

**A Workshop for Citizens
on Environmental Assessment**

Your Resource Guide

**Environmental Planning and Assessment Caucus
of the
Canadian Environmental Network**

Resource Guide Writing & Preparation -1999

Laurie Ham
Shelley Bryant
Tom Balint

Updates and Revision - 2003

Jannis Klein

Updates and Revision, and Addition of CEEA Review- 2009

Arlene Kwasniak

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**The Environmental Planning and Assessment Caucus can be reached via
the Canadian Environmental Network at
613 728 9810 or info@cen-rce.org**

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A Workshop for Citizens on Environmental Assessment

Your Resource Guide

Introduction

This booklet is intended to be a “take home” resource guide that will complement what you have learned at the Workshop for Citizens on Environmental Assessment. We hope that the workshop and this guide will help you to acquire a basic understanding of environmental assessment (EA) and the knowledge, skills and confidence to get involved and participate effectively in this important decision-making process. We hope to demystify EA for you while equipping you with the tools, knowledge and skills to help you to get involved in EA.

These materials have been prepared by members of the Environmental Planning and Assessment Caucus of the Canadian Environmental Network (Caucus). We are activists, lawyers, community educators and concerned citizens with first-hand experience of EA in Canada. We believe that with some basic information, access to key resources and people, a strategy and lots of energy, you can make a difference by engaging in EA.

Our Focus

This guide and workshop will focus on both the federal environmental assessment law - The Canadian Environmental Assessment Act (referred to as CEAA or the *Act* throughout the guide) and the legislation governing the process of EA in your province.

Most importantly, we will focus on public participation in environmental assessment, highlighting how you can participate effectively and have your voice heard in this decision-making process. We will also talk about how the community of environmental non-governmental organizations can effectively and strategically be involved in environmental assessment.

Resource Guide Outline

1. An Introduction to Environmental Assessment

In this first section, you will be introduced to EA. The section outlines why EA is an important decision-making tool in our society and the core principles underlying a "good" EA process.

2. The Process

This section outlines the roles and responsibilities of the key players in EA: the government, the private sector, and the public. We then provide more detailed information on the federal environmental assessment process. Joint Assessments, Cumulative Impact Assessment and Harmonization are also discussed.

3. The Public

This section discusses how the public can participate in EA and outlines points at which the public can participate in the federal process.

4. Ten warning signals that your EA is going astray

The fourth section offers ten warning signs of an EA that is "off the tracks" and provides constructive advice as to how problems may be addressed.

5. Strategies and Tips

This section offers a number of strategies and tips to assist your participation in the EA process. Particular emphasis is placed on engaging in the process, exerting political pressure, using the media, and the importance of having an organization behind you.

6. A Quick Word on Reading Legislation

If you have no experience reading legislation, these thick documents, densely packed with sections, subsections, paragraphs and regulations can be intimidating. Once the basic structure of these Acts is understood, however, they become much easier to understand. You might even find yourself referring to the legislation in the future to answer your own questions.

7. Contact Information

The final section this guide provides you with contact information for the Canadian Council of Ministers of the Environment, The Canadian Environmental Assessment Agency and Departments that are likely Responsible Authorities, as well as non-government organizations such as Public Interest Law Centres and the Canadian Environmental Network.

Section 1:

An Introduction to Environmental Assessment

1.1 What is environmental assessment?

Environmental assessment (EA) is a big term for a simple idea. A proper impact audit makes sure that all the big effects of a project, program or policy, are well known to the public and other EA participants at the early stages of planning. Given a jumble of conflicting numbers and eloquent words, an EA asks a fairly unique question: 'And then what?' After weighing the impacts and costs to creatures, plants and human communities, an EA gives a public agency or public representatives the evidence they need to make an informed decision: a go or no-go.... Many businesses call it a 'look before you leap' policy¹.

EA is an approach to planning...At minimum, EA is a means of anticipating and avoiding or reducing problems before they arise. More positively, it is a broader and far-sighted approach to determining what actions we should take to make the best of our opportunities².

EA is a process...

Good EA is the process of examining the potential impacts of an activity - a project, a program or a policy - on the entire environment and community it will potentially affect. A 'project' may be any of a variety of activities proposed by a proponent - the party that proposes a project, program, or policy -. For example, the development of a quarry is a project. A 'program' or 'policy' normally refers to a government activity relating to how it intends to deal with certain activities that can impact environment. An example is the federal Department of Fisheries and Oceans No Net Loss policy.³ An ideal EA is proactive and anticipatory and, as an information gathering and planning component of the decision-making process, fully integrated into the development of a project, program or policy. The ideal EA process will require integration of environmental considerations in the initial planning, where needs and alternative responses to such needs are addressed⁴.

¹ Nikiforuk, Andrew. 1997. The Nasty Game: The Failure of Environmental Assessment in Canada. Walter and Duncan Gordon Foundation. You can find this on the website of the Canadian Arctic Resources Committee at: www.carc.org. Also see Doelle, Meinhard. 2008. *The Federal Environmental Assessment Process: A Guide and Critique*, Lexis Nexis.

² Gibson, Robert B. 1993. Environmental Assessment Design: Lessons from the Canadian Experience. *The Environmental Professional*. Vol. 15. Pp 12 - 24.

³ See, Department of Fisheries and Oceans, *Policy for the Management of Fish Habitat*, available online at <http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/policies-politique/operating-operation/fhm-policy/page08_e.asp>.

⁴ Gibson, Robert B. 1992. The New Canadian Environmental Assessment Act: Possible Responses to its Main Deficiencies. *Journal of Environmental Law and Practice*. Vol. 2 no. 3. July.

EA is a tool...

When done properly, EA is a democratic decision-making tool used to determine whether a proposed project, program or policy has value to the social, economic and ecological health of the area and people potentially affected by it. EA provides a framework within which informed and socially and ecologically acceptable decisions can be made.

EA can save time and money...

EA sometimes is seen as a hindrance to development or competitiveness. While EA clearly costs money and takes time to perform, the amount of money spent or the amount of time taken to conduct a good, comprehensive EA are usually substantially smaller than after-the-fact rehabilitation or project alteration costs. Done properly, EA is a valuable process, saving money and time while enabling sensible decision making.

EA is dynamic...

EA is a constantly evolving process. This evolution can be largely credited to the interventions of Canadian citizens and groups concerned about government and industry decision-making. The work and energy of concerned citizens and groups have contributed to landmark decisions that have shaped and defined the process, application and use of EA. The White's Point Quarry in Nova Scotia, the Kemano Completion Project in BC, the Oldman River Dam in Alberta, the Rafferty-Alameda Dams in Saskatchewan and the Great Whale Hydroelectric Project were either stopped or significantly modified by the determined efforts of citizens, landowners, environmental groups and Aboriginal peoples.

What is Environmental Assessment?

- **EA is an information-gathering process that feeds into decision-making processes**
 - **EA is a proactive and anticipatory planning tool**
 - **Good, effective EA enables the public to participate in decisions that affect their communities, their lives and the interests of future generations**
 - **Responsible government decision making based on good EA maintains the health of our culture, ecology and long-term economy and resists the urge to sacrifice these for short-term economic gain**
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1.2 A Brief History of EA in Canada

In the mid-1970s, Canada's relationship with EA got off to an auspicious start with the Mackenzie Valley Natural Gas Pipeline Inquiry. The proposed project was a pipeline that would bring natural gas from the western Arctic to markets in southern Canada and the United States. With potentially complex social, economic, and environmental impacts, the project deserved an in-depth inquiry.

Led by Mr. Justice Thomas Berger, the inquiry participants spent months traveling across Northern Canada, meeting people and listening to concerns voiced in every potentially-affected community. Berger's report went far beyond considering only the immediate environmental and socio-economic impacts of the project; he succeeded in placing the project within a larger, regional framework of development planning in the north⁵. Berger successfully touched upon some of Canada's deepest concerns of the time; concerns about energy policy, resource allocation, the price and priority of industrial development, cultural sovereignty and self definition⁶.

Today, almost thirty years after *The Berger Inquiry*, what started as a weak policy statement in 1973 at the federal level has grown to be a legislated process, culminating in *The Canadian Environmental Assessment Act*. *The Act* was given royal assent in 1995 and was heralded as a new federal EA process with more weight and teeth than the earlier Environmental Assessment Review Process ever had⁷. Through the years provinces and territories also developed environmental assessment legislation.

1.3 Who wants good, effective EA and why?

The government...

For any government, thorough public scrutiny of the potential impacts of a proposed project, policy, or plan can only result in better decision-making. The public tends to perform an analysis of project, policy or plan options from a broader perspective than either the proponent - the person or group proposing the project - or the government. As well, through public scrutiny, outside expertise contributes to the decision-making process.

The proponent...

For the proponent of a proposed project, program, or policy - be it a private sector proponent (industry) or a public sector proponent (government) - a thorough public EA process begun during the first stages of planning helps avoid surprises, and allows projected costs to be more accurately estimated. Entering into project planning without

⁵ Gibson, Robert B. 1993. Environmental Assessment Design: Lessons from the Canadian Experience. *The Environmental Professional*. Vol. 15. Pp 12 - 24.

⁶ Gamble, D. J. 1978. The Berger Inquiry: An Impact Assessment Process. *Science*. Vol. 199. March 3.

⁷ Gibson, Robert B. 1992. The New Canadian Environmental Assessment Act: Possible Responses to its Main Deficiencies. *Journal of Environmental Law and Practice*. Vol. 2 no. 3. July.

the full knowledge of environmental considerations can result in poor choices and unanticipated costs down the road.

By involving the public at early stages of planning, both the proponent and government are better able to understand the extent and nature of public concern regarding the proposed undertaking. In addition, they can learn from citizens how the project, program or policy might be improved.

Society...

For society, good EA means that the public plays a meaningful role in decisions that affect the quality of our lives. When good EA is done, projects that are approved have a net social, economic and ecological benefit, rather than loss. Society avoids paying a huge debt later – financially, culturally, and ecologically – for short-term economic benefit.

1.4 What are the core principles of good environmental assessment?

If we understand the core principles of an ideal EA, we are in a better position to see the strengths and weaknesses of EA as it is practiced on the ground. The following principles would be seen in an ideal EA. This is not necessarily how EA is actually carried out across Canada.

