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:
  o Impact Assessment Agency of Canada would conduct all assessments
  o Scope of assessments would expand to consider environmental, social, health and economic impacts
  o Mandatory consideration of Indigenous knowledge
  o Greater partnership and engagement with Indigenous peoples
  o Early, inclusive and meaningful public engagement
  o Decisions based on science and Indigenous knowledge
  o 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
  o Cooperation arrangements with Indigenous governing bodies developed in collaboration with Indigenous peoples

• Assessment of Impacts on Indigenous Rights
  o Respect for Indigenous rights entrenched in the Act
  o Mandatory consideration of adverse impacts on Indigenous rights at key decision points

• Capacity Support Program
  o Build capacity of Indigenous groups to participate in assessments

• Engagement with Indigenous Peoples to develop tools
  o Workshops with Indigenous bodies with expertise
  o Consultation with rights holders on draft guidance
  o Build on lessons learned from previous project consultations
  o 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!

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