



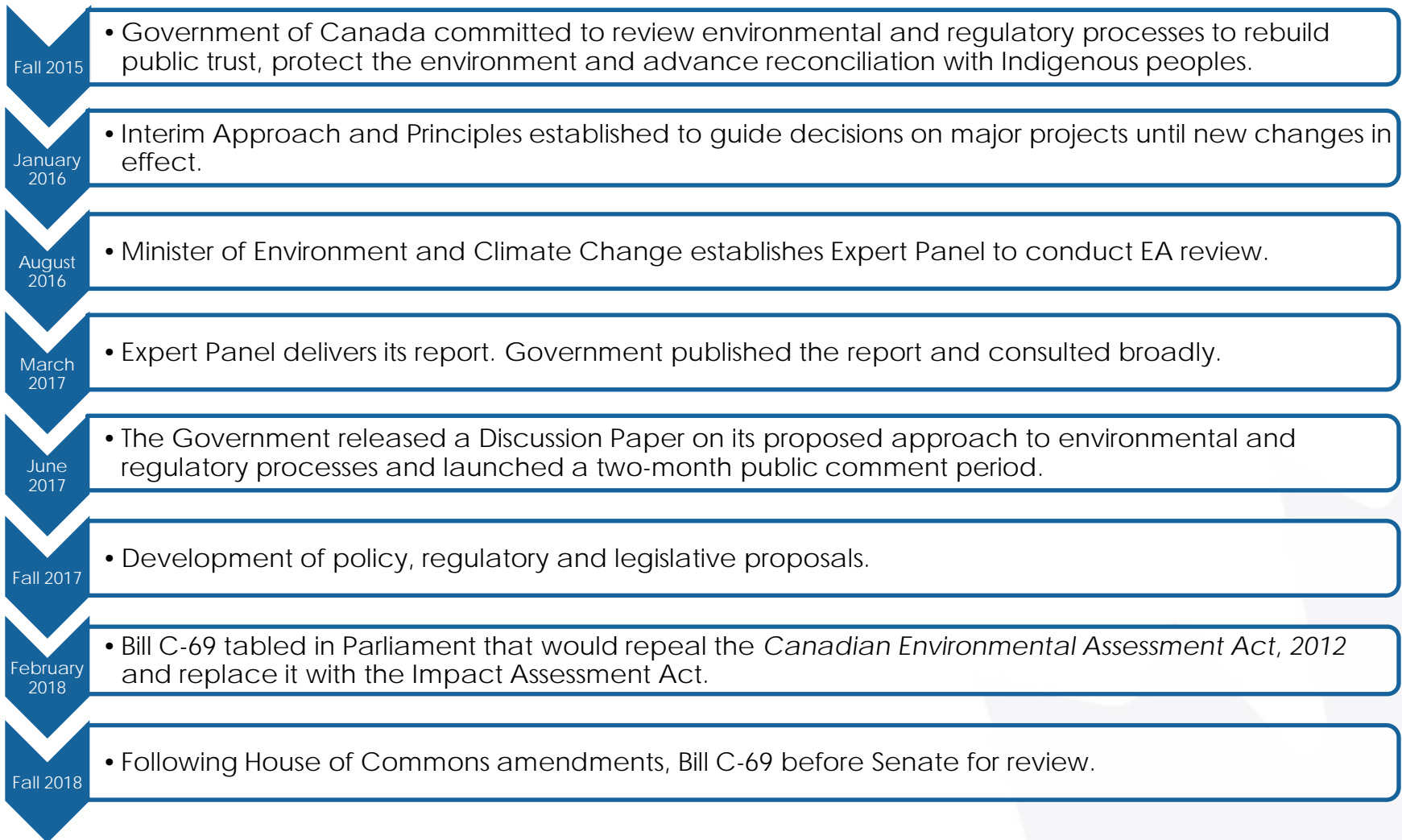
Impact Assessment Act

Ontario Association for Impact Assessment
October 18, 2018

Outline

- Review Process
- What We Heard
- Impact Assessment Process Overview
- Highlights of the Proposed System
- Regulations
- Next Steps