EA should be an open, accountable and independent process.

Good EA is open, transparent and accountable, and administered by a neutral and independent body. A process that is not open and transparent is of no benefit to the public, government, or the proponent. A process that is administered by a body with a vested interest in the project is not credible.

*An **open** process is one which is easily and fairly accessible to affected parties and the public, and one where parties and the public have an opportunity for meaningful involvement in decision-making that influences the decision-making process.*

*A **transparent** process is one in which the details of why and how decisions were made are clear to everyone involved. All information and factors that directed the decision making process are clear, on the table, and accessible to anyone interested.*

*An **accountable** process is one in which lines of decision-making are clear, and decision-makers acknowledge responsibility for the decisions they have made.*

EA should be commenced at the beginning of the planning stages of a proposed project, program, or policy, and before any decisions are made. EA should address needs and alternatives at this early stage.

The impact of a project, program or policy should be considered as early as possible in the design and planning of the project and before any decisions are made regarding it. Waiting too long before assessing a project, program, or policy can cause unnecessary time and financial costs to both the public and the proponent and can cause project

delays. If an assessment is done after decisions are made that favour the project, the assessment might not be an objective one.

More importantly, EA should be initiated while the need for the project and alternatives to fill that need are still open for consideration. Only at this point can best options be selected on environmental *as well as* technical and financial grounds.

EA should apply to every undertaking that may have environmental significance.

EA should be applied to all public and private projects, programs, and policies that may be environmentally significant. An approach that considers only reviewing those projects, programs, and policies that are defined in EA law, allows many projects, programs, and policies to slip through the cracks and not be assessed.

“Environment” should be defined broadly in an EA.

In addition to including the biophysical effects and impacts of a project, plan, or policy, *environment* should be defined in EA law to include the social, economic, and cultural impacts. Many programs and projects have significant immediate and future impacts on local, regional and global ecosystems and on community health, livelihood, traditional practices and autonomy. If environment is defined too narrowly in the law, these impacts will not be taken into consideration during the EA.

The public should be involved in a significant and effective way.

It is important that the public have an opportunity to participate in EA in a significant and effective way. This involves access to information and expertise when needed; access to funding so the public can organize, learn about the project / options / issues and formulate positions and present concerns effectively; and timely notification of the steps in an EA so that the public has the time to respond to documents or studies.

Mitigation measures should be known to actually mitigate adverse environmental impacts and should be built into regulatory approvals.

Any mitigation measures - measures that eliminate, reduce, or control adverse environmental impacts – should be known to actually eliminate, reduce, or control adverse environmental impacts, if they are to be count as mitigation by the decision-maker. If legislation allows for environmental off-sets as mitigation, e.g. repairing, restoring, or replacing damaged or lost environmental values in a place other than the location of a project, then such off-sets should be known to actually repair, restore, or replace damaged or lost environmental values. As well, to be acceptable as mitigation, mitigation requirements must be built into regulatory approvals or authorizations for a project.

EA should result in a binding decision.

The ultimate EA decision that results from the EA process should be binding on the decision-makers that give the final decision concerning the project, program, or policy. For example, if as a result of an EA process it is determined that a proposed project

would have significant environmental impacts that cannot be mitigated, then the law should require the decision-makers to refuse to allow the project to go ahead.

EA should be efficient and integrated with other planning processes.

Ideally, EA should be just one part of a comprehensive environmental planning framework. This framework should: define regional environmental goals, objectives and priorities; inform policy development and review; incorporate environmental consequences and values into development decisions; and monitor progress against goals and objectives.

Core Principles of EA – Summary

EA should be an open, accountable and independent process.

EA should be done early and before any decisions are made and should address needs and alternatives at this early stage.

EA should apply to every undertaking that may have environmental significance.

Environment should be defined broadly in an EA.

The public should be involved in a significant and effective way.

EA should result in a binding decision

EA should be efficient and integrated with other planning processes.

Section 2: The Process

In this section we will be learning more about the process of EA. First we'll meet the main players and people involved in EA. Then we'll turn our attention to specific EA legislation, *The Canadian Environmental Assessment Act* (the Act or the CEAA).

2.1 Who are the main players in EA?

Environmental Assessment involves many different people, each with unique roles and responsibilities within the process. The main "players" in an EA are the government, the private sector and the public.

2.1.1 The Government

The government has a responsibility to make informed and enlightened decisions on behalf of the people it represents. It also has the responsibility to ensure that EA is open, transparent and accountable.

The government, through passing EA into law, has committed itself to the process that it has laid out in the legislation. The government must ensure that EA is applied when it should be, as legally defined in EA law, and before any irrevocable decisions are made.

At the federal level, the main government players in an EA include:

The Canadian Environmental Assessment Agency

The Canadian Environmental Assessment Agency is the arm of government charged with the responsibility of putting the Act into practice. It is a national organization dedicated solely to administering and promoting EA policies and practices of the federal government. The Agency reports directly to the federal Minister of the Environment.⁸

Responsible Authority(s)

The Responsible Authority (RA) is the federal department, agency or Minister whose actions or authority trigger an EA of a particular undertaking. The RA often is the decision-maker under the federal process. For example, if a project will interfere with navigation, the proponent will need an authorization under the federal *Navigable Waters Protection Act*.⁹ The application for the authorization triggers an EA under the CEAA. Since the Minister of Transport administers this Act, the Minister is an RA. There may be more than one RA involved in an EA. For example, a project may need an approval from both the Minister of Transport because it will interfere with navigation, and from the Minister of the Department of Fisheries and Oceans, because it will harmfully alter fish

⁸ S. 61, CEAA.

⁹ *Navigable Waters Protection Act*, R.S.C. 1985 c. N-22, s.5(1)(a).

habitat and needs an approval under the *Fisheries Act*.¹⁰; in this case, one RA will generally assume the “lead” for the process.

The Minister of the Environment

The Minister of the Environment is the main *process* decision-maker in a federal EA (sometimes referred to as the “Minister” in this Guide)..

Other federal departments

Other federal departments might be involved in EA even though they are not RAs. Examples include the Department of Fisheries and Oceans, Department of Environment, and Transport Canada. These departments might have their own regulations, permits and licensing procedures that interact with an EA or may have special (expert) knowledge to bring to the process.

The Federal Environment Assessment Coordinator

The federal environment assessment coordinator (FEAC) has the job of coordinating the federal authorities that may be RAs in respect of a CEAA EA. The FEAC is to ensure that the RAs fulfill their obligations under the Act in a timely manner, As well, the FEAC is to coordinate federal authority involvement with other jurisdictions.¹¹ Depending on how the project, program, or plan is assessed, (see **assessment stream** 2.6.1) the FEAC will either be an RA or the Agency.¹²

The Major Projects Management Office

A relative newcomer on the federal EA stage, the Major Projects Management Office (MPMO) was created by Cabinet Directive in 2007.¹³ According to the MPMO website, its role is to “to provide overarching project management and accountability for major resource projects in the federal regulatory review process, and to facilitate improvements to the regulatory system for major resource projects.”¹⁴ The Cabinet Directive defines a “major resource project” as a “large resource project which is subject to a comprehensive study, a panel review or a large or complex multi-jurisdictional screening.” The MPMO is meant to provide a “single window” into the federal regulatory process, provide guidance to EA participants, coordinate project agreements and timelines between federal departments and agencies, and track and monitor projects through the federal regulatory review process.¹⁵ The MPMO is housed in Natural Resources Canada.

2.1.2 The Proponent

The proponent is the person or body that proposes a project, program, or policy. The proponent might be a public sector proponent (a department of government such as Heritage Canada) or a private sector proponent (for example, Irving Oil or INCO).

¹⁰ *Fisheries Act*, R.S.C. 1985, c. F-14.

¹¹ CEAA, s. 12.2.

¹² CEAA, s. 12.3.

¹³ Available online at << <http://www.mpmo-bggp.gc.ca/documents/directive-eng.php>>>.

¹⁴ See << <http://www.mpmo-bggp.gc.ca/index-eng.php>>>.

¹⁵ *Ibid.*

2.1.3 The Private Sector

As an EA grows in complexity, more and more players from the private sector are likely to be involved in the process. In large and complex EAs, people such as lawyers, consultants, academics and other experts might be called on to provide advice to, and do work for, either community participants, the government or the proponent.

2.1.4 The Public

Members of the public that might be involved in EA are:

- People and communities with an interest in the proposed undertaking
- Public interest or community groups such as environmental, conservation or health groups
- Educational institutions
- Professional and business associations
- Local business owners
- The media
- Labour interests

2.1.5 Aboriginal Peoples

Aboriginal Peoples, such as First Nations and Métis, may participate in an EA as members of the public. However, they may also have a special status when they are involved EA. If actual or potential Aboriginal rights or interests may be impacted by a project, governments have a constitutional obligation to consult potentially affected Aboriginal persons, and as appropriate, accommodate rights and interests.¹⁶ In addition, a government may be party to agreements with Aboriginal Peoples, such as land claim agreements, that contain specific consultation requirements.

2.2 Different kinds of EA

There is no "cookie cutter" approach to EA. A wide variety of EA law and policy is presently found across Canada. We have a federal EA process governed by the CEAA, ten distinct provincial assessment processes, territorial processes, a number of EA bilateral agreements between the provinces and the federal government, and potentially different EA processes for some entities, such as some Crown Corporations, Port Authorities and First Nations, among others. We say some Crown Corporations etc. because of recent legislative developments. In 2006, except for Export Canada, federal parent Crown corporations were required to comply with the CEAA, as federal authorities, either by complying with the EA processes set out in the Act, or complying with a modified process set out in regulations.¹⁷ Four Crown Corporations are developing

¹⁶ Government's obligation to consult and accommodate is based on s. 35(1) of the *Constitution Act*. It states: "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed." *Constitution Act, 1982*, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11.

