



# *Overview of Proposed Canadian Impact Assessment Act*

Presenter: Christine Loth-Bown

Moderator: Bridget John ([bridget@iaia.org](mailto:bridget@iaia.org))

# IAIA Webinar Series

**19 March:** Reforming the Environmental Permit and Review Process – A Case Study

- Lost in Time: The Black Hole Between ESIA Completion and Project Implementation
- Health Impact Assessment of a Night Time Economy
- Empowering Indigenous Voices in Impact Assessment
- Understanding Impacts on Vulnerable Populations through Psycho-Social Impact Assessment
- Health Considerations in Impact Assessment
- Resettlement and Impact Assessment – Points of Intersection
- More to come...

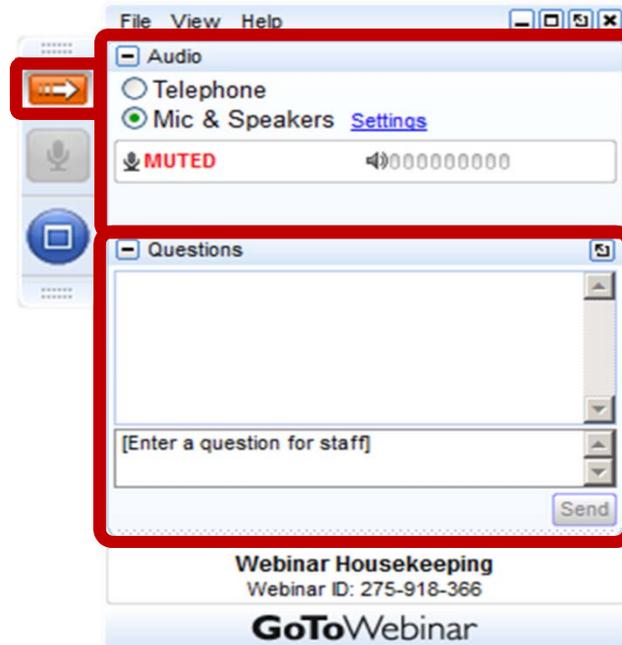
Visit <http://www.iaia.org/webinars.php>

# Housekeeping

**Recording?** ✓

**Questions?** ✓

**Slides available?** ✓





# *Overview of Proposed Canadian Impact Assessment Act*

Christine Loth-Bown

# New Impact Assessment System

- Context
- Overview
- Current system to proposed system
- Project List
- Participation in the Parliamentary Process

