



Government
of Canada

Gouvernement
du Canada

[Home](#) → [Canadian Environmental Assessment Agency](#) → [Environmental Assessments](#)

Basics of Environmental Assessment



▶ [Episode 1: Federal environmental assessments in a nutshell - Transcript](#)

RELATED VIDEO: [Participant funding program in a nutshell](#)

The following is for information purposes only. It is not a substitute for the *Canadian Environmental Assessment Act, 2012* ([CEAA \(Canadian Environmental Assessment Act\) 2012](#)) or any of its regulations. In the event of any inconsistency between this content and [CEAA \(Canadian Environmental Assessment Act\) 2012](#) or its regulations, [CEAA \(Canadian Environmental Assessment Act\) 2012](#) or its regulations, would prevail.

To learn about the purpose and steps of environmental assessments under the *Canadian Environmental Assessment Act, 2012* ([CEAA \(Canadian Environmental Assessment Act\) 2012](#)), see the questions and answers below. For general information about [CEAA \(Canadian Environmental Assessment Act\) 2012](#), see the "[features](#)" section on the home page.

Process Diagram: Environmental Assessments Managed by the Agency [[PDF \(Adobe Acrobat document\) - 78 KB \(kilobytes\)](#)]

General

- [What is environmental assessment?](#)
- [What is the purpose of an environmental assessment?](#)
- [When should an environmental assessment be undertaken?](#)
- [What are the benefits of environmental assessment?](#)

Canadian Environmental Assessment Act, 2012

- [What is the *Canadian Environmental Assessment Act, 2012*?](#)
- [When does the *Canadian Environmental Assessment Act, 2012* apply?](#)
- [What is a responsible authority?](#)
- [What responsibilities do other federal authorities have?](#)

- [What is examined during a federal environmental assessment?](#)

Types of Environmental Assessment

- [What are the types of environmental assessment under the *Canadian Environmental Assessment Act, 2012* \(CEAA 2012 \(Canadian Environmental Assessment Act\)\)?](#)
- [What are the timelines?](#)
- [In what case might federal and provincial/territorial governments work together to conduct environmental assessments?](#)
- [How does the federal government work with other jurisdictions?](#)
- [What is the Participant Funding Program?](#)

Environmental Assessments Conducted by the Agency

- [What are the main steps of an environmental assessment conducted by the Agency?](#)
- [How can the public participate in an environmental assessment conducted by the Agency?](#)

Environmental Assessment by a Review Panel

- [What is an environmental assessment by a review panel?](#)
- [What is an environmental assessment by a joint review panel?](#)
- [What are the main steps of an environmental assessment process conducted by a review panel?](#)
- [How can interested members of the public get involved in an environmental assessment by a review panel?](#)
- [What does cost recovery mean?](#)

Compliance and Enforcement

- [How does the *Canadian Environmental Assessment Act, 2012* ensure compliance?](#)
- [What is a decision statement?](#)

Regional Study

- [What is a regional study?](#)

Questions & Answers

General

What is environmental assessment?

Environmental assessment is a process to predict environmental effects of proposed initiatives before they are carried out.

An environmental assessment:

- identifies potential adverse environmental effects;
- proposes measures to mitigate adverse environmental effects;
- predicts whether there will be significant adverse environmental effects, after mitigation measures are implemented; and
- includes a follow-up program to verify the accuracy of the environmental assessment and the effectiveness of the mitigation measures.

What is the purpose of an environmental assessment?

An environmental assessment is a planning and decision-making tool. The objectives of an environmental assessment are to:

- minimize or avoid adverse environmental effects before they occur; and
- incorporate environmental factors into decision making.

When should an environmental assessment be undertaken?

An environmental assessment should be conducted as early as possible in the planning stage of a designated project in order for the proponent to be able to consider the analysis in the proposed plans, including incorporation of mitigation measures to address adverse environmental effects.

What are the benefits of environmental assessment?