¹⁷ See Agency website at <<http://www.ceaa-acee.gc.ca/default.asp?lang=En&xml=31DD6717-79AE-4840-BA31-5B2451EF4C14>>.

such regulations: Atomic Energy of Canada Limited, Business Development Bank of Canada, Canadian Commercial Corporation and Farm Credit Canada

Canada might have as many as 200 EA regimes¹⁸. Therefore, the process of EA can *and does* take place in many different ways at different levels of government. Even EAs within the same jurisdiction or even under the same law can differ widely!

2.3 What does EA apply to?

EA, when properly done, is an effective planning tool. Ideally, it should be applied to **programs and policies** as well as **projects**. Many projects grow directly out of government policies such as Timber Management Plans, Waste Management Plans, or even Strategic Economic Plans. The failure to look at these plans and policies with the view to how they affect the social, economic and ecological health and integrity of the community, province or nation at early planning stages - even before a tangible project is proposed - undermines some important principles of truly effective EA.

The assessment of programs and policies is not an easy task. However, it is a process that is necessary if we wish to make sensible, sustainable, long-term development decisions in Canada.

Although this Guide usually refers only to "projects" when discussing what is the subject of assessment, the reader should be aware that in this usual case, this is shorthand for "projects, programs, and policies."

2.4 The EA process in contrast to the regulatory decision

The EA process must be distinguished from the **regulatory decision** that follows it. The EA process is carried out to gather information on the potential environmental, social, and economic impacts of a proposed project. The environmental assessment report (that summarizes and explains potential impacts, proposed mitigation of impacts, monitoring, reporting, and follow-up) is provided to the statutory delegates who regulate the project. The regulators, using the information provided in the report, decide whether they will exercise their authority under legislation to take action to enable a project to proceed, and if so, under what conditions. For example, they can provide regulatory approval, supply funds for the project, or grant an interest in land to enable the project to proceed. These decisions are the regulatory decisions. They are separate from the environmental assessment process.

2.5 Harmonization

In January 1998, the Federal Government and all provinces, except for Quebec, signed the *Canada-Wide Accord on Environmental Harmonization*. A number of sub-agreements have been entered into under the Accord, including one relating to EA. The EA sub-agreement has the following objectives:

¹⁸ Nikiforuk, Andrew. 1997. *The Nasty Game: The Failure of Environmental Assessment in Canada*. Walter and Duncan Gordon Foundation. You can find this on the website of the Canadian Arctic Resources Committee at www.carc.org.

1. To achieve greater efficiency and the most effective use of public and private resources, where assessment processes involving more than one jurisdiction are required by law, through a single environmental assessment and review process, and
2. To establish accountability and predictability by clearly delineating the roles and responsibilities of the federal, provincial and territorial governments.

As of late 2008, “harmonization” agreements have been negotiated between the federal government and British Columbia, Alberta, Manitoba, Saskatchewan, Ontario, Quebec, and Yukon.

2.6 The Canadian Environmental Assessment Act

The CEAA is the law that provides the federal EA process in Canada. This law came into force in 1995. About 75 pages in length, the CEAA is renowned for its complexity. It is not our purpose here to examine the Act in great detail. Instead, we'll examine the overall methods of assessment, highlight where public input is provided for, and point out how you can participate both strategically and effectively.

2.6.1 Different kinds of assessment under CEAA and different assessment streams

The Canadian Environmental Assessment Act provides for two major kinds of assessment:

- ***The self-directed assessment***
- ***Independent assessment***

A **self-directed assessment** is administered by the RA. The RA must ensure the EA complies with the CEAA. An **independent assessment** is administered by a review panel or a mediator, appointed by the Environment Minister that is independent of government.

There are four different assessment streams under the CEAA: **screening**, **comprehensive study**, **mediation**, and **panel review**.

2.6.2 Screenings

EA is not just for mega-projects such as hydro-electric dams and pipelines. Although these are the big ticket items that capture the media's attention, EA can also apply to small projects such as road and bridge construction or the planning of city green spaces.

Under CEAA, approximately 95% of projects assessed are screenings. Screenings are conducted through self-directed assessment. They may vary in time, length and complexity.

After conducting a screening, the RA makes the **EA Decision**. This decision is whether the project, after considering mitigation, is likely to result in significant adverse environmental effects. If the RA determines that the project will not have significant

adverse effects, then the RA may exercise its **regulatory decision** (see section 2.4). If the RA determines that the project will have significant adverse effects, then, unless these effects can be justified in the circumstance, the RA cannot exercise its regulatory decision.¹⁹ If the RA cannot exercise its regulatory decision, then the project cannot go ahead as planned.

A screening may be “bumped up” to a mediation or panel review if the RA determines that it is uncertain whether the project is likely to cause significant adverse environmental effects, if the project will likely cause significant adverse environmental effects and it is uncertain whether these effects are justified in the circumstances, or where public concerns warrant it.

The CEAA allows for **class screenings**. **These shorten the** screening process by having a ready-made screening report that sets out mitigation measures and design standards for a type of project. A **model class screening** adjusts a report to account for the project’s specific location and characteristics. A **replacement class screening** completely replaces the EA report and is not adjusted for a particular project.²⁰

2.6.3 Comprehensive Studies

An EA must be commenced by way of **comprehensive study** if the project is described in a regulation under the CEAA called the *Comprehensive Study List Regulation*²¹ These are projects that are likely to have significant adverse environmental effects, such as large-scale industrial developments. Comprehensive studies are conducted through self-directed assessment. As explained later, the CEAA sets out requirements for comprehensive studies that are not necessary in screenings.

The Act requires the RA to consult the public to help the Minister decide, early on in the assessment process, whether a comprehensive study should be “bumped up” to a panel review. The Minister must then decide whether the project will continue to be assessed as a comprehensive study or by way of mediation or panel review.²² This decision is final and if the Minister decides that the assessment will continue as a comprehensive study no future “bump up” is possible.

After conducting a comprehensive study, the Minister issues a statement setting out the Minister’s opinion on the **EA decision**. Again, this decision is whether the project, after considering mitigation, is likely to result in significant adverse environmental effects. The Minister also may set out a **follow-up program** (see section 2.6.5). Prior to issuing the **EA decision**, the Act authorizes the Minister to request more information or to require that public concerns be addressed. The RA then bases its EA decision on the Minister’s EA decision. Just as with a screening, if the RA determines that the project, as mitigated, will not result in significant adverse environmental effects, the RA may exercise its **regulatory decision** (see section 2.4). If the RA determines that the project will result in significant adverse environmental effects, then, unless the

¹⁹ CEAA, s. 20.

²⁰ CEAA, s. 19.

²¹ *Comprehensive Study List Regulation*, S.O.R./94-638.

²² CEAA, S. 21.

significant environmental effects can be justified in the circumstance, the RA cannot exercise its regulatory decision.²³ If the RA cannot exercise its regulatory decision, then the project cannot go ahead as planned.

2.6.3 Mediations

A mediation is considered to be an **independent assessment** since the assessment is overseen by an independent mediator appointed by the Minister. There have been no mediations used under *the Act* since the law came into effect in 1995. The Minister may determine that mediation is an appropriate path if:

- All interested parties have been identified and are willing to participate in the mediation, and
- Resolution between the parties appears possible

Mediation probably would be most successful in cases where there is a small number of parties, or when the environmental issues are limited in scope and number. Multi-party, multi-issue mediations are also possible provided the process is given adequate resources and time and the Mediator is independent and impartial.

The Mediator must be acceptable to all parties. The Mediator's function is to assist in resolving the issues to the mutual satisfaction of all parties. The Mediator does not make decisions for the parties.

After a mediation, the mediator must prepare an EA report that summarizes public comments, his or her findings and recommendations. The mediator then submits the report to the RA and the Minister. The RA then makes the EA decision and a regulatory decision, in appropriate situations. The RA must take the mediator's report into consideration when making any decision.²⁴

2.6.4 Panel Review

Only a handful of projects will go to a panel review. A panel review is considered an **independent** assessment path because it is conducted by a public review panel. The Minister and the RA are responsible for appointing members of the review panel. These members must be free of any conflict of interest relative to the project and must be knowledgeable, have experience or expertise relevant to the anticipated environmental effects.

Panel members are charged with the following tasks:

- setting the terms of reference for the EA
- ensuring that the information required for the review is obtained and made available to the public
- holding hearings that ensure public opportunities to participate, and
- preparing and submitting a report including their recommendations to the Minister

²³ CEAA, ss. 23 and 37..

²⁴ CEAA, s.37.

The panel has the power to summon anyone as a witness during a panel review and to order the witness to give evidence.

Following the hearings, the panel prepares an EA report that summarizes public comments, and its findings and recommendations. The panel then submits the report to the RA and the Minister. The RA then makes the EA decision and a regulatory decision, in appropriate situations. The RA must take the panel's report into consideration when making any decision.²⁵

2.65 Factors considered in a federal EA

CEAA sets out what must be considered in an EA. The requirements differ depending on the assessment stream. In any assessment stream (screening, comprehensive studies, mediation or panel review) the following are to be considered:

- the environmental effects of the proposed project and their significance, including *cumulative effects*
- measures that are technically and economically feasible that would mitigate any significant environmental effects of the project
- public comments received in accordance with the Act
- any other factors relevant to the assessment, possibly including a description of project need and alternatives.²⁶

Cumulative environmental effects are the effect on the environment which results from the effects of a project when combined with those of other past, existing and imminent projects and activities. Many smaller projects can have significant cumulative environment effects.

For comprehensive studies, mediation, and panel reviews, the following must also be considered:

- the purpose of the project
- alternative means of carrying it out
- the need for and the requirements of any follow-up program,
- the capacity of renewable resources to be significantly effected by the project to meet the needs of present and future generations.²⁷

A **follow-up program** is conducted after an assessment is completed. It tests the accuracy of the predictions of environmental effects set out in the EA report and determines the effectiveness of any mitigation measures.²⁸ The Agency has developed

²⁵ CEAA, s. 37.

²⁶ CEAA, s. 15(1).

²⁷ CEAA, s. 15(2).

