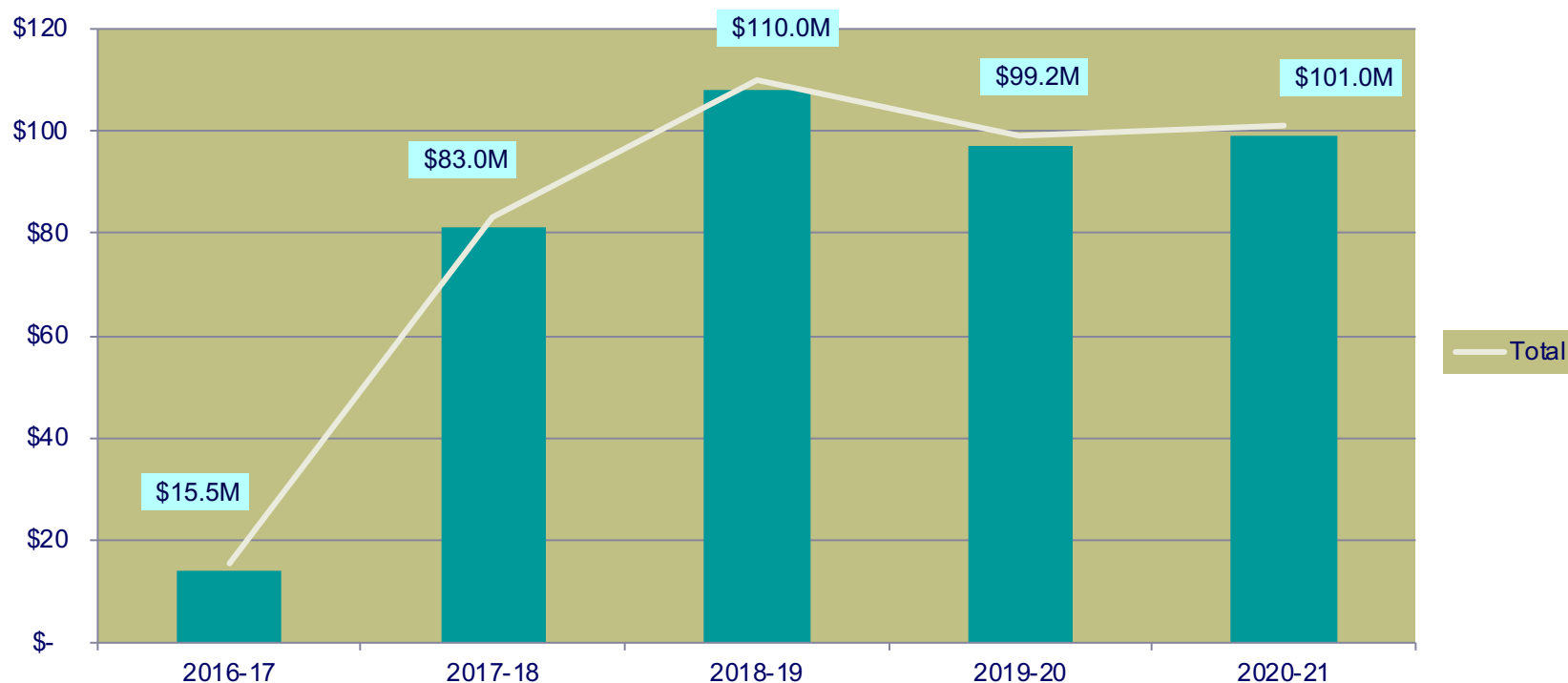
First Nation Solid Waste Management Initiative

- Driven by needs of First Nation communities
 - One size does not fit all
- Supports range of solid waste management solutions including:
 - Disposing of solid waste and hazardous waste off reserve
 - New or upgraded solid waste infrastructure
 - Improving solid waste management programming (e.g., planning, services)
 - Improving community capacity, operator training, and community education
 - *Community solid waste co-ordinators and operators*
- Complex issues
 - Solid waste management life cycle spans from waste generation to recycling to final disposal



FNSWMI Funding Profile

- \$409M Nationally over five years (2016-17 to 2020-21) committed through B2016



- \$17.5 million currently allocated to Ontario Region for 2019/20



Lands and Economic Development Services Program (LEDSP) - Environmental Capacity

- LEDSP helps indigenous communities build and manage a solid land base for economic development activities
- Supports the economic development, land and environmental capacity of First Nation communities
- Call Letters are sent to FNs in early February
- Eligible Environmental Management Projects under LEDSP-Targeted include:
 - Initiatives that enhance environmental planning, awareness and support efforts towards pollution prevention on reserve;
 - Initiatives that support environmental management best practices with land and community assets on reserve; and,
 - Initiatives to improve environmental regulatory compliance on reserve



