

# Supporting Proponents in Preparation for the Impact Assessment Process

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# Objective

Explore how the Impact Assessment Agency of Canada can support proponents in preparation for an impact assessment process to

- achieve clear proposals enabling effective engagement and consultation, and
- contribute to focused assessment.



# Setting Context

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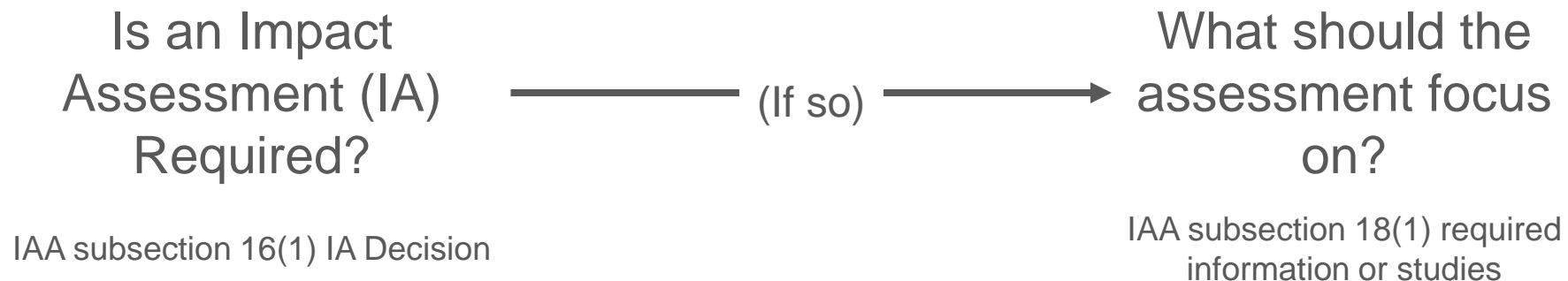
WHAT HAPPENS DURING THE PLANNING PHASE OF THE CANADIAN IMPACT ASSESSMENT PROCESS?



# What happens during the Planning Phase?



- First phase in impact assessment under the Canadian *Impact Assessment Act*
- The Planning Phase *plans* the impact assessment:
  - What should the proponent study?
  - How will the Impact Assessment Agency of Canada engage, consult, cooperate?
  - What federal regulatory approvals are required for the project?
- **Two major decision points:**





# First comment period

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Planning Phase begins upon receipt of a satisfactory Initial Project Description; first step of the Planning Phase is a comment period. Some characteristics of the comment period:

1. First presentation of the project
  - Engagement focused on understanding what is proposed
2. First presentation of the impact assessment process
  - Engagement focused on understanding the goals of the process
3. Short time limits to provide information
  - Substantive information requirements in a short period of time

Can we do more to make the first comment period more meaningful?



# “Pre-Planning” Phase

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HOW TO PREPARE FOR A HIGHLY EFFECTIVE PLANNING PHASE



# Pre-Planning Guidance

The Agency may support proponents on the following:

- Confirmation of **whether a proposed physical activity is described** in the Project List (designated)
- **Guidance on Indigenous engagement** to support the preparation of the Initial Project Description
- Guidance on the **scope of information** to include in the Initial Project Description
- Guidance for **the identification of potential “issues”**



# Case Study

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## WATERLOO AIRPORT RUNWAY PROJECT





# Case Study: Context

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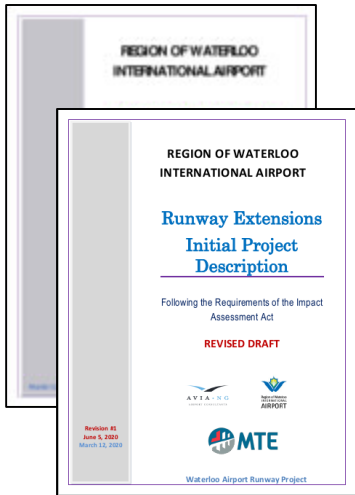
- Proponent planning started prior to the *Impact Assessment Act* (IAA)
  - Project was not subject to the *Canadian Environmental Assessment Act, 2012*
  - Project was subject to the IAA
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- In January 2020, proponent became aware of its obligations under IAA
  - Proponent had already collected information for municipal due diligence

How can we leverage this information for the Planning Phase of the impact assessment?



# Technical Review

- Agency coordinated the review of two drafts of an Initial Project Description



- Draft 1
  - Mostly conformed to the regulations, but was vague in key areas
  - Agency provided feedback to the proponent
- Draft 2
  - Much improved, included clearer information and better leveraged proponent's past studies
  - Agency provided to federal authorities and interested provincial ministries for technical review
  - Agency provided detailed comments on document clarity and on potential issues

# Early Engagement

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- Agency facilitated joint engagement sessions with the proponent
  - Proponent explained the proposed project
  - Agency explained the upcoming planning phase and the roles of participants
  - Proponent collected concerns and reflected these in the Initial Project Description

3 Meetings were held with Indigenous communities

2 Public information and discussion sessions were held



# Pre-planning Outcomes

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- Proponent continued studies as it revised its Initial Project Description
- **Major change to project scope**
  - Proponent revised proposal to better respond to immediate needs and context
- **Clearer proposal** with different purpose of / need for
  - Less time required in the Planning Phase explaining the “what”
  - Planning Phase meetings focused on potential impacts of the project





# Planning Phase

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- Agency accepted the Initial Project Description after minor changes (better clarity / editorial)
- A 30-day comment period was held
- Planning Phase comments were wide ranging, and but many focused on a handful of key areas
  - Impacts in Provincially Significant Wetlands
  - Economic justification (COVID, demand)
  - Climate Change
  - Noise

# Issues

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- Proponent addressed these items in its response to the Agency's **Summary of issues**
  - Project design change to reduce impacts in wetlands
  - Clarity on economic rationale and purpose of Project
  - Consideration of avoided GHG emissions related to ground transport to alternative airports
  - Identification of federal, provincial, or municipal legislation or regulatory process to manage a given issue
    - e.g. noise: municipal by-laws, Transport Canada
    - e.g. wetlands: Impact Statement to Grand River Conservation Authority

# Planning Phase Outcomes

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- Based on the information gathered in the Planning Phase, the Agency was able to decide that an impact assessment was not required
- The Agency was of the view that potential adverse effects of the project would be limited / effectively managed
- The Agency considered:
  - Mitigation measures
  - Commitments described by the proponent in the Detailed Project Description
  - Existing legislative and regulatory frameworks



# Summary

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- Early engagement with the Agency can allow proponents to:
  - Better understand their obligations under the IAA
  - Begin to establish working relationships with the public and with potentially impacted Indigenous communities
  - Receive initial technical feedback from federal experts on potential issues and effects
- Early engagement with proponents can allow the Agency to:
  - Better understand potential issues and information gaps
  - Make an informed subsection 16(1) decision on whether an impact assessment is required
  - Adequately tailor information requirements under subsection 18(1)





# Let's continue the conversation!

Post questions and comments via chat in the IAIA22 platform.



## #iaia22

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