²⁸ CEAA, s. 2.

guidance material on follow-up.²⁹ The Agency is developing further guidance material on the appropriate role for adaptive management, which the Act allows to be used in a follow-up program.³⁰

2.6.6 When does The Canadian Environmental Assessment Act apply?

A federal EA must be done when:

- There is a **project**, as defined by the Act
- There is a federal authority who exercises duties, powers or functions related to the project (a **trigger**)
- The project is not be excluded by the Act or the Exclusion List

The Act defines a **project** as:

- (a) in relation to a physical work, any proposed construction, operation, modification, decommissioning, abandonment or other undertaking in relation to that physical work,
- (b) any proposed physical activity not relating to a physical work that is prescribed or is within a class of physical activities that is prescribed pursuant to regulations made under paragraph 59(b).³¹

As well, the ***Inclusion List Regulation***³² identifies those activities that, while not connected to a physical work, are still considered a project. An example of an item on the Inclusion List is military low-level flying (below 330 m) if using other than a pre-defined route, and flying more than 25 hours/year.

The ***Exclusion List Regulations***³³ contains a lists of projects that have been exempted from the EA requirements. These are projects that the government deems to be likely to have no or only insignificant adverse environmental effects.

Section 5 of the CEAA sets out the circumstances which **trigger** an assessment of a project. It states that an environmental assessment of a project is required before a federal authority exercises a power or performs a duty in respect of a project. The powers or duties listed under subsection 5(1) may be paraphrased as where a federal authority:

- a. is a proponent of a project,
- b. makes or authorizes payment, loans money or guarantees a loan to enable the project to proceed.
- c. leases or otherwise provides federal land for the project, or

²⁹ *Follow-up Programs under the Canadian Environmental Assessment Act*, (Nov. 2007) available online at << http://www.ceaa.gc.ca/013/0002/followup_e.htm>>.

³⁰ The Caucus also is developing material on the appropriate use of adaptive management under the CEAA (December 2008).

³¹ CEAA, s. 2.

³² *Inclusion List Regulations*, S.O.R./94-637.

³³ *Exclusion List Regulations, 2007*, SOR/2007-108.

- d. must issue a permit, licence or other approval, or take some other action to enable a project to proceed, where the regulatory provision relating to the approval or action is included in *the Law List Regulations*³⁴.

The *Law List Regulations* identifies other pieces of federal legislation that require a federal decision to enable the project to proceed (e.g. requiring the issuing of a permit or a license). An example is obtaining authorization to destroy fish habitat under s. 35(2) of the *Fisheries Act*.

Under the Act it also is possible for the Minister to require an assessment of a project where there is no section 5 trigger, if a project is likely to have provincial or international transboundary effects.³⁵

The three-prong test for triggering the CEAA

- **Is the undertaking a project as defined by the Act? If 'yes' then go on to next question. If 'no' then no federal EA is required.**
 - **Is the project excluded from assessment under the Exclusion List Regulation? If 'yes' then no federal EA is required. If "no" then go onto the next question.**
 - **Is a federal authority exercising one of the powers, duties or functions set out in section 5 of the Act? If "yes" a federal EA is required. If "no" then no federal EA is required.**
-

2.6.7 Joint Review Panels and Harmonization

A joint review of a project will occur if more than one "jurisdiction" has environmental assessment responsibilities for the project, and if the assessment has been referred to a panel review.³⁶ For example, the Joslyn North Mine Project oil sands mining and facilities project in northern Alberta is scheduled to be assessed by joint panel review in 2009. A federal EA is required because, if the project is to proceed, it will require a Department of Fisheries and Oceans' permit under the *Fisheries Act*. As well, this oil sands project requires a provincial EA under the *Environmental Protection and Enhancement Act*.³⁷

For the purposes of joint review a "jurisdiction" means:

- A federal authority
- A province
- Other federal or provincial bodies with EA responsibilities

³⁴ *Law List Regulations*, SOR/1994-636.

³⁵ CEAA, ss. 46 and 47.

³⁶ CEAA, s. 40.

³⁷ *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12.

- Resource Management Boards established by Land Claims Agreements
- First Nations Community
- Foreign governments
- International Organizations of states

The Act requires that the Minister or, if appropriate, the Minister of Foreign Affairs, enters into an agreement with the other jurisdiction respecting the establishment of the review panel and the manner in which the EA of the project is to be conducted by it.³⁸ If a Harmonization Agreement is in place with the other jurisdiction (see section 2.5), it will set out general rules for conducting a joint review.

³⁸ CEAA, s. 40(3).

Section 3: The Public

Meaningful public participation in EA processes and decisions is essential. The public has a right to participate in processes and decisions affecting its interests. It is not acceptable to deny communities or individuals a voice in the processes and decisions that might alter the environment in which they live. Public involvement is the best way to introduce into EA the diverse values that might otherwise be missing from the process.

3.1 Key elements of meaningful public participation

The following are typical provisions found in EA legislation for public participation:

- Public notification of key steps and decisions taken during the EA
- Provision for meaningful input into procedural decisions during the EA. This might include the selection of panel members, the setting of the terms of reference for public reviews, as well as determining the scope of what the EA will cover
- Participation in both public reviews and self-directed assessments like screenings and comprehensive studies
- Provision for fair, equitable participation including funding
- Readily accessible information
- Provision for access to experts
- Publication of the reasoning behind all decisions made in the EA

3.2 The Canadian Environmental Assessment Registry

Effective participation requires access to information. Under the Act, the federal government must establish and maintain a public registry for every EA. This public registry becomes the main repository for documents concerning the proposed project. In the case of a screening or a comprehensive study, the RA is obliged to keep it up to date. If the project is referred to a mediator or a review panel, the Canadian Environmental Assessment Agency is responsible for the upkeep of the public registry.

The Public Registry for CEAA is called the “Canadian Environmental Assessment Registry”. It consists of an **Internet site** and **project files**.³⁹ As well, the FEAC or the Agency, as the case may dictate, must ensure that a printed copy of records concerning a screening or comprehensive study is provided to the public on request.⁴⁰

The Act requires that the **Internet site** include the following:⁴¹

- a notice of commencement of an EA within 14 days after commencement (except for class screenings)
- a notice where someone other than the RA or Agency is the FEAC of a EA
- a description of the scope of the project in relation to which EA is to be conducted

³⁹ CEAA, s. 55.

⁴⁰ CEAA, s. 55(3).

⁴¹ CEAA, 55.2.

- a statement of the projects subject to class screenings and declarations of the development of class screening reports
- notice of termination of an EA by an RA or the Minister
- public notices to request public input into an EA
- notice of the Minister's decision to continue a comprehensive study as a comprehensive study, or to bump it up to a mediation or panel review
- for screenings subject to public participation (see section 3.3.1) and comprehensive studies, a description of the factors to be considered in an EA and scope or such factors (or direction as to how this information may be obtained)
- the screening or comprehensive study report (or direction as to how a report may be obtained)
- a statement of the determination of the environmental effects of a project, a description of any mitigation, and the environmental assessment decision statement
- notice of the referral of a project to a mediator or review panel and their terms of reference
- documents relevant to a mediation
- information regarding any follow-up (or direction on how to obtain such information)
- any other information that the RA or Agency considers appropriate.

Notwithstanding the above, the RA Minister, or Agency, as the case may be, only has to post a record on the Internet site if it is otherwise publicly available or reasonably believes that it would be in the public interest to disclose it in order for the public to effectively participate.⁴²

The administrator of an EA also must establish a **project file** for every EA conducted. The project file must be maintained from the commencement of the EA through to the completion of any follow-up program. It is to include:

- all records posted on the Internet site
- any report regarding the EA and records relating to follow-up and mitigation.⁴³

Unfortunately, there are only a few legislated time lines for documents to be filed on the registry, so it cannot always be relied upon. Government officials do not always keep them up to date during an EA process.

3.3 Public participation in the CEAA

The CEAA states that one of its goals is "to ensure that there be an opportunity for timely and meaningful public participation throughout the environmental assessment process"⁴⁴ The Act *provides* for public participation within the EA process to varying degrees depending on kind of assessment: screening, comprehensive study, mediation, or panel review.

⁴² CEAA. S. 55.5(1) (ii).

⁴³ CEAA s. 55.4.

⁴⁴ CEAA, s. 4(d).

3.3.1 Public Participation in a Screening

At the screening level, public participation is at the discretion of the RA. The Act states where the RA "is of the opinion that public participation in the screening of a project is appropriate in the circumstances, or where required by regulation ... " the RA must give the public the opportunity to comment on the description of the proposed scope of the project, the screening report and on any record that has been filed in the public registry with respect to the proposed project.⁴⁵

Public involvement is very important in screenings and should not be downplayed. It is important to note that significant public concern at the screening level can lead to a public review.

Once a screening is announced, you can:

- review the documents listed in the public registry
- request a description of the proposed project scope
- notify the RA if there are documents you think should be in the public registry but aren't
- submit your comments, concerns, and any information you feel will inform the decision
- submit your position on the project
- if you think the project should proceed but only with certain mitigation, monitoring or research, indicate this in your written submission
- if there is significant public concern about the project, document this in your submission
- encourage others to make submissions
- if warranted, ask for a public meeting to review the screening report (while not required by the Act, there is nothing prohibiting this and it has been done for screenings)
- if there are significant or unknown environmental impacts and/or significant public concerns, request a public review (panel review or mediation)
- if you think the screening has been improperly done or that the conclusions reached in the screening decision are not supported by the information, consider legal action

The Act also prohibits the RA from making the EA decision until 15 days after the posting on the Internet site of the notice of commencement of the EA, the description of the scope of the project, and, where the RA gives the public opportunity to participate in a screening, a description of the factors to be taken into consideration in the EA, and a description of the scope of these factors, or direction as to how to obtain such a description.⁴⁶

The vast majority of EAs only go through screenings, so participating in them is very important.

The Act also gives the public opportunity to comment on a proposed **class screening** report. Before the Agency declares a report to be a class screening report, the public

⁴⁵ CEAA, s. 18(3).

⁴⁶ CEAA, s. 20(4).

must be given an opportunity to comment on the report and the Agency must take comments into account in deciding whether to designate a class screening report.⁴⁷

3.3.2 Public Participation in a Comprehensive Study

The public has an important role to play in a comprehensive study. The Act requires that the RA “shall ensure public consultation with respect to the proposed scope of the project” for the purposes of the EA, the factors proposed to be considered in its assessment, the proposed scope of the factors, and “the ability of the comprehensive study to address issues relating to the project.”⁴⁸ At this point the public also should comment on any concerns that it has regarding the project and its likely environmental effects.