Lands and Economic Development Services Program (LEDSP) - Environmental Capacity

- Recent Environmental Projects supported by LEDSP
 - Northern Ontario First Nation Environment Conference
 - Six Nations Biological Inventory
 - Fuel handling training and hazardous material training
- These projects have been completed in collaboration with Tribal Councils, OFNTSC, Academia, etc.
 - spills response training (OFNTSC), home heating oil tanks guidance, landfill operator training, NOFNEC (TC), Biological Inventory (Wilfried Laurier)





Impact Assessment Act

- On June 21, 2019, the Impact Assessment Act received royal assent. The Act and its associated regulation came into force on August 28, 2019
- The Impact Assessment Act repeals the Canadian Environmental Assessment Act, 2012 (CEAA 2012), and introduces some changes that will affect Indigenous Services Canada's (ISC) Environmental Review Process (ERP), however, the Act maintains that ISC must determine whether projects carried out on reserve lands have the potential to cause environmental harm by conducting an environmental review.



What is an Impact Assessment (IA)?





Projects Subject to the Act

- Designated projects described in the Project List
- Minister may designate any project not described in regulations, based on factors in the legislation
- Projects on federal lands and outside Canada assessed by federal authorities before decisions are made

*Regulations Designating
Physical Activities*

s.9

s.82-83



Impact Assessment Requirements

- S. 86 requires 2 notices be posted
 1. Notice of Intent to make an IA decision and seeking public comments
 2. Notice of Determination no sooner than 30 days after posting the first notice
- Additional documents can be posted





Information posted in the Registry

- Project Title
- Assessment type (Project on Federal Lands)
- Start Date
- Project Summary
- Project Location
 - Province
 - Name (city, reserve name, geographical feature, etc)
 - Coordinates
- Nature of the project or type of activity
- Contact of ISC representative who will address questions related to the project
- Proponent name
- Map (optional)





Residential development 42-R

Development of residential lots. Opening of a new residential area of 99 lots northwest of the community of Pessamit. Installation of power and telecommunication lines and installation of the infrastructure network.



- Location
Pessamit (Quebec)
- Project Type
Building and Property Development
- Status
In progress
- Start Date
2019-09-18
- Proponent
Conseil des Innus de Pessamit
- Authorities
Indigenous Services Canada
- Assessment Type
Project on federal lands