By considering environmental effects and mitigation measures early in the project planning cycle, environmental assessment can support better decision making and result in many benefits, such as:

- avoidance or minimization of adverse environmental effects;
- opportunities for public participation and Aboriginal consultation;
- increased protection of human health;
- reduced project costs and delays;
- reduced risks of environmental harm or disasters;
- increased government accountability and harmonization;
- lessened probability of transboundary environmental effects; and
- informed decisions that contribute to responsible development of natural resources.

Canadian Environmental Assessment Act, 2012

What is the Canadian Environmental Assessment Act, 2012?

The *Canadian Environmental Assessment Act, 2012* (CEAA (Canadian Environmental Assessment Act) 2012) and its regulations establish the legislative basis for the federal practice of environmental assessment in most regions of Canada.

The purpose of CEAA (Canadian Environmental Assessment Act) 2012 is to:

- **Protect components of the environment** that are within federal legislative authority from significant adverse environmental effects caused by a designated project;
- Ensure that designated projects **are considered and carried out in a careful and precautionary manner** in order to avoid significant adverse environmental effects when a federal authority is exercising a power or performing a duty or function required for the project to proceed;
- Promote cooperation and **coordination between federal and provincial governments**;
- Promote communication and cooperation with **Aboriginal peoples**;
- Ensure that opportunities are provided for **meaningful public participation**;
- Ensure that environmental assessments are **completed in a timely manner**;
- Ensure that proposed projects on federal lands or that are outside Canada and carried out or financially supported by a federal authority, **are considered in a careful and precautionary manner** in order to avoid significant adverse environmental effects;
- Encourage federal authorities to take actions in a manner that **promotes sustainable development** in order to achieve or maintain a healthy environment and a healthy economy; and
- Encourage further studies of the **cumulative effects of physical activities in a region** and the consideration of the study results in environmental assessments.

Regulations help put the CEAA (Canadian Environmental Assessment Act) 2012 procedures into effect.

Guidance material to further clarify the application of CEAA (Canadian Environmental Assessment Act) 2012 can be found in Policy and Guidance.

When does the Canadian Environmental Assessment Act, 2012 apply?

CEAA 2012 (Canadian Environmental Assessment Act) applies to projects described in the Regulations Designating Physical Activities and to projects designated by the Minister of the Environment.

When the Canadian Environmental Assessment Agency (the Agency) is the responsible authority for a designated project that is described in the Regulations Designating Physical Activities, upon acceptance of a project description, an analysis is undertaken by the Agency to decide if a federal environmental assessment is required. This step does not apply to designated projects regulated by the National Energy Board and the Canadian Nuclear Safety Commission for which conducting an environmental assessment is mandatory when such a project is designated.

A project may be designated by the Minister of the Environment if he or she is of the opinion that the carrying out of the project may cause adverse environmental effects, or that public concerns related to those effects warrant the designation. An environmental assessment under CEAA (Canadian Environmental Assessment Act) 2012 is required for each project designated by the Minister of the Environment.

What is a responsible authority?

A responsible authority ensures that an environmental assessment of a designated project is conducted in accordance with CEAA 2012 (Canadian Environmental Assessment Act), including ensuring the public is provided with an opportunity to participate in the environmental assessment.

Under CEAA (Canadian Environmental Assessment Act) 2012, responsible authorities can be the Canadian Nuclear Safety Commission, the National Energy Board or the Agency.

What responsibilities do other federal authorities have?

Federal departments and agencies with specific expertise are required to provide information and advice that support the conduct of environmental assessments by responsible authorities.

For projects on federal lands that are not designated projects, before a federal authority or an airport authority may carry out the project or exercise any power or perform any duty or function that will permit the project to be carried out, the authority will have to be satisfied that carrying out the project is not likely to cause significant adverse environmental effects. This also applies if the Governor in Council has decided the project's significant adverse environmental effects are justified in the circumstances. This responsibility also applies to projects outside of Canada that are federally funded or for which the Government of Canada is the proponent.

What is examined during a federal environmental assessment?

The following factors must be considered:

- environmental effects, including environmental effects caused by accidents and malfunctions, and cumulative environmental effects
- significance of those environmental effects
- public comments
- mitigation measures and follow-up program requirements
- purpose of the designated project
- alternative means of carrying out the designated project
- changes to the project caused by the environment
- results of any relevant regional study
- any other relevant matter

Types of Environmental Assessment

What are the types of environmental assessment under the *Canadian Environmental Assessment Act, 2012*?