It is important for the public to be involved with a comprehensive study at this early stage since the Act requires the RA, after public consultation, to report to the Minister regarding the matters that were subject of the public consultation. These matters include any public concerns regarding the project. At this time the RA also must make a recommendation to the Minister as to whether the assessment should continue as a comprehensive study or whether the project should be referred to a mediator or a review panel.⁴⁹ In making a decision, the Minister must take into account the public input reported by the RA.

If the Minister determines that a project shall continue to be assessed as a comprehensive study, the Act requires the RA to “ensure public consultation” with respect to the comprehensive study.⁵⁰

The RA for the comprehensive study is the person to contact with any concerns at any stage of the project.

3.3.3 Summary – Public Participation in Screenings and Comprehensive Studies

The opportunities for public participation improved somewhat with respect to both screenings and comprehensive studies with the 2003 amendments to the CEAA. However, the Act still does not *require* any opportunities for public participation in screenings. Unless an RA determines that it is appropriate to allow public participation in a screening, there is none. The Agency has prepared guidance material for the Public, RA's, and Practitioners, on aspects of participation under the Act including when RA's should offer public participation opportunities.⁵¹ The public should be familiar with this Guide as it contains useful material regarding public participation in screenings and other levels of EA.

⁴⁷ CEAA, ss. 19(3) and (4).

⁴⁸ CEAA, s. 21(1).

⁴⁹ CEAA, s. 21(2).

⁵⁰ CEAA, s. 21.1.

⁵¹ *Public Participation Guide* (2008), online at << http://www.ceaa.gc.ca/012/019/index_e.htm>>.

3.3.4 Public Participation in a Panel Review

A panel review offers the most extensive opportunity for public involvement in EA. In a panel review, members of the public can participate in initial scoping meetings. These meetings are held in front of the appointed panel to determine the scope of the issues to be addressed by the panel in their work. At later stages in the panel review, the public may appear before the panel in public hearings to present evidence or voice their concerns and comments.

A panel review generally proceeds as follows⁵², with the areas of greatest public involvement highlighted:

1. Terms of reference for the panel are established jointly by the Minister of the Environment and the RA.
2. The Minister of the Environment appoints the panel. The panel then develops and releases operating procedures.
3. The panel holds scoping meetings to listen to the issues and concerns of the public. These meetings are kept as informal as possible; they are not legal proceedings. The aim is to establish face-to-face contact between the panel and the public. The panel places notice in local newspapers announcing the date and location of a scoping meeting. The public may attend the meeting to express its views. This is an important point of influence and concerned people should participate.
4. The panel, taking into account the presentations it has heard during the scoping meetings, drafts guidelines for the preparation of an environmental impact statement (EIS) by the project's proponent. The panel then tables guidelines for public comment before releasing the final version.
5. In its EIS, the proponent responds to all of the questions asked in the panel's guidelines.
6. When the panel receives the EIS, it is released to the public for a minimum 60-day review period to allow for comments on the adequacy of the EIS as a response to the guidelines.
7. If the panel determines that the EIS is complete, hearings are scheduled with a minimum 21-day notice. If the panel finds the EIS incomplete, it will issue a statement of additional information which the proponent must provide before the scheduling of public hearings.
8. The panel holds public hearings to receive views and opinions on the merits of the proposals. While the hearings focus on the EIS, the discussion is not confined to this document. The panel will give public notice of the time and place for the hearing and will ask members of the public to register if they wish to make a presentation. Procedures for participation are sent to members of the public who ask to be placed on the panel's mailing list.
9. The panel prepares a report containing its conclusions and recommendations to the Minister of the Environment and the RA.
10. The Minister and the RA release the report to the public. Members of the public on the mailing list will receive either a copy of the report or a summary of the

⁵² Canadian Environmental Assessment Agency. *Citizen's Guide to Environmental Assessment*. You can find this on the Agency's website at <www.ceaa-acee.gc.ca>.

conclusions and recommendations. Members of the public not on the list but wishing to receive a copy of the report can write or call the Agency.

11. The government publicly responds to the panel's recommendations.
12. To make sure that you are included on the mailing list for the panel review in which you are interested, contact the Canadian Environmental Assessment Agency or the Executive Secretary of the panel.

3.3.5 Participating in a Panel Review: Some ideas

Here are some ideas on how you can effectively participate in a panel review.

- Review the proponent's environmental impact statement (EIS) closely. Identify any weaknesses, deficiencies, and incorrect assumptions, information or conclusions.
- Question proponents, experts and possibly other intervenors during the panel hearings.
- Make your own submission in writing and summarize it orally at the hearing.
- Respond to questions at the hearing.
- Have your own experts appear as your witnesses at the hearing.
- Submit expert reports in advance of the hearing.
- Consider legal action if the panel review is done improperly or if it comes to a decision that is not supported by the information submitted during the review.

3.3.6 Participant Funding

Effective participation in an EA by an individual or community requires a large commitment of time and, often, money. Time is needed to review documents, stay on top of the proceedings and organize input and responses. Money is needed to obtain legal or technical expertise, or simply to have someone from an organization become familiar with what could be thousands of pages of documents. Without access to this, full, effective public participation is jeopardized.

Participant (or "intervenor") funding is widely acknowledged as key to a fair EA process. The proponent already has the resources to access the information and expertise it requires; the process is not fair if the public cannot do the same. Without participant funding, the EA can be more of a public relations exercise than an honest attempt at public involvement.

The federal government's participant funding program aims to assist in participation in comprehensive studies, mediation, and panel reviews. Federal participant funding has been available for public reviews since 1992. CEAA, brought into force in 1995, reaffirmed the federal government's commitment to provide funding to participants in public review processes. In 2003, the potential for funding to participate in comprehensive studies was added to the program.

Funds are available to community groups, individuals, voluntary groups and non-profit organizations. Persons interested in participant funding should consult the Agency's

Guide to the Participant Funding Program, available on the Agency's website (Funding Guide).⁵³

For comprehensive studies, the availability of participant funding is announced following the Minister's track decision that assessment as a comprehensive study will continue as a comprehensive study, and will not be "bumped up" to a mediation or panel review. By this time the project already will be scoped, and so, although the public must be given opportunity to participate in scoping a project, there is no participant funding for this element of the EA. However, participant funding is available from the time that the Minister issues the track decision.

Funding is available to comment on the comprehensive study report that the RA prepared for the Minister prior to the Minister's track decision.⁵⁴ It is important that the public relate any concerns at this time since the Minister must take into account any comments when setting out his or her opinion regarding whether the project, as mitigated, will likely result in significant adverse environmental impacts. As well, the Minister must consider comments in setting out mitigation or follow-up measures.⁵⁵ Finally, before issuing an EA decision statement, if the Minister is of the opinion that there are public concerns that still need to be addressed, the Minister must take action to ensure that they are addressed.⁵⁶

For panel reviews, funds can be used to:

- prepare for and participate in scoping meetings that identify the factors that the proponent must address in its EIS
- review the proponent's EIS
- prepare for and participate in the panel hearings.

Funding proposals must be prepared and directed to the Canadian Environmental Assessment Agency. Among other required information, the Funding Guide states that a proposal must

- demonstrate that you have at least one of the following:
 - a direct, local interest in the project, such as a residence in the area or
 - historical or cultural ties to the area likely to be affected by the project;
 - community knowledge or Aboriginal traditional knowledge relevant to the environmental assessment; or
 - expert information relevant to the anticipated environmental effects of the project.
- provide a clear statement of why you want to participate in the environmental assessment
- demonstrate that you have the ability to carry out the proposed activities in accordance with the time lines of the environmental assessment

⁵³ <<http://www.ceaa.gc.ca/012/013/Participant-Funding_e.pdf>> (original 2004, updated, 2005).

⁵⁴ CEAA, s. 22.

⁵⁵ CEAA, s. 23(1).

⁵⁶ CEAA, s. 23(2).

- describe how you would be able to play an important and distinct role in the environmental assessment. You should provide sufficient information to support the statement.
- identify your funding requests in accordance with the expense categories described in the Funding Guide
- assign a high, medium or low priority designation to each expense category

Although the Funding Guide does not address participant funding for mediations, it states that a person interested in such funding should contact the Agency's Contact for the Participant Funding Program (see section 8, **Contact Information**).

Section 4:

Ten warning signals that your EA is going astray

In the course of your interaction with EA, you may be faced with slick assessment documents, convincing-sounding media releases and well-orchestrated government or industry open houses. All of these will seek to reassure you that an assessment is being conducted according to law and that the true effects of the project are being carefully considered. To deal effectively with the information put forward and the whole EA process, you may need the help of activists with EA experience, scientific or technical experts, an EA consultant or a lawyer.

Although each situation is unique, experience shows that certain dubious approaches to EA are commonly undertaken by proponents and government. Here are ten to watch out for:

1. The government denies that the relevant legislation applies at all. Legislation can often be quite flexible in its interpretation and application. If the jurisdiction of the relevant legislation is interpreted quite narrowly, the applicability of the legislation is then often denied.
2. The government refuses to start the EA until it has received an "application" from the proponent. This is often months or years after the project has been announced and long after the project has passed the early planning stages. In reality, EA is a planning process - it is not meant to be driven by an application. Sadly, it often is.
3. The project is pushed through the EA before local citizens can become adequately informed and organized to mount effective opposition. This often involves less-than-truthful appeals based on the financial imperatives of the project, its potential for job creation, and the short timelines of EA or approval processes. Citizens and groups are then faced with the difficult choice between boycotting what they see as an illegitimate process, and participating at the risk of the proponent and government claiming that there has been full and proper public consultation during the EA.
4. The scope of the project is too narrowly defined. For example, in a larger forest-harvesting operation, the EA may assess only a proposed bridge over a navigable river (which would trigger the relevant legislation) instead of the entire logging road or the complete harvesting operation.
5. The project is artificially segmented. Often it is beneficial for proponents to break the larger project into smaller sections and, subsequently, have the smaller sections assessed as stand-alone projects. For example, assessing a mine without the smelter it will require; assessing a road into the hinterland without considering the forestry development it will facilitate; or assessing the export of electricity without assessing the impacts of the generation facilities that are creating the power to be exported.