Nearby projects

...within 200 kilometres

Marine Terminal Project on the North Shore of the Saguenay
Sainte-Rose-du-Nord

Énergie Saguenay Project
District of La Baie, Saguenay City

Saint-Honoré Niobec mine
expansion project
Saint-Honoré

Madawaska-Edmundston
International Bridge
Renfrewment Project

Latest update

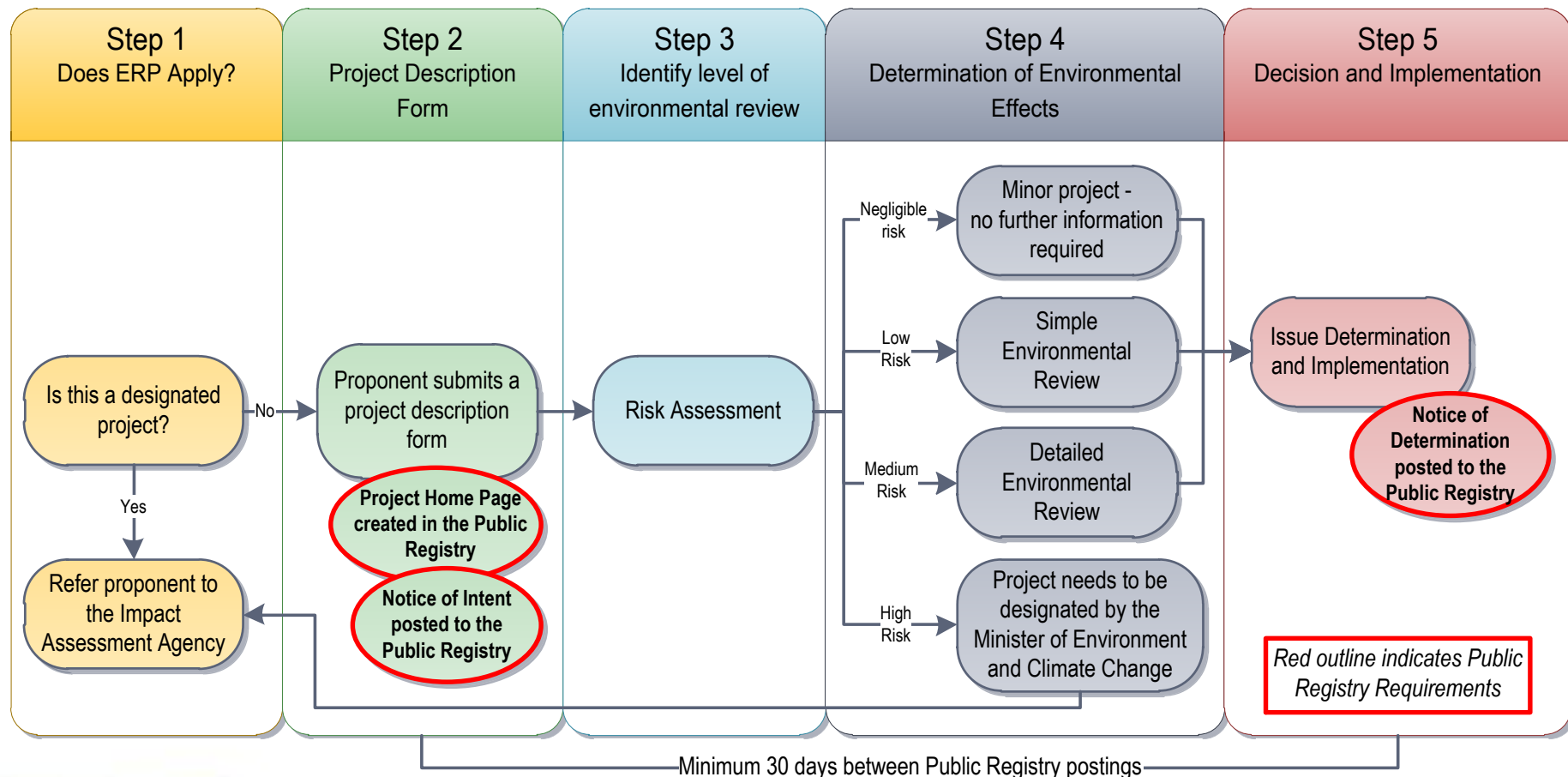
2019/09/18 - Indigenous Services Canada intends to make a determination regarding whether the carrying out of the project is likely to cause significant adverse environmental effects. To help inform this determination, Indigenous Services Canada is inviting public comments until October 19th, 2019 respecting the determination.

Key documents

Document Number	Document Title	File	Date
1	Public Comment Period on Intent to Make a Determination	DOCX (18 KB)	September 19, 2019

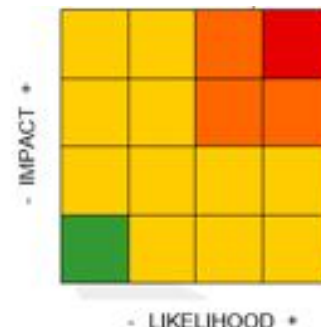


Impact Assessment Flow Chart



The intensity of the Environmental Impact Assessment is geared to the likelihood and severity of the potential impacts that the project will have on the environment

Risk Level	Level of Review	Action Required	Project Examples
Negligible	Minor	No need for further environmental review past the Project Description form. Effects can be managed through standard mitigation measures and/or best management practices.	<ul style="list-style-type: none"> • Construction of a single house • Installation of infrastructure for telecommunications or internet • Renovations to an existing community facility • Upgrades to existing roads
Low	Simple	The Simple Environmental Review form (or similar report) should be completed. Mitigation measures must be identified for project components where potential environmental risk is identified. Any additional recommendations (e.g., best practices, tank registration requirements) provided by the environment officer must be implemented.	<ul style="list-style-type: none"> • Construction of a water treatment plant • Construction of a residential subdivision • Construction of a gas station
Medium	Detailed	The project is large or complex, and risk and potential effects are not readily known. A detailed assessment of potential environmental effects is required. The Guide to Completing a Detailed Environmental Review Report will assist with the preparation of the report.	<ul style="list-style-type: none"> • Construction of a stone quarry with a production capacity of less than 3,500,000 tons/year • Construction of a waste incinerator • Construction of an aquaculture facility • Construction of an all-season highway



Ministerial Order – Excluded Projects

- The IAA introduces the ability for low-risk projects with insignificant and well-understood environmental impacts to be **excluded from environmental review** (Section 87).
- These excluded projects can be found in the ***Designated Classes of Projects*** Ministerial Order.
 - Came into force on August 30, 2019
- Projects excluded under the Order **do not need to be posted on the Public Registry**.
 - However, all projects need to follow ISC's Environmental Review Process.

