

Impact Assessment Agency of Canada

FOCUSING IMPACT ASSESSMENT ON KEY ISSUES

ONTARIO ASSOCIATION OF IMPACT ASSESSMENT CONFERENCE

OCTOBER 25-26, 2023



Impact Assessment
Agency of Canada

Agence d'évaluation
d'impact du Canada

Canada

Impact Assessment Act – Purposes

6 (1) The purposes of this Act are

(a) to foster **sustainability**;

(b) to protect the components of **the environment, and the health, social and economic** conditions that are **within the legislative authority of Parliament from adverse effects** caused by a designated project;

(b.1) to establish **a fair, predictable and efficient process** for conducting impact assessments that enhances Canada's competitiveness, encourages innovation in the carrying out of designated projects and creates opportunities for sustainable economic development;

(c) to ensure that impact assessments of designated projects **take into account all effects — both positive and adverse — that may be caused by the carrying out of designated projects**;

....

(i) to ensure that an impact assessment is **completed in a timely manner**;

...





Focus on key issues

Focus impact assessment on a smaller set of key issues or effects that are anticipated to be *material and relevant to decision-making*

- Allow proponents to submit required information and studies within 3 year time limit for Impact Statement phase (which includes time for review by Agency, Federal Authority, Indigenous groups and public)
- More efficient use of resources for government, Indigenous groups and other participants
- Respond to Indigenous peoples and local concerns
- Harmonize with other jurisdictions' assessment processes and information requirements

Recognize the inherent tension of having focused impact assessment and risk of failing to identify a potential key issue(s)



The Impact Assessment Process

TIMELINES AND OUTPUTS

* Public Comment Period

Key points for public engagement

Key points for Indigenous engagement & partnership

Pre-planning

10 DAYS
SERVICE STANDARD

- Proponent submits **Initial Project Description (PD)**
- Agency accepts Initial PD

1. Planning

UP TO **180 DAYS**

- Agency engages on Initial PD* & Prepares **Summary of Issues**
- Proponent submits **Detailed PD** with response to Summary of Issues
- Agency determines if impact assessment (IA) is required – posts **Notice of Determination (NOD)**
- If IA required, Agency develops draft Tailored Impact Statement Guidelines (TISG) and draft plans*
- Agency issues **final TISG and plans** to proponent – posts **Notice of Commencement (NOC)**
- Minister may refer IA to review panel (within 45 days of NOC)
- Minister may approve request* that IA be conducted by another jurisdiction

2. Impact Statement (IS)

IA by the Agency

UP TO **3 YEARS**

- Proponent submits **IS*** and supplements it, as needed
- Agency posts **notice** when all required studies and information provided

• Agency implements Public Participation Plan, Indigenous Engagement and Partnership Plan, Permitting Plan and/or Cooperation Plan

IA by a review panel

UP TO **3 YEARS**

- Proponent submits **IS*** and supplements it, as needed
- Minister Issues **Panel Terms of Reference** and Agency **appoints its members** (no later than 45 days from accepting IS)
- Agency posts **notice** when all required studies and information provided

• Agency implements Public Participation Plan, Indigenous Engagement and Partnership Plan, Permitting Plan and/or Cooperation Plan

3. Impact Assessment (IA)

IA by the Agency

UP TO **300 DAYS**

- Agency conducts impact assessment
- Agency develops **IA Report*** and any **potential conditions** and provides to Minister

IA by a review panel

UP TO **600 DAYS** **INTEGRATED ASSESSMENT: 300 DAYS**

- Panel conducts assessment and holds hearing
- Panel develops **IA Report** and any **potential conditions** and provides to Minister

4. Decision-Making

Minister **30 DAYS**

GIC **90 DAYS**

- Minister decides whether project's adverse effects are in the public interest, or refers to Governor in Council (GIC)
- Minister issues **Decision Statement** with detailed reasons and any conditions

Deliverables:

- Impact Assessment Agency
- Review Panel
- Minister or Governor in Council
- Proponent