Such segmentation has three consequences. First, overall and cumulative environmental effects may be underestimated. Second, one segment of a larger project may receive approval before the other segments are assessed; it then becomes harder to stop or significantly modify the project after the first portion is approved or even built. Third, if a project is segmented, its overall size can be misrepresented; this can lead to a less comprehensive assessment. Proponents like this because more comprehensive assessments involve greater degrees of public involvement.

6. The assessment focuses only on the "commercial" impacts of a project. The proponent may focus on, for example, the impacts of a project on a salmon fishery, while downplaying the value of ecosystem integrity, biodiversity and traditional resource use by First Nations.
7. The assessment focuses only those environmental impacts for which data already exists. EA legislation requires consideration of all environmental effects, even if this means costly and lengthy original field work.
8. The responsible authority or the Minister agrees to take a back seat in the EA. By doing so, they leave most of the process decisions and substantive work up to a provincial EA authority or a federal board (e.g., the Atomic Energy Control Board of Canada or the National Energy Board). To the detriment of the EA, either or both the provincial EA authority or the federal board may have a closer and more sympathetic relationship with the proponent than many federal authorities, especially Environment Canada and the Department of Fisheries & Oceans.
9. The EA uses insupportable findings to determine that a project is not likely to cause significant adverse environmental effects, or that such effects can be justified in the circumstances.
10. It is uncertain whether mitigation measures will actually mitigate environmental impacts but the proponent or an EA authority states that "adaptive management" will deal with uncertainties. This is unacceptable, as the CEEA requires that mitigation measures be "technically and economically feasible" and that they "would mitigate any significant adverse environmental effects".⁵⁷ The proper role for adaptive management is in a follow-up program and not in determining mitigation.

⁵⁷ CEEA, s. 16(1) (d).

Section 5: Strategies and Tips

5.1 Getting Organized

Although EA can be a useful point of influence for the public, you should not have any illusions on the record of EA. It rarely stops projects and often at best results in mitigation measures and adjustments at the margin. However, getting involved in environmental assessment can be an effective first step to having an improved project and to building up interest and capacity in environmental issues. There are indeed a number of ways to exert your influence on environmental decision-makers.

With some basic information, access to resource people, a strategy and lots of energy, you can make a difference in an environmental assessment.

5.1.1 Engage in the Environmental Assessment Process

Even if you or your group have no technical or scientific knowledge whatsoever, you can engage in the EA process. Do not be intimidated by industry or government; you have a legislated right to be involved and there are countless examples in both federal and provincial EA's where "non-experts" have made significant contributions to environmental protection.

- The first step is to contact your provincial/territorial Department of Environment and/or the Canadian Environmental Assessment Agency
- Ask if the project has been registered yet, and/or is undergoing a review. If so, ask what kind of review is happening
- Ask for a copy of the Registration Document/Report
- Ask to be put on their mailing lists for any newsletters, releases, reports, etc.
- Find out if the assessment will be a provincial, territorial, aboriginal, federal, or combined process. Ask if there is an inter-governmental or multi-party agreement being negotiated or in place to direct the EA
- If the federal government is involved, find out who the Responsible Authority is (e.g., Public Works, Department of Fisheries and Oceans, Department of Transport)
- Become familiar with and follow the timetable for public input. Respond to the project registration/screening and follow the progress of this document through the system
- Contact the proponent as soon as possible. Express interest in the project, and request that you or your group be included in any public consultation initiatives. Do this in writing.
- Request an introductory meeting on the project. Do not necessarily assume an adversarial stance or take a position on the project until the group has become reasonably well-informed with the project
- Offer the proponent any local or unique expertise members of the group may possess and explain why this expertise may be of assistance. Make this offer in writing as well. That said, be aware that some information, for example, some

traditional ecological knowledge, may be subject to intellectual copyright, and may not be freely distributed.

- Review the reports or studies on the proposed project
- After identifying on a preliminary basis whether there are issues of concern to you or your group, consider contacting lawyers or people with technical knowledge about the federal or provincial/territorial process to request a proposal to provide legal or expert advice in relation to the project. You may want to start working on funding applications.
- After identifying issues of concern, write the proponent and the responsible departments/authority with an outline of the concerns and request a meeting to resolve these concerns
- If the proponent invites you or the group to participate in the study process, ensure that your involvement is constructive, diligent and sincere so that credibility is established and maintained in the eyes of the responsible authority and the proponent
- If necessary, write to the responsible department/authority requesting the project be referred to mediation or a review panel and give detailed reasons
- If necessary, obtain hard-to-get documents through Access to Information Acts. Be aware that this can be a lengthy (and sometimes costly) process. Use this tactic strategically

How to prioritize information

Focus on environmental impacts, as these are what the laws require to be mitigated. Jobs and socio-economic impacts not related to environmental impacts may be important but there are no legal mechanisms to deal with them.

How to recognize weaknesses in project documents

- Make sure that the scope of the project is adequate. Ask yourself "What has been left out?"
- Look at when the studies have been conducted, and how many. It is a problem, for example, when a fish study of a creek is conducted in June, if fish spawn in that area only in August. Also, wildlife studies should be more than one season and often more than just one day within a season. It is too easy to miss migratory or rare birds, for example, unless there are repeated visits during different seasons.
- For further information on participating in EA, call the contact person for your region whose name appears in the Resources section of this kit.

5.1.2 Apply Political Pressure

There are many ways to make your voice heard, including phone calls, letters, telegrams, faxes or e-mails. Politicians estimate that every phone call they receive represents ten people, while every letter represents one hundred. Phone and/or write to register your opinion with your mayor and municipal councillors, your provincial elected members, your federal MP, and of course the provincial and federal cabinet ministers responsible for both industrial development and the environment. Note that key civil servants are also often well-positioned to make important environmental decisions. Make them accountable, too, by finding out who they are and addressing

them directly. Make a note of those who seems the most supportive. They can help you find important information and understand the process.

- Use your letter as a guide for your phone call. You will be more coherent if you write your thoughts out first
- State your intention simply ("I wish to register my concern with the environmental irresponsibility of ...") and provide one or two solid reasons for your position. One strong reason is better than ten weak ones
- Be courteous, and as brief as possible
- Avoid overstatement and inaccuracy or a hysterical or abusive tone. These will only get you labelled as a crank and your letter or opinion will be quickly disregarded
- Write to the Minister who makes the decision, and copy your letter to your local MP/MLA. Send copies to people or groups who may be interested in your views

5.1.3 Contact the Media

- Learn the names of your local reporters and direct your inquiries to an individual, rather than an institution
- Develop a few key, clear messages you want to get across and repeat them
- Establish a relationship with the news media and be prepared to provide news releases to the local press at significant points in the decision-making processes
- Keep your media contacts informed and educated on the issue. They may not be aware of the intricacies and nuances of either the EA process or the specific project. Try not to overload them with information, though. Send them summary documents. Prepare fact sheets or backgrounders that highlight the important points in the process and your key message.

Print media

- Write and send concise versions of your political letters to the editors of your local papers and to selected national newspapers.
- Local media will not normally print copies of a letter written to someone else: redraft your letter to the Minister or Member using the 3rd person (i.e., use "s/he", "him", "her", etc., rather than "you").
- Most papers will not publish anonymous letters so be sure to include your name and address.

Radio, Television, Internet

- Phone the news rooms of your local radio and television stations, providing information and asking questions.
- Ask for and participate in open-line discussion or telephone polls related to issues you care about.
- When the media does deal with an issue in which you are interested, call or write in to respond to their handling of it. Don't chew them out or you risk alienating them. If they know there's an interested audience out there, media are more likely to follow up on a story.
- Get advice on working with the media from local people who have worked on similar issues.

- Start an internet blog or other internet tool that highlights the issues and gives others the opportunity to participate in the discussion and action plans.

5.1.4 Talk it Up

- Think exponential progression! You tell two friends, and they'll each tell two friends, and so on.
- Focus on information, not just opinion.
- Talk to groups as well as individuals (like teachers or community leaders) who have access to groups. If you're a member of an association, bring your concerns to the group. Get the issue on the agenda of your meeting and call for discussion. It helps to have a fact and/or question sheet ready for these occasions. Try to develop a position or statement from the group. Letter-writing campaigns are even better.
- Environmental issues are of concern to all social groups. Don't feel your efforts are inappropriate to the group's regular mandate.
- Ask your listeners to pass it on. The main thing is to get people talking; this is how information gets around and how public opinion is formed.

5.1.5 Take Dramatic Action!

Environmental battles are fought in the public forum and protagonists compete with many other interest groups for media attention. People like a show, so help give them one.

- Attend demonstrations, pickets, benefits, debates. Numbers count at these events, so if you are organizing one, work at getting people out to it.
- Write a song, make a poster, use street theater or performance to call attention to your cause. This is where creativity and special talents really count.
- Make sure your actions are consistent with your messages.
- Make sure you don't "peak" too early! These are often long, drawn-out affairs and it is important that you are in it for the full process.

5.1.6 Join or Form a Group

There's strength in numbers. Groups are usually much more effective than a number of disparate individuals when tackling an EA process. The existence of a group affords a degree of credibility and accountability that an individuals cannot have on their own. Groups also often include individuals with specialised knowledge who can translate technical information for the benefit of the membership.

When government and industry won't co-operate in providing data or actually place obstacles in the way of obtaining information, group pressure can force these institutions to respond to questions more effectively than individuals. Larger groups that meet on a regular basis are also a good way to get to know others with the same objectives and to get more information to help you in your campaign.