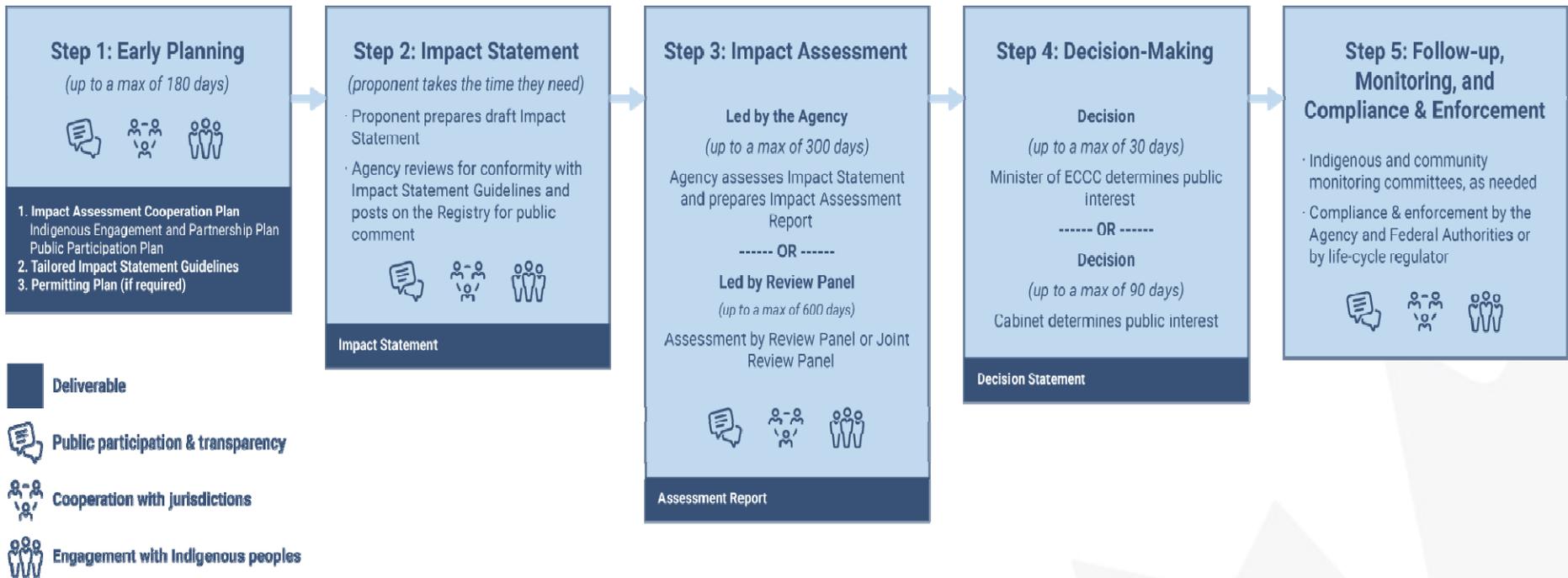
# Context

- On February 8, 2018, the Minister of Environment and Climate Change tabled Bill C-69
- The bill proposes to repeal the *Canadian Environmental Assessment Act, 2012* and replace it with the Impact Assessment Act
- The proposed Impact Assessment Act sets out a federal process for impact assessment of major projects and the prevention of significant adverse environmental effects for projects on federal lands and outside Canada

# Overview

- A single agency – the Impact Assessment Agency of Canada would be responsible for conducting impact assessments
- Broadens the scope of assessments to include environmental, social, health and economic
- Early, inclusive and meaningful public engagement
- Certainty and predictability through timelines
- Nation-to-nation, Inuit-Crown, and government-to-government partnerships with Indigenous peoples
- Decisions based on science and Indigenous traditional knowledge
- Regional and strategic assessments to support impact assessments

# IA Process



\*Regional and strategic assessments would be proactively conducted outside of individual project reviews. This will help inform project assessments, manage cumulative impacts, and support decision-making.

# Early Engagement

FROM	TO
No mandatory early planning and engagement phase	<ul style="list-style-type: none"><li>• A new mandatory early planning and engagement phase</li><li>• Would begin when the proponent provides an initial description of a proposed project</li><li>• Will result in early dialogue with Indigenous peoples, provinces, the public and stakeholders to identify and discuss issues early, leading to better project design and coordinated assessment</li><li>• Agency confirms whether an assessment is required and then issues to proponent:<ul style="list-style-type: none"><li>• Impact Assessment Cooperation Plan (including Indigenous Engagement and Partnership Plan, and Public Participation Plan)</li><li>• Tailored Impact Statement Guidelines</li><li>• Permitting Plan (if requested)</li></ul></li></ul>

# Broadened scope of assessment

FROM	TO
Environmental assessments	<ul style="list-style-type: none"><li>• A move to impact assessment based on the principle of sustainability</li><li>• Broaden the scope of assessments to include positive and negative environment, economic, social and health impacts</li><li>• An assessment of the impacts of a project on Indigenous peoples and their rights would be required</li></ul>
Limited list of factors to consider - Indigenous traditional knowledge and community knowledge not mandatory	<ul style="list-style-type: none"><li>• Broader set of factors that includes requirements to consider Indigenous traditional knowledge and community knowledge, and gender-based analysis in order to support holistic and integrated decision-making.</li></ul>

# Regulatory Certainty

FROM	TO
Three responsible authorities	<ul style="list-style-type: none"><li>• A single Agency to conduct assessments and coordinate Crown consultations with Indigenous peoples</li><li>• Lifecycle regulators and Offshore Boards would work collaboratively with the Agency to provide expertise as needed</li></ul>
Legislated timelines	<ul style="list-style-type: none"><li>• Legislated timelines will be maintained for impact assessments and extended to the planning and decision phases</li><li>• Ability for Minister to set timeline for the assessment at the outset would facilitate harmonized processes</li></ul>
Generic review guidelines	<ul style="list-style-type: none"><li>• Key issues to be raised in early planning process, providing companies clarity with respect to expectations from the outset</li></ul>

# Reconciliation with Indigenous Peoples

FROM	TO
<p>Indigenous participation in reviews driven by the duty to consult</p>	<ul style="list-style-type: none"> <li>• Aiming to secure consent through processes based on recognition of rights</li> <li>• Explicit requirements to consult and cooperate before an assessment is begun and throughout</li> <li>• Co-developed Indigenous engagement and partnerships plans</li> </ul>
<p>Limited options for cooperation with Indigenous governments</p>	<ul style="list-style-type: none"> <li>• Expanded definition of jurisdiction enables opportunities for Indigenous governments to exercise powers and duties under the Act, including substitution</li> <li>• Collaboration on regional assessments and monitoring</li> </ul>
<p>Legislation silent on consideration of Indigenous rights in EA process</p>	<ul style="list-style-type: none"> <li>• Requirement to address impacts on Indigenous rights in decision-making:               <ul style="list-style-type: none"> <li>• Minister's power to designate projects</li> <li>• Agency's decision whether to require an assessment</li> <li>• Minister/GIC public interest decision at end of assessment</li> </ul> </li> <li>• Purpose of Act includes respect for rights</li> </ul>