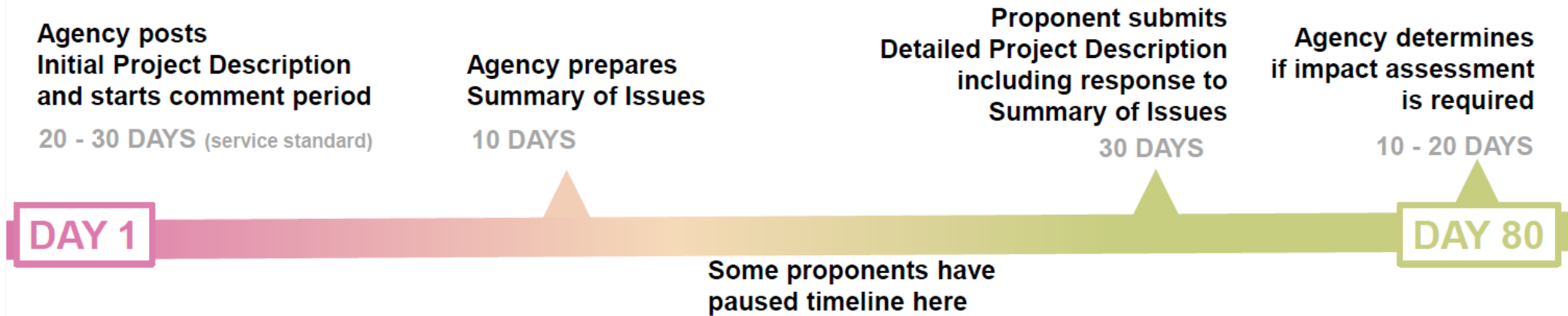
5. Post Decision

(if decision allows project to proceed)

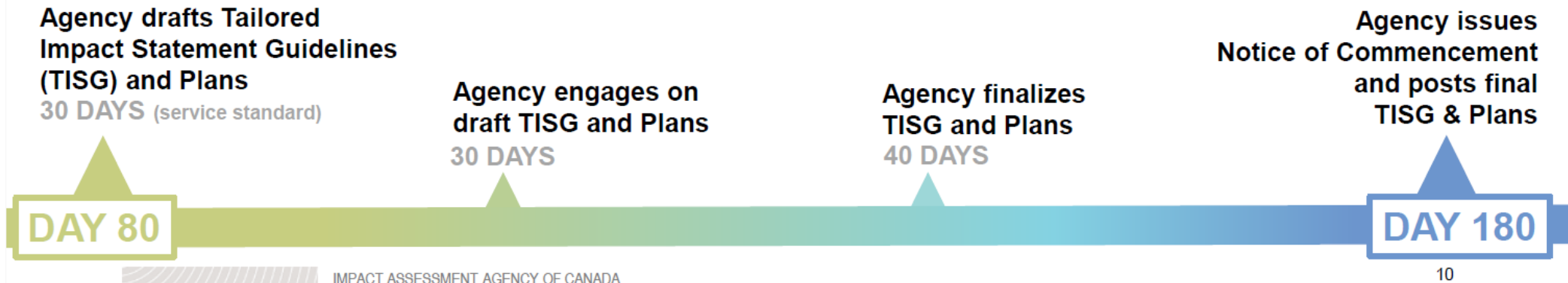
ONGOING

- Proponent implements conditions in Decision Statement, and Agency or lifecycle regulator verifies compliance
- Indigenous and community monitoring committees, as needed

Planning Phase timeline



If impact assessment is required:



IMPACT ASSESSMENT AGENCY OF CANADA



Tailored Impact Statement Guidelines

1. **Set the scope of the factors** of the assessment, including by identifying the key issues (value components, effects) to be assessed
2. **Provide clear and specific information and study requirements** to support a proponent's submission of a satisfactory Impact Statement
3. **Provide transparency** to all participants on what will be considered in an impact assessment

Tailoring decisions informed by:

- Evidence provided in IPD and/or DPD
- Previous project experience, knowledge
- Advice from expert federal departments
- Evidence provided in engagement with Indigenous groups, public
- Regional or Strategic Assessments

Relevant IAA sections: 18(1.1-1.2); 19.4; 22.2



Identifying key issues

- Guide by the project scope and context
- Key issues identified based on:
 - Information provided by the proponent in their Initial Project Description and in their response to issues raised during the Planning phase
 - Agency and Federal expert's professional and informed judgement, and experience with similar projects
 - Indigenous and local knowledge and perspectives
- Focus on areas of federal jurisdiction, especially for issues that will be addressed by provincial or other jurisdictional process