Review Process



What We Heard

Early
Engagement

Indigenous
Considerations

Transparency

Meaningful Public
Participation

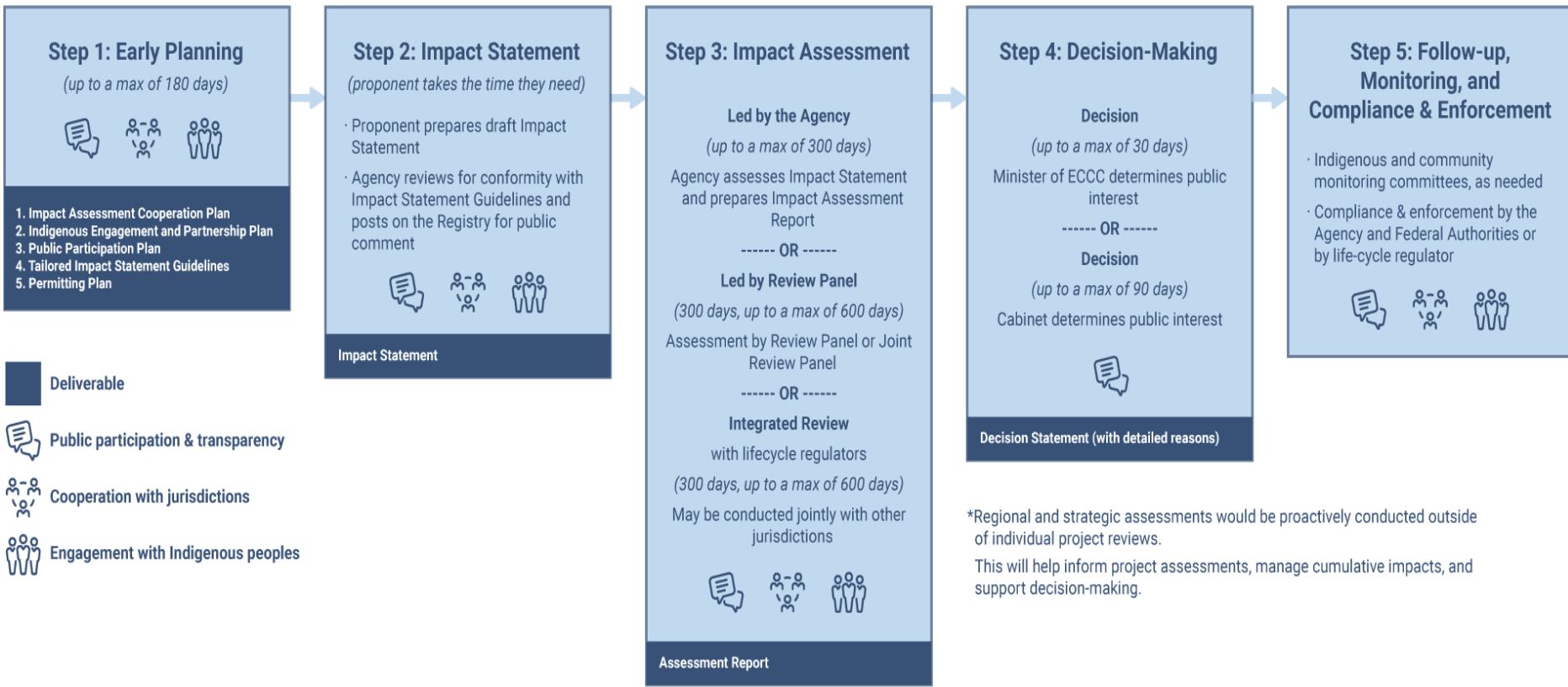
Certainty and
Predictability

Science, Indigenous
Knowledge and
Community
Knowledge

Sustainability

Co-operation
among
Jurisdictions

Impact Assessment Process



- Deliverable
- Public participation & transparency
- Cooperation with jurisdictions
- Engagement with Indigenous peoples

Early Planning

Objectives: better project design and greater clarity for project proponents; early discussions between proponent, Indigenous groups, stakeholders and governments; early cooperation between jurisdictions

- The Agency would engage potentially affected communities and Indigenous groups, jurisdictions and the public early in the process, within specified timelines, to allow them the opportunity to meaningfully influence project design and to determine if an impact assessment will be required
- Cooperation and discussions with jurisdictions
- If an impact assessment is required, five documents would be issued at the end of the early planning to guide the impact assessment process:
 - Impact Assessment Cooperation Plan
 - Indigenous Engagement and Partnership Plan
 - Public Participation Plan
 - Tailored Impact Statement Guidelines
 - Permitting Plan

Move to Impact Assessment

Objectives: Assess both positive and negative impacts to foster sustainability and better inform Public Interest decision