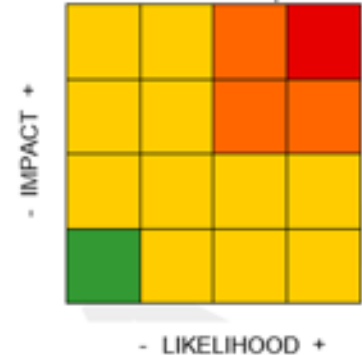


Ministerial Order – Excluded Projects

- Proposed projects must meet certain criteria in order to be excluded.
- For example:
 - Excluded projects must not take place on wetland
 - Excluded projects must not impact migratory birds or nests
 - Excluded projects must not impact species at risk or their critical habitat
 - Excluded projects must not impact wildlife species



Ministerial Order – Excluded Projects



- Who and how can projects be excluded
- Following the receipt of the Environmental Project Description the EO will complete an assessment of the project and determine, based on the information provided, whether or not the project can be excluded.
- Excluded projects will follow ISC's environmental review process only.
- Non-excluded projects will be posted on the registry and follow the IAA process.
- Based on the potential for adverse effects to the environment excluded and non-excluded projects may need further environmental reviews. The EO will make this determination

Reviewing Project Descriptions

- Environmental Project Description
 - As much information as you can provide us related to the project
 - **LOCATION, LOCATION, LOCATION**
 - Sizes of buildings
 - If constructing a building, is the site developed or is the site undeveloped land
 - Any known species at risk?
 - Any wetlands?
 - Any in water work?
 - Any work near a water body?





Impact Assessment Act and FNMLA communities

- FNMLA communities that have an established environmental review process for projects on reserve, are required to determine whether their projects are excluded from the Impact Assessment or if they are required to be posted into the registry.
- For projects funded by ISC in an FNMLA community, the community's environment department and ISC should determine who will take the lead on posting the project on the registry.



Training on new Impact Assessment

- Training is available for members of the public who want to learn more about impact assessments in Canada (<https://iaac-aeic.gc.ca/014/index-eng.aspx>).
- There are three levels of training:
 - Level 1 – Basic information and general knowledge of the Act and its regulations, as well as impact assessment processes and concepts
 - Level 2 – Advanced knowledge and skills to work on impact assessment related matters
 - Level 3 – Technical knowledge and skills on specific topics related to the conduct of impact assessments
- The agency is developing training on impact assessment for Indigenous groups, targeted to their needs. If you are interested in organizing a session, please contact the training coordinator by October 31, 2019 at ceaa.training-formation.acee@Canada.ca

Fisheries Act

The modernized Fisheries Act:

- Provides a framework for the conservation and protection of fish and fish habitat by:
 - restoring lost protections and incorporating modern safeguards
 - providing certainty for industry, stakeholders, and Indigenous groups
 - promoting the long-term sustainability of aquatic resources
 - ensuring protection for Canadian fish and waters
- Better ability to **protect biodiversity** over the long-term





Fisheries Act

- Increased focus on **partnering and collaboration with Indigenous peoples** and partners
- **Protection for all fish and fish habitat** - return of former prohibitions against “death of fish” and “harmful alteration, disruption or destruction” (HADD) of fish habitat
- **Factors to consider** - broader considerations for decision making
- Authorities to **improve regulatory clarity** - designated projects, codes of practice, habitat banking



Fisheries Act

- As with the former Act, a *Fisheries Act* Authorization will trigger the duty to consult with affected Indigenous groups.
- Development of an **Online registry** for increased transparency.





Fisheries Act

- There will be a Fisheries Act and Invasive Species Information Session
 - November 27, 2019
 - Valhalla Inn, Viking Room, Thunder Bay
- For more information, please contact Chiefs of Ontario



Canadian Navigable Waters Act

• Changes in the Act

- Changes in the Act that increase the protection of navigable waters include:
- an easier way to add waters to the [list of scheduled waters](#) (the schedule)
- expanding the Act to regulate major works and obstructions on all navigable waters, even those not on the schedule
- requirements that [minor works](#) would need to meet on any navigable water in Canada
- adding an online [registry](#) of projects and approvals
- consideration of Indigenous knowledge and traditional use of the waters

Canadian Navigable Waters Act

- Some Definitions

- Designated work means a minor work or a work that is constructed or place in, on, over, under, through or across any minor water
- Work includes any structure, device or thing, whether temporary or permanent that is made by humans. It also includes the dumping of fill or the excavation of materials from the bed of any navigable water



Canadian Navigable Waters Act

- The Act introduces a process to notify the public and help resolve conflicts about works on navigable waters that aren't on the schedule. This process allows Canadians to have a say in projects that affect their right to travel on a waterway.
- The Act creates a new category for “major” works that are likely to substantially interfere with navigation. These works will always require approval from Transport Canada whether the affected navigable waters are on the schedule or not.





Scheduled Waters in Northern Ontario

Scheduled Waters in Northern Ontario

Lake of the Woods

Eagle Lake

Rainy Lake

Nipigon Lake

Lake Superior

Rainy River



Questions?

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