A group can be anything from informal to formal; try to ensure that:

- Several specific people always attend meetings with the proponent and the responsible department(s)
- There is a single media contact person

- There is a fundraising committee
- There is a membership communications committee
- Everyone performs some task - however small - to advance the group cause. If everyone does a little, a lot is accomplished
- There is a steering committee to make day-to-day decisions
- Make sure everyone is clear on how decisions will be made (e.g., by consensus, by small group, etc.)
- Ask for volunteers to sit on a Steering Committee. Four to eight people is a workable number
- Get consensus from the group that they are agreeable to these people comprising the Steering Committee (a vote may be taken if seen as necessary - the tenor of the group will decide this)

Other ideas for effective involvement include:

- Bring together like-minded people and brainstorm to come up with a small (or large) project you could put into effect (see "How to Develop an Action Plan")
- Have volunteers monitor the news media and other outlets, such as the Public Registry, the Canadian Environmental Assessment Agency, the local Department of Environment office, etc.
- Establish working and cost-sharing relationships with other groups of like interest.
- Inquire into participant funding opportunities and apply.
- Explore other fund-raising options:
 - ▶ Local: concerts, dances, benefits, telemarketing, direct member support, etc.
 - ▶ Regional/National: There are some national organizations that can help provide expert assistance (e.g., Canadian Environmental Defence Fund, Sierra Legal Defence Fund, West Coast Environmental Law Centre). For a national organization to financially support the initiative, it often must have a national relevance (e.g., be a precedent-setting EA issue of national concern or threaten a nationally-valuable resource or wilderness area.)

Be clear at all times what the group's concerns are. Write down the key messages and make sure volunteers are familiar with these.

5.2 How to Develop an Action Plan

To get somewhere, it's important to know where you are now and where you want to get to. You may or may not get everything you want but the outcome will always be better as a result of the actions you take.

Environmental activities can be stressful. It is important to build support into your action plan and to have fun. A group of about a dozen interested people is ideal for developing an action plan, but one to thirty people will do. The following is an outline for a one-day Action Plan workshop. The objective of this workshop is to identify common goals, identify skills of participating individuals and, finally, to come up with an action plan for your group.

Review Agenda (5 minutes)

Introductions (1 minute per person)

- Have people tell a little bit about themselves including why they are interested in this issue
- Pass around a sheet to get everyone's name, address, telephone, fax and e-mail information

Skill Identification (5 to 15 minutes)

- Have people write down their skills, hobbies, things they like to do. Ask questions to see who has what skills (letter writing, public speaking, photography, etc.). It is important to include hobbies as these are often crucial to fund-raising efforts. This exercise identifies the strengths and weaknesses of the group.
- People can be recruited later to strengthen weak areas.
- Skills can be strengthened through training, practice, etc.

Describe the Problem (15 minutes)

- Ask people to write down what their concerns are about the project.
- Ask one person to indicate what he/she thinks is the problem and write this response on a flip chart.
- Ask others to add to the problem description until everyone is satisfied that the problem is fully described.
- Check to see if anyone disagrees with the problem description. If so, modify or delete that portion if everyone agrees.
- This process will result in consensus on the nature of the problem.

Describe the Solutions (25 minutes)

- Ask people to write down what they see as the solution(s) to the problem: What do they want? Do they have any alternatives to propose?
- Ask one person to indicate what he/she thinks are the solutions and write this on a flip chart.
- Ask others to add to the solution(s) until everyone is satisfied that the solutions are fully described.
- Check to see if anyone disagrees with the proposed solutions. If so, modify or delete that portion (if people agree).
- This process will result in consensus on possible solutions to propose to government and the public.

Brainstorm Actions (20 minutes)

- Have everyone write down all of the actions that they can take to bring about the desired solution(s).
- Encourage them to use their imaginations and, for this section, anything goes.
- You may even offer a prize for the person who comes up with the longest list of actions. (This works especially well for children.)
- Go around the group and have each person give one action.
- Write this action down on the flip chart.
- Do not allow any debate or discussion at this point - all ideas are good ideas.

- People should not repeat an action that has already been listed unless their action is somewhat different.
- People can add to their lists if someone else's suggestion makes them think of something.
- Keep going around the group until you run out of actions.

Take a Break (15 minutes to 1 hour)

- Have the group bring a pot luck snack/lunch so they can do some visiting and networking.

Group Similar Actions Together

- Do this while others are taking a break.
- The following are useful headings for groups of actions: legal/quasi-legal, political, public awareness/media/communication/education, research/information gathering, organizational/fund-raising activities.

Working Groups (1 to 3 hours)

- Divide into smaller groups (only if you have enough people, otherwise do the following part all together, going through one group of actions at a time).
- Assign one group of actions to each small group according to their preference.
- For each group of actions, decide which actions are going to be taken (not all actions can be taken, for many reasons).
- Decide who is going to take the action (or be responsible for making sure the action is taken) and when the action is going to be taken.
- Be as specific as possible.
- Write these on the flip chart under the headings of Action, Who and When.

Report Back (30 minutes)

- Come back into the full group and have each small group report back.

Follow Up

- The Action Plan is usually kept confidential. Get agreement on this point from the group. If this step is neglected, disagreements can arise in the future.
- Ask someone to volunteer to type up and distribute the Action Plan to the people present.
- Ask someone to type up the sheet with everyone's contact information, and distribute it to the people present.

Go Around / Wrap-Up (1 minute per person)

- Have people tell how they feel about what they have accomplished. This is important to bring closure to the workshop.

***Now, the plan has to be implemented. Miracles happen rarely.
Success is usually the result of a lot of hard work.***

Section 6:

A Quick Word on Reading Legislation

If you have no experience reading legislation, these thick documents, densely packed with sections, subsections, paragraphs and regulations can be intimidating. Once the basic structure of these Acts is understood, however, they become much easier to understand. You might even find yourself referring to the legislation in the future to answer your own questions.

What a typical piece of legislation contains...

The Preamble

The Preamble sets the stage for the piece of legislation. Often, it outlines the societal values behind the legislation. To some degree, it directs the spirit in which the Act is interpreted, and thus can be important for guiding citizens, lawyers and judges when disputes arise.

In *The Canadian Environmental Assessment Act*, the term "sustainable development" and the notion of effective public participation are mentioned numerous times in the preamble:

Whereas environmental assessment provides an effective means of integrating environmental factors into planning and decision making processes in a manner that promotes sustainable development.

And

Whereas the Government of Canada is committed to facilitating public participation in the environmental assessment of projects to be carried out by or with the approval or assistance of the Government of Canada and providing access to the information on which those environmental assessments are based.

Definitions

One of the most important parts of any piece of legislation is the Definitions. These are found near the beginning of the legislation. The scope of these definitions can have a far-reaching influence on the application of the Act. For example, if "environment" is defined narrowly, the application of the legislation might also be narrow. Understanding the definitions is essential before the rest of the Act can be fully understood. Take a minute and read over some of the more important definitions found in CEAA and other relevant EA related legislation such as "environment," "environmental effect," "environmental assessment" and "project."

Purpose

Following the Definitions, there is often a section that details the Purpose of the legislation. This section further establishes the foundation upon which the legislation has

been conceived and built. Detailing the intent and scope of the legislation, it can have important implications for how the Act is interpreted and applied in practice.

Main Body of the Legislation

The main body of the legislation follows the Purpose section. It is the "nuts and bolts" of the legislation. This section details how the EA process is triggered; what happens at each stage of the process; the roles and responsibilities of the main players within the EA, including the public; the discretionary powers of the Minister, etc. Regulations that form part of the Act are referred to in this section.

Regulations

The Regulations serve to further clarify, detail or inform the provisions of the Act. In the Canadian Environmental Assessment Act, four main regulations are the Inclusion List, the Exclusion List, the Comprehensive Study List and the Law List. The Regulations associated with an Act are an important part of the entire legislation, and should be understood. Bear in mind also, that it is generally easier for government to amend Regulations than an Act. This is because Cabinet or even a single Minister might be able to change regulations, whereas only Parliament or Legislature may change Acts.

Policies, Procedures, Guidance

The next level of detail is on the policies, procedures, and guidance material that government departments may develop to guide their implementation of the Act. It may be useful to be aware of these (if they're available), but they are not legally enforceable, as they are seen as simply "guidance" material. Any policies, procedures, and guidance materials must be consistent with the Acts and regulations.

Section 7:

Contact Information⁵⁸

7.1 Provincial and Territorial Government contacts

Alberta

Honourable Rob Renner
Minister of Environment
#425 Legislature Building
10800 - 97 Avenue
Edmonton, AB T5K 2B6
Tel: (780) 427-2391
Fax: (780) 422-6259

British Columbia

Honourable Barry Penner
Minister of Environment and Minister Responsible for Water Stewardship and Sustainable Communities
East Annex
Parliament Buildings
Victoria, BC V8V1X4
Tel.: (250) 387-1187
Fax: (250) 356-6176

Canada

Honourable Jim Prentice
Minister of the Environment
10 Wellington Street
Gatineau, Quebec K1A 0H3
Tel: (819) 997-1441
Fax: (819) 953-0279

Manitoba

Honourable Stan Struthers
Minister of Conservation
Room 330, Legislative Building
Winnipeg, MB R3C 0V8
Tel: (204) 945-3730
Fax: (204) 945-3586

New Brunswick

Honourable Hon. Roland Haché

⁵⁸ Contact information is based on what was available through internet sources in January, 2009. You may need to complete and update information.