- Impact assessment report considers both positive and negative environmental, economic, health, and social impacts of designated projects
- Public Interest decision based on impact assessment report and consideration of:
 - Project's contribution to sustainability
 - Extent of adverse impacts in federal jurisdiction and associated mitigations
 - Impacts on Indigenous groups and rights,
 - Canada's environmental obligations and climate change commitments

Cooperation with Other Jurisdictions

Objectives: Better support the objective of “One Project, One Assessment”; respect jurisdictional responsibility

- Establish cooperation agreements with interested provincial, territorial or Indigenous jurisdictions to ensure coordinated assessments
- Minister has flexibility to adjust timelines to enable better cooperation with jurisdictions
- Tools to improve efficiency and effectiveness: delegation, substitution and joint review panels

Engaging Indigenous Peoples

Objectives: Rights of Indigenous peoples are respected; greater opportunities and capacity to participate in assessments

- The Agency would lead engagement and consultation for all federal assessments
- Impact assessments would be required to take into account Indigenous-led assessments and Indigenous knowledge, rights and culture
- Key decisions (e.g. whether to conduct an impact assessment, whether to designate projects not in regulations, Public Interest decision, etc.) would take into account impacts on rights
- New capacity development program
- Agency establishment of an Indigenous Advisory Committee
- Minister may enter into agreements with Indigenous jurisdictions to exercise powers and duties under the Act

Public Participation

Objectives: Public confidence in impact assessment processes and decision-making; timely opportunities for meaningful public participation within specified timelines

- The public would have meaningful opportunities to participate in impact assessments, including review panels, within specified timelines
- Participant funding program would include broader eligible activities and Indigenous capacity and support
- Enhanced registry to provide greater access to information, including rationale for decisions
- Enhanced transparency for assessment of projects on federal lands and outside of Canada

Timelines

Objectives: Timelier reviews and decisions

- Early Planning Phase - 180 days from when proponent provides initial description of proposed project to notice of commencement
- Impact Assessment conducted by the Agency - up to 300 days from receipt of completed Impact Statement from the proponent
- Impact Assessment conducted by Review Panel or Joint Panel - up to 600 days from the establishment of review panel to submit the final report to the Minister
- Impact Assessment conducted by Integrated Review Panel with a lifecycle regulator - 300 days unless otherwise specified during Early Planning; not to exceed 600 days
- Public Interest Decision-Making - up to 30 days for the Minister, and up to 90 days for the Cabinet

Transparency

Objectives: Enhanced rigour and transparency of science, evidence and knowledge

- Agency establishment of a Technical Advisory Committee on Science and Knowledge
- Science and evidence would be rigorously tested by federal scientists and made available for third-party reviews, as needed
- Impact Assessment Reports will clearly set out positive and negative impacts and demonstrate how Indigenous knowledge was taken into account
 - Plain language summaries to increase accessibility to complex scientific and technical information
- Open Science and Data Platform would provide broad access to information related to cumulative impacts, impact assessment regulatory processes

Decision-Making

Objectives: Timely and transparent decisions

- For impact assessments conducted by the Agency, the Minister would make the public interest decision; also has ability to refer the decision to the Cabinet
- For review panels, the public interest decision is made by Cabinet
- Timelines established for decision-making
- Reasons for decision would be made publicly available

Regulations

Project List

- The Act applies to designated projects – projects will be described in the *Regulations Designating Physical Activities*;
 - A criteria-based approach is being used to develop a new Project List to focus federal impact assessment on projects that have the most potential for adverse environmental effects in areas of federal jurisdiction
 - Minister may designate a project not described in regulations, based on factors in the legislation

Information Requirements and Time Management

- These regulations outline:
 - the information that the proponent must provide to support early planning (initial and final project description);
 - documents the Agency must provide to guide the impact assessment; and
 - the circumstances in which the Minister may suspend the legislated timelines
- Fall 2018: publish regulatory proposals for public comment
- 2019: Upon Royal Assent of the Impact Assessment Act, commence formal regulatory process leading to the coming into force of the regulations

Next Steps

- Input from Canadians on regulations and policy changes will continue
- Bill C-69 currently being reviewed by the Senate
- New legislation to come into force, following Royal Assent, at date set by Order in Council
- Project List regulations and Information Requirements and Time Management regulations would be timed to come into force with the legislation

Discussion and Q&A