There are two types of environmental assessment conducted under the *Canadian Environmental Assessment Act, 2012* (CEAA (Canadian Environmental Assessment Act) 2012): **environmental assessment by a responsible authority**, and **environmental assessment by a review panel**.

An **environmental assessment by a responsible authority** is conducted by the Agency, the National Energy Board or the Canadian Nuclear Safety Commission. Information on the process for environmental assessments conducted by the Agency is provided below. Information with respect to environmental assessments conducted by the National Energy Board or Canadian Nuclear Safety Commission may be found on their websites.

An **environmental assessment by review panel** is conducted by a panel of individuals appointed by the Minister of the Environment and supported by the Agency.

Both types of assessments can be conducted by the federal government alone or in cooperation with another jurisdiction, such as a province.

What are the timelines?

Upon acceptance of a complete project description, the Agency has 45 calendar days, including a 20-day public comment period, to determine whether a federal environmental assessment is required.

An environmental assessment conducted by the Agency must be completed within **365 days**. This timeline starts when a notice of the commencement of the environmental assessment is posted on the Registry Internet site and ends when the Minister of the Environment makes a decision as to whether the designated project is likely to cause significant adverse environmental effects.

The Minister of the Environment may refer a project to a review panel within 60 days of the notice of commencement of an environmental assessment. An environmental assessment by a review panel needs to be completed within **24 months**. This timeline starts when the proposed project is referred to a review panel and ends when the Minister of the Environment issues the environmental assessment decision statement.

For every environmental assessment:

- The Minister may extend the time limits by an additional three months, to facilitate cooperation with another jurisdiction or to take into account other circumstances specific to the project.
- Upon recommendation of the Minister of the Environment, the Governor in Council may also extend the time limit (in addition to the three month extension granted by the Minister).
- The period that is taken by the proponent to respond to a request from the Agency or a review panel (conduct studies, prepare environmental impact statement, collect further information, etc.), is not counted in the timelines.

In what case might federal and provincial/territorial governments work together to conduct environmental assessments?

A federal environmental assessment may be required because of the adverse environmental effects on areas of federal jurisdiction or that may result from a federal decision about the project. Some projects may also require a provincial/territorial environmental assessment.

To deal with these circumstances, CEAA (Canadian Environmental Assessment Act) 2012 includes provisions for cooperation and coordinated action between the two orders of government. As such, CEAA (Canadian Environmental Assessment Act) 2012 aims to achieve the goal of "one project-one review."

How does the federal government work with other jurisdictions?

Environmental assessments may be coordinated so that a single environmental assessment meets the legal requirements of both jurisdictions.

A responsible authority may delegate any part of an environmental assessment it is required to conduct to another jurisdiction.

The Minister of the Environment must allow a provincial process to substitute for a federal environmental assessment to be conducted by the Agency, but not federal decision-making, if requested to do so by a province and if the Minister is of the opinion that the provincial process is an appropriate substitute for an assessment under CEAA (Canadian Environmental Assessment Act) 2012 and that conditions contained in CEAA (Canadian Environmental Assessment

Act) 2012 regarding factors to be considered, public participation and the submission of an environmental assessment report will all be fulfilled by the provincial process. The Minister may establish additional conditions as a prerequisite to his approval of a substituted process. The Minister may also approve substitution with other jurisdictions, such as an Aboriginal land claim body.

Under the equivalency provisions of CEAA (Canadian Environmental Assessment Act) 2012, where a provincial process meets all of the conditions for the substitution of a process, the Minister of the Environment may recommend to the Governor in Council that a designated project be exempted from the application of CEAA (Canadian Environmental Assessment Act) 2012.

Substitution and equivalency provisions do not apply if a project is being assessed by the Canadian Nuclear Safety Commission or the National Energy Board or if the project has been referred to a review panel.

What is the Participant Funding Program?

The Agency administers a [Participant Funding Program](#) to provide limited financial assistance to individuals, incorporated not-for-profit organizations and Aboriginal groups to help prepare for and participate in key stages of environmental assessments undertaken by the Agency or by review panels.