Indigenous knowledge and perspectives

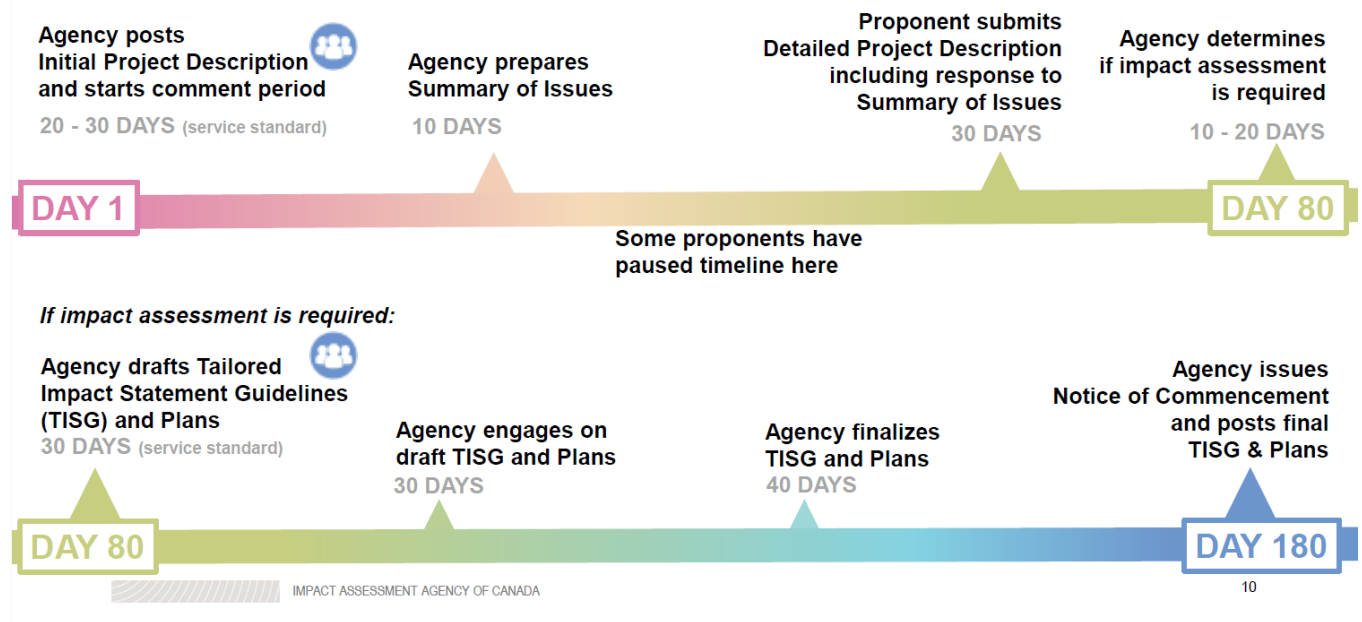
- Proponents are expected to engage with Indigenous communities and groups prior to starting the impact assessment
 - Results of that engagement are included in the Initial Project Description
- Indigenous communities and groups are notified of relevant projects entering the system
 - Participant funding is available
- Indigenous groups submit comments during PP1 and PP2
- Agency may also collaborate with Indigenous communities during the Planning phase and in development of TISG, for example
 - Troilus Mining Project (Quebec): Guidelines developed by a Joint Committee consisting of representatives of the Agency and Cree Nation Government
 - GCT Deltaport Expansion (BC): Indigenous community-specific sections included in the Guidelines



Public Participation

- Public comment periods held on Initial Project Description, and draft Guidelines
- Comments received are posted to Registry
- Draft TISG will detail key issues and importantly also what has not been included
- Participants have a chance to comment on the proposed scope and key issues

Planning Phase timeline



What are key issues

- effects that may be significant;
- effects that may impact Indigenous peoples and their rights;
- effects on key species or habitats (e.g. at risk, important to Indigenous communities, commercial importance, provide important ecosystem function);
- issues or effects that may result from novel project activities, components or technology;
- effects with large uncertainties, including in the effectiveness of mitigation measures;
- transboundary effects where mitigation measures are limited;
- positive effects, including where project may support other governmental priorities, including reconciliation with Indigenous peoples; and
- key concerns raised by Indigenous or local communities.

Effects that are anticipated to be minor or which can be managed using well understood mitigation measures, existing guidance, and/or other regulatory processes may have simplified information requirements or may be removed entirely.



Example – new mine in northern Ontario

Context:

- Critical mineral mine
- Historic mining region with city and mining amenities
- Large footprint in greenfield area
- Large urban Indigenous population
- Potentially decades of employment

Key issues and approach to tailoring:

- **Design:** Attention to waste management optimization considering large volume and flat topography
- **Fish/water:** Attention to water management, flow reductions, and fish offsetting considering large footprint in water catchment
- **Birds:** Targeted list of species at risk birds based on existing data
- **Caribou:** Detailed requirements to determine extent of effect on range-level recovery goals, informed by government experts
- **Indigenous:** Requirements for impacts on rights informed by consultation
- **Indigenous:** Access to training, employment, and business opportunities; accessible housing, health care, and social services
- **Climate:** Technical discussions for novel carbon capture technology
- **Government priorities:** Contributions to domestic supply chains to support clean growth; diversity and inclusivity in the mining workforce
- **Local concerns:** Youth retention in the north; municipal water supply



Example – new port along St. Lawrence River in Quebec

Context:

- Small Port Project
- Conversion of an already developed site
- Small footprint
- Developed, urbanized region

Key issues and approach to tailoring:

- **Fish/water:** Impacts on shoreline and river habitat / species
- **Birds:** Targeted survey for use of site by aquatic birds, or species at risk that may use existing site
- **Terrestrial wildlife and habitats:** Requirements removed due to developed local area, will be covered by provincial assessment
- **Groundwater:** Streamlined requirements given project nature and context (template based primarily on mining / extraction activities)
- **Social impacts:** Local concern was primarily traffic (both road and river; small work force unlikely to have impacts on housing, services, social cohesion or problems, etc.
- **Economic:** Benefits from improved port capacity and supply chain
- **Indigenous:** Requirements for impacts on rights informed by consultation