Minister of Environment
Marysville Place
20 McGloin Street
Fredericton, NB, E3A 5T8
Tel.: (506) 444-5136
Fax: (506) 453-3377

Newfoundland and Labrador

Honourable Charlene Johnson
Minister of Environment and Conservation
Confederation Building
4th fl, West Block
P.O. Box 8700
St. John's, NL, A1B 4J6
Tel.: (709) 729-2574
Fax: (709) 729-0112

Northwest Territories

Honourable Michael Miltenberger
Minister of Environment and Natural Resources Development
Legislative Assembly, Floor 2
Box 1320
Yellowknife, NT X1A 2L9
Tel.: (867) 669-2355
Fax: (867) 873-0596

Nova Scotia

Honourable Mark Parent
Minister of Environment
Nova Scotia Environment
PO Box 442
Halifax, NS B3J 2P8
Tel.: (902) 424-3736
Fax: (902) 424-1599

Nunavut

Honourable Olayuk Akesuk
Minister of Environment
P.O. Box 1000 Station 1300
Iqaluit, NU X0A 0H0
Tel: (867) 975.7700
Fax: (867) 975.7740

Ontario

Honourable John Gerretsen
Minister of the Environment
12th Floor, 135 St. Clair Avenue West

Toronto, Ontario M4V 1P5
Tel: (416) 314-6790
Fax: (416) 314-6748

Prince Edward Island

Honourable Richard Brown
Minister of Environment, Energy and Forestry
11 Kent Street, 4th floor
P.O. Box 2000
Charlottetown, PE C1A 7N8
Tel.: (902) 368-6410
Fax: (902) 368-6488

Quebec

Honourable Line Beauchamp
Minister of Sustainable Development, Environment and Parks 675, boulevard René-
Lévesque Est, 30 étage
Édifce Marie-Guyart
Quebec, QC G1R 5V7
Tel.: (418) 521-3911
Fax: (418) 643-4143

Saskatchewan

Honourable Nancy Heppner
Minister of Environment
Room 315, Legislative Building
Regina, SK S4S 0B3
Tel.: (306) 787-0393
Fax: (306) 787-1669

Yukon

Honourable Elaine Taylor
Minister of Environment
2071 - 2nd Avenue
P.O. Box 2703
Whitehorse, YT Y1A 2C6
Tel.: (867) 667-8641
Fax: (867) 393-6252

7.2 Secretariat of Canadian Council of Environment Ministers

Carl Hrenchuk
Executive Director
CCME Secretariat
123 Main Street, Suite 360
Winnipeg, MB R3C 1A3
Tel.: (204) 948-2090
Fax: (204) 948-2125

7.3 Canadian Environmental Assessment Agency (www.ceaa-acee.gc.ca)

National Office (including inquiries on Participant Funding):

Canadian Environmental Assessment Agency
22nd Floor, Place Bell
160 Elgin Street
Ottawa ON K1A 0H3
Tell: (613) 957-0700
Fax: (613) 957-0862

President and Senior Management:

President – Peter Sylvester
peter.sylvester@ceaa-acee.gc.ca
Vice-President/Policy Development – Yves Lebeouf
yves.leboeuf@ceaa-acee.gc.ca
Legislative and Regulatory Affairs – John Smith
john.smith@ceaa-acee.gc.ca
Director General, Corporate Services - Richard Gagné
richard.gagne@ceaa-acee.gc.ca

Regional Offices

PACIFIC AND YUKON

Jason Quigley
e-mail: jason.quigley@ceaa-acee.gc.ca

ALBERTA AND NWT

Lanny Coulson
e-mail: lanny.coulson@ceaa-acee.gc.ca

PRAIRIES

Dan McNaughton
e-mail: dan.mcnaughton@ceaa-acee.gc.ca

ONTARIO

Louise Knox
e-mail: louise.knox@ceaa-acee.gc.ca

QUEBEC

François Boulanger

e-mail: francois.boulanger@ceaa-acee.gc.ca

ATLANTIC

Bill Coulter

e-mail: bill.coulter@ceaa-acee.gc.ca

7.4 Major Projects Management Office

Major Projects Management Office

55 Murray Street, suite 600

Ottawa, Ontario K1N 5M3

Fax: 613 995-7555

E-mail: mpmo-bggp@nrcan-rncan.gc.ca

Website: <http://www.mpmo-bggp.gc.ca/>

7.5 Federal Departments that are likely Responsible Authorities**AGRICULTURE AND AGRI-FOOD CANADA**

Public Information Request Services

Sir John Carling Building

930 Carling Ave

Ottawa, ON K1A 0C5

Tel.: (613) 759-1000

Fax: (613) 759-6726

E-mail: info@agr.gc.ca

www.agr.gc.ca

CANADIAN HERITAGE

25 Eddy Street

Hull, QC K1A 0M5

Tel.: (819) 997-0055

Toll-free: 1-866-811-0055

www.pch.gc.ca

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY

200 Promenade du Portage

Hull, QC K1A 0G4

Tel.: (819) 997-5006

Toll-free: 1-800-230-6349

Fax : (819) 953-6088

E-mail: info@acdi-cida.gc.ca

www.acdi-cida.gc.ca

CANADIAN NUCLEAR SAFETY COMMISSION

280 Slater Street

P.O. Box 1046

Ottawa, ON K1P 5S9

Toll-free.: 1-800-668-5284
E-mail: info@cnsccsn.gc.ca
www.nuclearsafety.gc.ca

CANADIAN TRANSPORTATION AGENCY

Ottawa, ON K1A 0N9
Toll-free: 1-888-222-2592
Fax: (819) 953-8353
E-mail: cta.comment@cta-otc.gc.ca
www.cta-otc.gc.ca

FISHERIES AND OCEANS CANADA

Communications Branch
200 Kent Street
13th Floor, Station 13228
Ottawa, ON K1A 0E6
Tel.: (613) 993-0999
Fax: (613) 990-1866
E-mail: info@dfo-mpo.gc.ca
www.dfo-mpo.gc.ca

INDIAN AND NORTHERN AFFAIRS CANADA

Terrasses de la Chaudière
10 Wellington Street, North Tower
Hull, QC K1A 0H4
Tel.: (819) 997-0380
E-mail: InfoPubs@ainc-inac.gc.ca
www.ainc-inac.gc.ca

NATIONAL DEFENCE

National Defence Headquarters
Major-General George R. Pearkes Building
101 Colonel By Drive
Ottawa, ON K1A 0K2
Tel.: (613) 995-2534
Fax: (613) 995-2610
E-mail: information@forces.gc.ca
www.dnd.ca

NATIONAL ENERGY BOARD

444 Seventh Avenue SW
Calgary, AB T2P 0X8
Tel.: (403) 292-4800
Toll-free: 1-800-899-1265
Fax: (403) 292-5503
E-mail: info@neb-one.gc.ca
www.neb.gc.ca

TRANSPORT CANADA

330 Sparks Street
Ottawa, ON K1A 0N5
Tel.: (613) 990-2309
Fax: (613) 954-4731/998-8620
E-mail: webfeedback@tc.gc.ca
www.tc.gc.ca

7.6 Aboriginal Organizations

Here are two of many Aboriginal organizations.

ASSEMBLY OF FIRST NATIONS

Trebla Building
473 Albert Street
Suite 810
Ottawa, ON K1R 5B4
Tel: 613-241-6789
Toll-Free: 1-866-869-6789
Fax: 613-241-5808
Website: www.afn.ca

MÉTIS NATIONAL COUNCIL

350 Sparks St., Suite 201
Ottawa, ON K1R 7S8
Tel: (613) 232 - 3216
Fax: (613) 232 - 4262
Toll Free: (800) 928 - 6330
Email: info@metisnation.ca
www.metisnation.ca/contact.html

7.7 Public Interest Organizations

A number of public interest organizations may be able to help you with respect to EA matters. Here is but a sampling of them.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

130 Spadina Avenue, Suite 301,
Toronto, ON M5V 2L4
Tel: 416-960-2284
Fax: 416-960-9392
Website: www.cela.ca/contactus/index.shtml

EAST COAST ENVIRONMENTAL LAW ASSOCIATION

Dalhousie Law School
6061 University Avenue

Halifax, N.S. B3H 4H9
Tel: (902) 872-4733
<http://www.ecelaw.ca/contact.html>

ECOJUSTICE CANADA

Vancouver Office
131 Water Street, Suite 214, Vancouver, BC V6B 4M3
Toll Free: 1-800-926-7744
Phone: (604) 685-5618
Fax: (604) 685-7813
E-mail: info@ecojustice.ca

Toronto Office
30 St. Patrick Street, Suite 900 Toronto, ON M5T 3A3
Phone: (416) 368-7533
Fax: (416) 363-2746
E-mail: toronto@ecojustice.ca

Ottawa Environmental Law Clinic
University of Ottawa, Faculty of Law
35 Copernicus Street, Office 107
Ottawa, ON K1N 6N5
Phone: (613) 562-5800 ext. 3382
Fax: (613) 562 5319
E-mail: ottawa@ecojustice.ca

Alberta Office
Phone: (403) 830-2032
Fax: (403) 264-8399
E-mail: brobinson@ecojustice.ca

ENVIRONMENTAL LAW CENTRE

#800, 10025 - 106 Street,
Edmonton, AB T5J 1G4
Phone: (780) 424-5099
Fax: (780) 424-5133
Website: www.elc.ab.ca

WEST COAST ENVIRONMENTAL LAW

200 — 2006 West 10th Avenue
Vancouver, BC Canada, V6J 2B3
Phone: 604-684-7378
Toll-free in BC: 1 800 330-WCEL
Fax: 604-684-1312
Email: admin@wcel.org
www.wcel.org

AND LAST, BUT CERTAINLY NOT LEAST, THE

CANADIAN ENVIRONMENTAL NETWORK

300-945 Wellington Street West

Ottawa, ON K1Y 2X5

Tel: (613) 728-9810

Fax: (613) 728-2963

Email: info@cen-rce.org

www.cen-rce.org

ABOUT THE CEN

For thirty years, the Canadian Environmental Network (RCEN) has been facilitating networking between environmental organizations and others who share its mandate - ***To Protect the Earth and Promote Ecologically Sound Ways of Life***. The RCEN works directly with concerned citizens and organizations striving to protect, preserve and restore the environment, and to affect how society thinks about environmental issues.

ABOUT THE CEN ENVIRONMENTAL PLANNING & ASSESSMENT CAUCUS:

The Environmental Planning & Assessment Caucus members share a common vision of truly effective environmental assessment (EA) in Canada, including the integration of EA into development planning.

Through face-to-face meetings and regular communication, the Caucus allows its member groups to bring forward a strong public interest analysis of the many facets of environmental planning and assessment in this country. Among other things, this allows Caucus members to inform the environmental community about developments and issues connected with the [Canadian Environmental Assessment Act](#) and its regulations, and allows member groups to fit local initiatives into larger policy contexts.

The strong communication between diverse member groups located in all regions of Canada and the energy, knowledge and "on the ground" experience of its members make the Caucus the most substantive and dynamic network of environmental assessment expertise in Canada today.

FOR FURTHER INFORMATION ON THE CAUCUS AND ON HOW YOU CAN GET INVOLVED VISIT: www.cen-rce.org/eng/caucuses/assessment