Environmental Assessments Conducted by the Agency

What are the main steps of an environmental assessment process conducted by the Agency?

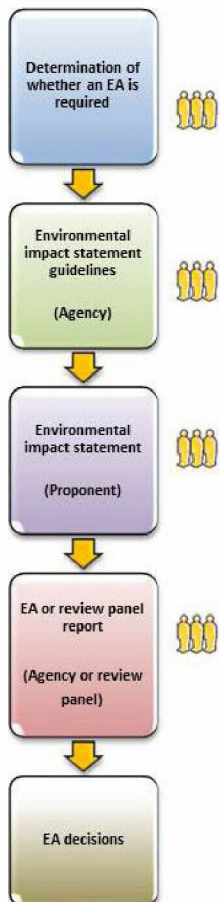
1. **Project description submitted** – Where a physical activity is described in the [Regulations Designating Physical Activities](#) and the Agency is the Responsible Authority, the proponent must provide the Agency with a description of the designated project that includes the information set out in the [Prescribed Information for the Description of a Designated Project Regulations](#).
2. **Project description accepted** – The Agency accepts the project description once it is considered to be complete.
3. **Notification of consideration of whether an environmental assessment is required and comment period on the designated project and its potential effects on the environment** – Once the project description is accepted, the Agency will post a notice on its Registry Internet site that it is considering whether an environmental assessment will be required. A summary of the project description will also be posted along with a notice of a 20-day public comment period on the designated project and its potential for causing adverse environmental effects.
4. **Determining whether an environmental assessment is required** – The Agency must decide whether an environmental assessment is required within 45 days of posting the notice of consideration on its [Registry Internet site](#). The Agency must consider the following in making a decision:
 - o the description of the designated project provided by the proponent,
 - o the possibility that carrying out the designated project may cause adverse environmental effects,
 - o any comments received from the public within 20 days after posting the project description summary on the Registry Internet site, and
 - o the results of any relevant regional studies.

The Agency will post on the Registry Internet site a notice of its decision as to whether an environmental assessment is required.
5. **Environmental assessment required** – If an environmental assessment is required, the Agency will post on the Registry Internet site a notice of the commencement of the environmental assessment.
6. **Comment period on draft environmental impact statement guidelines** – The proponent is required to prepare an environmental impact statement that identifies and assesses the environmental effects of the project and the measures proposed to mitigate those effects, according to the environmental impact statement guidelines prepared by the Agency. The Agency prepares and posts a draft of the environmental impact statement guidelines on its Registry Internet site for public comments on the proposed studies, methods and information required in the environmental impact statement.
7. **Final environmental impact statement guidelines issued** – The Agency considers public comments, including comments from Aboriginal groups, as well as input from federal departments, and then issues the final environmental impact statement guidelines to the proponent.
8. **Participant funding application period and decision on funding requests** – Eligible individuals, incorporated not-for-profit organizations and Aboriginal groups may apply to the [Participant Funding Program](#). The President of the Agency makes the final decision on each funding request.
9. **Proponent completes environmental studies and submits environmental impact statement to the Agency** – The proponent prepares its environmental impact statement according to the guidelines provided by the Agency and submits it to the Agency for review.
10. **Agency conducts completeness review of the environmental impact statement** – The Agency reviews the proponent's environmental impact statement to verify that it clearly provides the information required by the environmental impact statement guidelines. If necessary, the Agency may require the proponent to provide additional information prior to starting the sufficiency review.
11. **Agency conducts sufficiency review of the environmental impact statement** – The Agency reviews the proponent's environmental impact statement for sufficiency and accuracy. The Agency may require the proponent to provide clarification or further information to understand the potential environmental effects and the proposed mitigation measures.
12. **Comment period related to environmental impact statement** – A summary of the environmental impact statement and the environmental impact statement report (in the language in which it was produced) are posted on the Registry Internet site. The Agency solicits comments from the public on the potential environmental effects of the project and the proposed measures to prevent or mitigate those effects.
13. **Proponent revises environmental impact statement information and submits any further information requested by the Agency** – The Agency reviews the additional information submitted by the proponent for sufficiency and accuracy. If any information gaps remain or clarifications are needed, the proponent provides additional information to the Agency.
14. **Agency prepares draft environmental assessment report** – The Agency drafts the environmental assessment report that includes the Agency's conclusions regarding the potential environmental effects of the project, the mitigation measures that were taken into account and the significance of the remaining adverse environmental effects as well as follow-up program requirements.
15. **Comment period on draft environmental assessment report** – The Agency solicits comments on the draft environmental assessment report.

