



# *Proposed Impact Assessment Process in Canada*

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# New Impact Assessment System Proposed in Canada

- Overview
- Regulatory tools
- Public participation
- Indigenous Peoples

# Overview

- Bill C-69, introduced in February 2018, proposes to repeal the *Canadian Environmental Assessment Act, 2012* and replace it with the Impact Assessment Act
- Key features of the proposed Impact Assessment Act:
  - Impact Assessment Agency of Canada would conduct all assessments
  - Scope of assessments would expand to consider environmental, social, health and economic impacts
  - Mandatory consideration of Indigenous knowledge
  - Greater partnership and engagement with Indigenous peoples
  - Early, inclusive and meaningful public engagement
  - Decisions based on science and Indigenous knowledge
  - Regional and strategic assessments to support project assessments and remove broad policy debates from project assessments

# Regulatory Tools

- Two key regulations would come into force with the legislation:
  - *Regulations Designating Physical Activities (Project List)*: Describes physical activities that may require impact assessment under the *Impact Assessment Act*
  - *Information Requirements and Time Management Regulations*: Identify information required from the proponent in their project description, which would inform the planning phase, and identify how legislated timelines will be managed
- Additional regulations will be developed in the next few years:
  - *Cost Recovery Regulations*
  - *Indigenous Cooperation Regulations*

# Public Participation

## Principles:

- Starts early, continues throughout
- Supported with funding
- Inclusive and transparent
- Increases knowledge of participants and government
- Prioritizes participation by those most affected
- Flexible methods to meet needs of participants
- Influences decision-making in ways participants can see
- Adapts and improves continually

## Tools:

To **share information** with public:

- Social media and advertising
- Open houses
- Renewed online tools (Impact Assessment Registry of Canada)

To **gather information** from public:

- Workshops, technical meetings or focus groups
- Informal meetings in potentially affected communities
- Renewed online tools (Impact Assessment Registry of Canada)

# Indigenous Peoples

- Cooperation and collaboration approaches
  - Cooperation arrangements with Indigenous governing bodies developed in collaboration with Indigenous peoples
- Assessment of Impacts on Indigenous Rights
  - Respect for Indigenous rights entrenched in the Act
  - Mandatory consideration of adverse impacts on Indigenous rights at key decision points
- Capacity Support Program
  - Build capacity of Indigenous groups to participate in assessments
- Engagement with Indigenous Peoples to develop tools
  - Workshops with Indigenous bodies with expertise
  - Consultation with rights holders on draft guidance
  - Build on lessons learned from previous project consultations
  - Indigenous Advisory Committee

# Next Steps

- Bill C-69 is currently being reviewed by the Senate
  - If amended by the Senate, the Bill would return to the House of Commons for consideration of the amendments
- Following Royal Assent, the new Impact Assessment Act would come into force on a date to be established by Order in Council
- Project List regulations and Information Requirements and Timeline Management regulations would be timed to come into force with the legislation

# Thank you!

Lisa Walls  
Director General  
Canadian Environmental Assessment Agency  
[Lisa.Walls@canada.ca](mailto:Lisa.Walls@canada.ca)