Federal Review of Environmental Assessment Processes

Canadian Environmental Assessment Agency

November 2017

Why we're doing this

- The Government of Canada committed to reviewing environmental and regulatory processes in the fall 2015 Speech from the Throne.
- In June 2016, the government launched the following reviews:
  - Environmental assessment processes;
  - Ways to modernize the National Energy Board; and
  - Restore lost protections to fish habitat and navigation protection under the *Fisheries Act* and *Navigation Protection Act*.
- It's about making improvements and building a system that Canadians trust. The economy and environment must work together for sustainable outcomes.
- The goal is to ensure regulatory certainty and predictability for businesses while also protecting the environment and respecting the rights and interests of Indigenous peoples.
- Canadians want a process that better incorporates facts, science and traditional knowledge, engages them, and improves the transparency and openness of information.

Engagement since June 2016

Locations of face-to-face engagement sessions

Where we are in the process: discussion paper

- The discussion paper was informed by the extensive engagement with Canadians, and Expert Panel reports and Parliamentary Studies conducted over the past year.
- A public comment period was held from June 29 to August 28, 2017 on the discussion paper. Modern Treaty Groups were notified and many met with Agency officials prior to and during this period.
- We have been reviewing the feedback received. These views will help inform the government's consideration of any potential legislative, policy or regulatory changes.
- Modern Treaty implications are being considered to ensure Canada's obligations and commitments towards the treaties are respected.
- Let's discuss the principles and some of the proposed approaches included in the discussion paper.

Discussion paper: guiding principles

1. Fair, predictable and transparent environmental assessment and regulatory processes that build on what works

2. Participation of Indigenous peoples in all phases that advances the Government's commitment to the United Nations Declaration on the Rights of Indigenous Peoples and reconciliation

3. Inclusive and meaningful public engagement

4. Timely, evidence-based decisions reflecting the best available science and Indigenous knowledge

5. One project – one assessment, with the scale of assessment aligned with the scale and potential impacts of the project

Discussion paper: proposed approaches

- A **single government Agency** to guide and conduct all assessments and Crown consultations.
- A **broadened scope of assessments** from environmental assessment to impact assessment.
  - Assessments to include environment, economic, social and health impacts and require a gender-based analysis.
  - Supports sustainability and integrated decision-making.
- A **new early planning and engagement phase** for impact assessments.
  - Early and increased dialogue opportunities with Indigenous peoples, the public and stakeholders and to identify issues upfront, leading to better project design.
  - Cooperation and coordination with Indigenous processes.

Discussion paper: proposed approaches

- **An open science and data platform** and **mandatory** consideration of **Indigenous knowledge** alongside other sources of evidence.
  - There will also be stronger peer review of science and greater openness and transparency.
- **“One project, one assessment”** model for better coordination and alignment of legislated timelines with other jurisdictions for more predictability and reduced duplication, including Indigenous assessment processes.
- Addressing **cumulative effects** through regional and strategic assessments.

Discussion paper: proposed approaches

A focus on partnering with Indigenous peoples:

- **Early and regular engagement and participation** from the outset.
- **Greater participation of Indigenous peoples** on assessment boards and review panels.
- Ensuring that processes better recognize **Indigenous jurisdictions, laws, practices and governance systems.**
- **Inclusive monitoring and compliance activities** so that regulators work closely with Indigenous peoples, communities, and landowners.
- **Establishing a single government agency** to coordinate consultation and accommodation activities for all federally designated projects.
- **Reconciliation must guide partnerships** with Indigenous peoples.

Discussion paper: proposed approaches

A focus on partnering with Indigenous peoples (continued):

- A more **integrated model for Indigenous peoples** throughout project reviews to recognize and respect rights and interests, and promote participation as partners in the economic development of territories, including:
  - Space created to enable increased Indigenous involvement, including Indigenous-led assessments.
  - Formalizing the co-development of frameworks for collaboration with Indigenous peoples on environmental assessments.
  - Creating opportunities for Indigenous partnerships and co-development in monitoring

Where we're going – next steps

- All of the feedback gathered from Canadians on the discussion paper, as well as input from Indigenous groups and stakeholders, will help inform the government's consideration of any potential legislative, policy or regulatory changes.

- The timing of these potential changes will be subject to Parliamentary and regulatory processes.

- As part of the government's commitment to support reconciliation with Indigenous peoples, we will continue working with Indigenous groups to ensure that feedback received informs any potential legislative, policy or regulatory reform.

Thank you!