16. **Agency finalizes the environmental assessment report and submits it to the Minister of the Environment** – The Agency finalizes the environmental assessment report and submits it to the Minister of the Environment to inform his or her environmental assessment decision.
17. **Determination of whether significant adverse environmental effects are justified** – If the Minister's decision is that the project is likely to cause significant adverse environmental effects, the matter is referred to the Governor in Council (Cabinet) who will then decide if the likely significant adverse environmental effects are justified in the circumstances.
18. **Minister issues the environmental assessment decision statement with enforceable conditions** – The environmental assessment decision statement includes the determination of whether the project is likely to cause significant environmental effects. If the Minister's decision is that the project is not likely to cause significant adverse environmental effects or if the project is likely to cause significant adverse environmental effects that have been determined by the Governor in Council to be justified in the circumstances, the conditions with respect to mitigation measures and a follow-up program that the proponent must comply with for the proposed project to be carried out, are set out in the environmental assessment decision statement issued by the Minister.
19. **Regulatory decision making** – If required, federal decisions, such as whether to issue regulatory permits or licenses or to provide funding, that would permit the project to proceed can only be made by federal departments and agencies after the environmental assessment is complete. Federal authorities responsible for such decisions may exercise any power or perform any duty or function in relation to the designated project if an environmental assessment decision statement has been issued stating that:
 - o with the implementation of the conditions set out in the decision statement, the project is not likely to cause significant adverse environmental effects, or
 - o the significant adverse environmental effects that the project is likely to cause after the implementation of the conditions are justified in the circumstances.
20. **Implement mitigation measures and follow-up program** – Mitigation measures identified in the environmental assessment decision statement are incorporated into the design plans and implemented with the project. A follow-up program is also implemented to verify that the environmental assessment was accurate and the mitigation measures were effective.

How can the public participate in an environmental assessment conducted by the Agency?

Key Milestones in federal environmental assessment (EA (environmental assessment))



Members of the public can participate at various stages of the environmental assessment process.

Once the Agency receives a complete project description, it must consider whether or not an environmental assessment is required. During this determination, the public is provided with an opportunity to comment on the proposed project and its potential for causing adverse environmental effects.

When it has been decided that an environmental assessment is required, the public is given an opportunity to comment on which aspects of the environment may be affected by the project and what should be examined during the environmental assessment.

Once the proponent submits its environmental impact statement, the public is invited to comment on the identified potential environmental effects of the project and the measures to prevent or mitigate those effects as proposed by the proponent. At this stage, avenues for comment and additional opportunities to participate may include open houses or public meetings.

Finally, the public is provided an opportunity to comment on the draft environmental assessment report. This document includes the Agency's conclusions regarding the potential environmental effects of the project, the mitigation measures that were considered and the significance of the remaining adverse environmental effects.

Check the Registry Internet site for current opportunities for public participation.

Environmental Assessment by a Review Panel

What is an environmental assessment by review panel?

The Minister of the Environment may refer an environmental assessment to a review panel if the Minister is of the opinion that it is in the public interest to do so. To make his or her decision, the Minister must consider whether the designated project may cause significant adverse environmental effects, whether there are public concerns related to the significant adverse environmental effects, and whether there are opportunities for cooperation with another jurisdiction that may be assessing the project, or any part of it.

A review panel is a group of independent experts appointed by the Minister of the Environment, in cooperation with another jurisdiction in the case of joint review panels, to conduct an environmental assessment. The members are selected on the basis of their knowledge, experience and expertise, and must be free from bias or conflict of interest relative to the designated project.