# Reconciliation with Indigenous Peoples

FROM	TO
Participant funding available for project consultations	<ul style="list-style-type: none"><li>• Increased support for Indigenous participation and capacity development</li><li>• Support available for early planning phase</li></ul>
Indigenous traditional knowledge optional, limited protections	<ul style="list-style-type: none"><li>• Mandatory consideration and protection of Indigenous traditional knowledge, if provided, alongside other sources of evidence</li><li>• Respect for Indigenous laws and protocols for its use</li></ul>
Limited engagement on policies and guidelines	<ul style="list-style-type: none"><li>• Co-development of policies of interest to Indigenous peoples, e.g. traditional knowledge, Indigenous cooperation regulations</li><li>• Indigenous Advisory Committee to work with the Agency on policy and technical guidance on issues of concern to Indigenous peoples</li></ul>

# Public Participation

FROM	TO
Participation in review panels limited to interested parties	<ul style="list-style-type: none"><li>• All Canadians would be able to participate in impact assessments</li><li>• Public participation opportunities provided during early planning and impact assessment process</li></ul>
Limited posting requirements on Registry	<ul style="list-style-type: none"><li>• Enhanced Registry to provide greater access to information</li></ul>
Participant Funding Program available	<ul style="list-style-type: none"><li>• Participant Funding Program would be expanded to include broader eligible activities and Indigenous capacity and support</li></ul>

# Science and Transparency

FROM	TO
No advisory committee required	<ul style="list-style-type: none"><li>• Establishment of an Expert Advisory Committee on Science and Knowledge</li></ul>
Limited user-friendly information posted on Registry	<ul style="list-style-type: none"><li>• Plain language summaries to increase accessibility to complex scientific and technical information</li><li>• Requirements to post rationale for decisions</li></ul>
Availability, accessibility and integration of science and knowledge varies	<ul style="list-style-type: none"><li>• Decisions on projects are guided by science, evidence and Indigenous traditional knowledge</li><li>• An open science and data platform to provide access to information related to cumulative impacts, impact assessments, and regulatory processes</li><li>• Mandatory consideration and protection of Indigenous traditional knowledge alongside other sources of evidence in impact assessment</li><li>• Federal and, when needed, independent reviews of science</li></ul>

# Decision-making

FROM	TO
<p>Decisions based on whether the project is likely to cause significant adverse environmental effects</p>	<p>Decision whether the adverse effects are in the public interest, in light of the following factors:</p> <ul style="list-style-type: none"> <li>• designated project's contribution to sustainability</li> <li>• Extent of impacts and mitigation measures</li> <li>• impacts on Indigenous peoples and rights; and</li> <li>• Impact on Government of Canada's environmental obligations and climate change commitments.</li> </ul>
<p>GIC decision only if there are likely significant adverse environmental effects</p>	<ul style="list-style-type: none"> <li>• Minister decides for assessments conducted by the Agency</li> <li>• GIC decides for assessments conducted by review panel</li> </ul>

# Project List

- The Act applies to designated projects – those projects described in the *Regulations Designating Physical Activities*
- Minister may designate any project not described in regulations
- The Government has launched consultations to review the existing entries of the current regulations in a transparent manner ([impactassessmentregulations.ca](http://impactassessmentregulations.ca))
- A criteria-based approach is being used to review the regulations to focus federal impact assessment on projects that have the most potential for adverse environmental effects in areas of federal jurisdiction

# Participating in the Parliamentary Process

- Any individual or organization may submit a brief to a committee of the House of Commons, even if they are not given the opportunity to appear before the committee  
[www.ourcommons.ca/Committees/en/Participate](http://www.ourcommons.ca/Committees/en/Participate)
- A member of the Canadian public who wishes to express his/ her views or comment on a bill before the House can write or phone his/her Member of Parliament. Any correspondence addressed to a Member of Parliament is free of postage  
[www.ourcommons.ca/Parliamentarians/en/members/addresses](http://www.ourcommons.ca/Parliamentarians/en/members/addresses)

# Thank you!

Christine Loth-Bown  
Vice-President, Policy Development  
Canadian Environmental Assessment Agency  
[Christine.Loth-Bown@ceaa-acee.gc.ca](mailto:Christine.Loth-Bown@ceaa-acee.gc.ca)

# Questions?



# Thank you!

Next webinar:

**19 March:** Reforming the Environmental Permit and Review Process – A Case Study

The logo for the International Association for Impact Assessment (IAIA) consists of the letters 'IAIA' in a bold, green, sans-serif font. The letters are slightly shadowed, giving them a 3D appearance as if they are floating above a surface.

**International Association  
for Impact Assessment  
[www.iaia.org](http://www.iaia.org)**