Supporting Proponents in Preparation for the Impact Assessment Process

Conor Anderson
Project Manager, Ontario Region / Impact Assessment Agency of Canada
Canada

Conor.Anderson@iaac-aec.gc.ca

canada.ca/en/impact-assessment-agency
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.
WHAT HAPPENS DURING THE PLANNING PHASE OF THE CANADIAN IMPACT ASSESSMENT PROCESS?

Setting Context
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:**

  Is an Impact Assessment (IA) Required?  
  (If so)  
  What should the assessment focus on?

  IAA subsection 16(1) IA Decision  
  IAA subsection 18(1) required information or studies
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

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

WATERLOO AIRPORT RUNWAY PROJECT
Case Study: Context

- 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

- 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

- 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

- 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

• 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

- 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

- 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

• 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.

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