A review panel assesses whether the environmental impact statement prepared by the proponent is sufficient to proceed to public hearings. The hearings allow interested parties, including Aboriginal groups, to present evidence, concerns and comments regarding the potential environmental impacts of the designated project.

Review panels have the capacity to summon witnesses, and order witnesses to present evidence and produce records related to the environmental assessment.

The review panel prepares a report that includes its rationale, conclusions and recommendations, and submits its report to the Minister of the Environment. The report will also contain any proposed mitigation measures and suggestions for the follow-up program.

What is an environmental assessment by a joint review panel?

When a proposed project requires an environmental assessment by both the federal government and a province or another jurisdiction, a joint review panel can be established to avoid duplication.

A joint review panel agreement would be negotiated between the federal government and the other jurisdiction for each joint review, outlining the review process and the terms of reference for the joint review panel.

What are the main steps of an environmental assessment process conducted by a review panel?

1. **Project description submitted** – Where a physical activity is described in the *Regulations Designating Physical Activities* and the Agency is the Responsible Authority, the proponent must provide the Agency with a description of the designated project that includes the information set out in the *Prescribed Information for the Description of a Designated Project Regulations*.
2. **Project description accepted** – The Agency accepts the project description once it is considered to be complete.
3. **Notification of consideration of whether an environmental assessment is required and comment period on the designated project and its potential effects on the environment** – Once the project description is accepted, the Agency will post a notice on its Registry Internet site that it is considering whether an environmental assessment will be required. A summary of the project description will also be posted along with a notice of a 20-day public comment period on the designated project and its potential for causing adverse environmental effects.
4. **Determining whether an environmental assessment is required** – The Agency must decide whether an environmental assessment is required within 45 days of posting the notice of consideration on its [Registry Internet site](#). The Agency must consider the following in making a decision:
 - o the description of the designated project provided by the proponent,
 - o the possibility that carrying out the designated project may cause adverse environmental effects,
 - o any comments received from the public within 20 days after posting the project description summary on the Registry Internet site, and
 - o the results of any relevant regional studies.

The Agency will post on the Registry Internet site a notice of its decision as to whether an environmental assessment is required.

5. **Environmental assessment required** – If an environmental assessment is required, the Agency will post on the Registry Internet site a notice of the commencement of the environmental assessment.
6. **Comment period on draft environmental impact statement guidelines** – The proponent is required to prepare an environmental impact statement that identifies and assesses the environmental effects of the project and the measures proposed to mitigate those effects, according to the environmental impact statement guidelines prepared by the Agency. The Agency prepares and posts a draft of the environmental impact statement guidelines on its Registry Internet site for public comments on the proposed studies, methods and information required in the environmental impact statement.
7. **Final environmental impact statement guidelines issued** – The Agency considers public comments, including comments from Aboriginal groups, as well as input from federal departments, and then issues the final environmental impact statement guidelines to the proponent.

8. **Referral to review panel** – Within 60 days of the commencement of an environmental assessment, the Minister may decide to refer the environmental assessment to a review panel. Referral of an environmental assessment to a review panel is based on several factors. The Minister of the Environment has to consider:
- o the potential for the designated project to cause significant adverse environmental effects;
 - o public concerns related to the significant adverse environmental effects that may be caused by the designated project; and
 - o opportunities for coordination with another jurisdiction.
- In referring the environmental assessment to a review panel, the Minister will establish the time limits, which combined are not to exceed 24 months, within which:
- o the review panel must be established after the referral;
 - o the review panel must submit its report with respect to the environmental assessment to the Minister; and
 - o the Minister must, after receiving the review panel's report, issue a decision statement under section 54 of C_EA_A (Canadian Environmental Assessment Act) 2012.
9. **Participant funding application period and decision on funding requests** – Eligible individuals, incorporated not-for-profit organizations and Aboriginal groups may apply to the Participant Funding Program. The President of the Agency makes the final decision on each funding request.
10. **Comment period on draft review panel terms of reference and joint review panel agreement, if applicable** – For a federal-only review panel, the Agency will prepare draft terms of reference for the review panel and conduct a public comment period. For a joint review panel, the Agency will work with the other jurisdiction to draft a joint review panel agreement, including terms of reference, and conduct a joint public comment period on this document. The terms of reference establish the mandate and authorities of the review panel, as well as the procedures and timelines for the review panel.
11. **Final terms of reference issued** – After considering public comments, including comments from Aboriginal groups, as well as input from federal departments on the draft terms of reference for the review panel, the Minister (along with the other jurisdiction, in the case of joint review panels) will issue the final terms of reference and post them on the Registry Internet site.
12. **Proponent completes environmental studies and submits environmental impact statement to the government** – The proponent prepares its environmental impact statement according to the guidelines provided by the Agency and submits it to the Agency (and in the case of a joint review panel, to the other jurisdiction) for review.
13. **Completeness Review of the Environmental Impact Statement**- The environmental impact statement is posted on the Registry Internet site in the language in which it was produced. The Agency conducts a review of the completeness of the environmental impact statement to ensure all the information required by the environmental impact statement guidelines and applicable legislation is contained in the document. The Agency then determines whether the environmental impact statement contains the enough information to allow the review panel, once appointed, to begin its sufficiency review. In making this determination, the Agency solicits comments from the public, including comments from Aboriginal groups, as well as input from other government agencies. The Agency may require the proponent to provide clarification or further information based on its consideration of the comments received. If the Agency determines that additional information is required, it may hold another comment period on the additional submitted information. The Agency's review does not affect or predetermine the result of the Review Panel's assessment of the sufficiency of the environmental impact statement.
14. **Review panel appointed** – Before the end of the completeness review of the proponent's environmental impact statement, the Minister (along with the other jurisdiction, in the case of joint review panels) will appoint the review panel. Potential members of the review panel may be selected from a roster of candidates established and maintained by the Agency. The Agency will identify and assess potential candidates for relevant knowledge, expertise and determine if any potential bias or conflict of interest exists. Once the membership of the review panel is finalized by the Minister, review panel appointments are made public and notification is posted on the Registry Internet site.
15. **Proponent revises environmental impact statement information and submits it to the review panel** – The proponent revises the information of the environmental impact statement based on direction from government officials at the end of the completeness review, and submits it to the review panel for review.
16. **Review panel determines if environmental impact statement is sufficient, or if additional information is required** – The review panel will review the environmental impact statement to determine if the information provided is sufficient to proceed to public hearings. A public comment period on the proponent's revised environmental impact statement will be held at the start of this review. The review panel considers all comments received, as well as its own review of the information, in determining sufficiency of the information to proceed to the public hearings. If the review panel is of the opinion that there is insufficient information to proceed to public hearings, it will require the proponent to submit additional information. If the review panel determines that additional information is required, it may hold another 30-day comment period on the additional submitted information.
17. **Review panel holds public hearings** – Once the review panel determines that it has sufficient information, it will provide notice prior to the start of public hearings. The review panel has a duty to hold public hearings in a manner that offers any interested parties an opportunity to participate. The primary purpose of the public hearings is to allow the review panel to obtain the information required to complete its assessment of the potential environmental effects of the proposed project.
18. **Review panel prepares and submits report to the Minister, and the province or other jurisdiction, for joint review panels** – Upon completion of the hearings, the review panel prepares its report containing its conclusions, rationale and recommendations, and submits the report to the Minister of the Environment. In the case of a joint review panel, it will also contain recommendations to the other jurisdiction. The report will also include a summary of the comments received from the public and will recommend mitigation measures and the follow-up program requirements. Based on the review panel's report, the Minister of the Environment decides whether adverse environmental effects are likely to be significant.
19. **Determination of whether significant adverse environmental effects are justified** – If the Minister's decision is that the project is likely to cause significant adverse environmental effects, the matter is referred to the Governor in Council (Cabinet) who will decide if the likely significant adverse environmental effects are justified in the circumstances.
20. **Minister issues the environmental assessment decision statement with enforceable conditions** – The environmental assessment decision statement includes the determination of whether the project is likely to cause significant environmental effects. If the Minister's decision is that the project is not likely to cause significant adverse environmental effects or if the project is likely to cause significant adverse environmental effects that

have been determined by the Governor in Council to be justified in the circumstances, the conditions with respect to mitigation measures and a follow-up program with which the proponent must comply for the proposed project to be carried out, are set out in the environmental assessment decision statement issued by the Minister.

For joint review panels, the other jurisdiction will follow its own decision-making process upon receiving the review panel report. Each jurisdiction retains its independent decision-making responsibility.

21. **Regulatory decision making** – If required, federal decisions, such as whether to issue regulatory permits or licences or to provide funding, that would allow the project to proceed can only be made by federal departments and agencies after the environmental assessment is complete. Federal authorities responsible for such decisions may exercise any power or perform any duty or function in relation to the designated project if an environmental assessment decision statement has been issued, stating that:
 - o with the implementation of the conditions set out in the decision statement, the project is not likely to cause significant adverse environmental effects, or
 - o the significant adverse environmental effects that the project is likely to cause after the implementation of the conditions are justified in the circumstances.
22. **Implement mitigation measures and follow-up program** – Mitigation measures identified in the environmental assessment decision statement are incorporated into the design plans and implemented with the project. A follow-up program is also implemented to verify that the environmental assessment was accurate and the mitigation measures were effective.

How can interested members of the public get involved in an environmental assessment by a review panel?

The public can get involved at various stages in the review panel environmental assessment process.

The public is given an opportunity to comment on the proposed project and highlight particular issues of interest. Feedback is specifically solicited on the environmental impact statement guidelines, and on the sufficiency of the environmental impact statement submitted by the proponent.

The public is also invited to comment on draft terms of reference for the review panel. For a joint review process, the public is given an opportunity to comment on the draft joint review panel agreement as well.

Hearings are held to encourage the participation of interested parties. The review panel is responsible for determining its hearings schedule, locations and procedures, and notifying the public in advance so that interested parties will have the opportunity to participate.

Check the [Registry Internet site](#) for current opportunities for public participation.

What does cost recovery mean?

Under the *Canadian Environmental Assessment Act, 2012* (CEAA (Canadian Environmental Assessment Act) 2012), the Agency has the authority to recover its costs for environmental assessments in accordance with regulations that are made for that purpose.

The *Cost Recovery Regulations* set out the services and amounts which the Agency can recover from the proponent of a proposed project undergoing an assessment by a review panel.

Compliance and Enforcement

How does the *Canadian Environmental Assessment Act, 2012* ensure compliance?

If an environmental assessment is required to be conducted by the Agency, proponents are prohibited from proceeding with any aspect of a designated project that would have an effect on a component of the environment that falls within federal legislative jurisdiction, unless:

- the Minister of the Environment has issued a decision statement indicating that the project is unlikely to cause any significant adverse environmental effects or that the Governor in Council has decided that such effects are justifiable in the circumstances; and
- the proponent has complied with all conditions in the decision statement.

Enforcement officers will verify compliance and the Minister may also seek an injunction to stop activities that violate *CEAA, 2012 (Canadian Environmental Assessment Act)* or to prevent such violations. Contraventions of *CEAA (Canadian Environmental Assessment Act) 2012* can result in fines ranging from \$100,000 to \$400,000.

Similarly, a federal authority may not undertake any action that would permit a project to be carried out, in whole or in part, unless a decision statement has been issued and states that the proposed project is not likely to cause significant adverse environmental effects or that the likely effects are justified in the circumstances.

What is a decision statement?

At the end of the environmental assessment, a decision statement is issued that states whether the proposed project is likely to cause significant adverse environmental effects. It includes conditions, consisting of mitigation measures and a follow-up program that the proponent must fulfil to proceed with the project.

When the Agency is the responsible authority, the Minister of the Environment issues the decision statement to the proponent. When the Canadian Nuclear Safety Commission or the National Energy Board is the responsible authority, they are responsible for issuing the decision statement to the proponent.

If a proposed project is likely to cause significant adverse environmental effects, it is referred to the Governor in Council (Cabinet) to determine whether the environmental effects are justified in the circumstances. The conclusions of the Governor in Council would be included in the decision statement.