



Canadian Environmental Assessment Act:

# How to Determine if the Act Applies

*A guide to determining if you need a federal environmental assessment and what type may be required.*



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## Document Information

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### Disclaimer

This guide is for information purposes only. It is not a substitute for the *Canadian Environmental Assessment Act* (the Act) or any of its regulations. In the event of any inconsistency between this guide and the Act or regulations, the Act or regulations, as the case may be, would prevail.

To ensure that you have the most up-to-date versions of the Act and regulations, please consult the Department of Justice Web site at <http://laws.justice.gc.ca/en/C-15.2/index.html>.

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### Updates

This document may be reviewed and updated periodically by the Canadian Environmental Assessment Agency (the Agency). To ensure that you have the most up-to-date version, please consult the Guidance Materials page of the Agency's Web site at [www.ceaa-acee.gc.ca/012/newguidance\\_e.htm](http://www.ceaa-acee.gc.ca/012/newguidance_e.htm).

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## Guide Overview

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### Purpose of guide

This guide has been prepared by the Canadian Environmental Assessment Agency (the Agency) to provide guidance on how to determine:

- when an environmental assessment (EA) is required under the *Canadian Environmental Assessment Act* (the Act); and, if so,
  - what type of EA is appropriate.
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### Contents of guide

This guide contains the following main parts:

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### Intended audience

This guide is intended for federal authorities to assist them in determining whether they have obligations under the Act. (For a definition of “federal authority,” please see section 2.3 of this guide.)

Proponents, consultants, other jurisdictions and members of the public may find this guidance useful for understanding the considerations of federal authorities in these circumstances.

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### Applicability of guide to regulated authorities

“Regulated authorities” are bodies that are not federal authorities, but that are required to conduct federal EAs if specific regulations are passed for that purpose. This guide does not provide direction on the duties of regulated authorities; however, where processes prescribed in their regulations are compatible with the Act, regulated authorities may find this guidance useful.

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### Related guidance

A federal authority’s determination of whether an EA is required under the Act is a component of the coordination process under the *Regulations Respecting the Coordination by Federal Authorities of Environmental Procedures and Requirements* (the *Federal Coordination Regulations*). Consequently, it may be useful to consider this guide in conjunction with the Agency’s federal coordination guides, such as [Federal Coordination: Identifying Who’s Involved](#).

The Agency's *Glossary* of terms commonly used in federal EAs may also be very useful in understanding any terms this document does not define.

For all Agency guidance, please refer to the Guidance Materials page of the Agency's Web site at [www.ceaa.gc.ca/012/newguidance\\_e.htm](http://www.ceaa.gc.ca/012/newguidance_e.htm).

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**Additional  
information**

If you would like further information or advice about the topics covered in this document, please visit the Agency's Web site at [www.ceaa-acee.gc.ca](http://www.ceaa-acee.gc.ca) or [contact](#) the Agency office in your region.

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## Part 1. Preparing to Determine if the Act Applies

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### Introduction to Part 1

The *Canadian Environmental Assessment Act* (the Act) is a federal law that requires federal decision makers (called [responsible authorities](#)) to consider the environmental effects of certain types of proposed projects before making any decisions or exercising any powers in relation to the proposed project.

Part 1 of this guide outlines the information needed to determine if the Act applies to a proposed project.

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### Contents of Part 1

This part contains the following sections.

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## 1.1 Using a Project Description

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### Need for a project description

Compiling project information in a project description is an integral component of an environmental assessment (EA) process, because a project description will provide the initial overview of the basic project-related information at the outset of the EA process.

Those responsible for determining the need for an EA under the *Canadian Environmental Assessment Act* will require basic information about the proposed project, including:

- a summary description of the project;
- information indicating the location of the project and the areas potentially affected by the project;
- a summary description of the physical and biological environments within the areas potentially affected by the project; and
- the mailing address and phone number of a contact person who can provide additional information about the project.

In most cases, this information can be obtained from a project description prepared by the proponent.

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### Use of the project description

A project description has two important functions. It will help to:

- **Identify decision-making responsibilities.** A clear, thorough project description will assist a federal authority in determining, as early as possible in the project's planning phase, whether it has a decision-making responsibility with respect to the proposed project and whether it is required to ensure that an EA is conducted.
  - **Promote efficient coordination.** The federal authority receiving a project description will use it to identify other federal authorities that may have an interest in the project. Early identification and notification of other appropriate federal authorities help to ensure that the EA is well coordinated among federal participants, and that the proponent is informed in a timely manner of federal EA requirements.
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**Related  
guidance**

For information on preparing a project description, please see the [\*Operational Policy Statement on Preparing Project Descriptions under the Canadian Environmental Assessment Act\*](#).

For additional information on how to identify federal authorities and promote coordination using a project description, please see the guide entitled [\*Federal Coordination: Identifying Who's Involved\*](#).

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## 1.2 Identifying Interested Federal Authorities

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### **Introduction to identifying federal authorities**

Depending on the proposed project, a number of federal authorities (i.e., responsible authorities, expert federal authorities and the Canadian Environmental Assessment Agency) and other jurisdictions may be involved in the environmental assessment (EA).

The federal authority reviewing the project description may need to inform or involve these other bodies, either during the review of the project information or after it determines that it is required to undertake an EA.

These other parties can then use the project description to determine whether their involvement is required. Once the appropriate parties are identified, their participation should be coordinated in an efficient manner.

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### ***Federal Coordination Regulations***

The [\*Federal Coordination Regulations\*](#) were established to ensure that:

- the federal EA process is timely and predictable; and
- only one federal EA is conducted for a project.

Sections 3 to 7 of the regulations establish, for federal authorities, clear procedures and time lines for:

- reviewing a project description to determine if it requires an EA under the *Canadian Environmental Assessment Act*;
  - notifying the proponent of its decision on the need for an EA;
  - notifying, as appropriate, other federal authorities that are likely to exercise a power, duty or function or are in possession of specialist or expert information or knowledge with respect to the project; and
  - responding to a notification received from another federal authority.
- 

### **The need to coordinate others**

The various federal authorities and jurisdictions must be identified, engaged and coordinated in many EAs. Coordination among the participants, from the start, promotes greater certainty, efficiency, predictability and timeliness in EAs involving the federal government.

For instance, in the following examples many parties will be involved and will benefit from coordination activities.

- More than one federal department or agency determines that it has a decision-making role for a proposed project undergoing a screening or a

comprehensive study (e.g., there is more than one responsible authority).

- Other federal departments determine that they have a responsibility to offer expert advice or knowledge to the responsible authority (e.g., expert federal authorities).
  - A proposed project is subject to a cooperative EA with another jurisdiction (e.g., with a province).
- 

**Who identifies the federal authorities?**

Early in the process, the “federal environmental assessment coordinator” (FEAC) is required to ensure the identification of the federal authorities that are, or may be:

- responsible authorities; or
- in possession of specialist or expert information or knowledge with respect to the project (i.e., expert federal authorities).

The FEAC then has the actual role of coordinating the participation of federal authorities in the EA process, and facilitating communication and cooperation among them and with other participants.

A responsible authority or the Agency, depending on the situation, can assume the role of the FEAC.

For more information about the FEAC role, please refer to the guide entitled [\*Federal Coordination: An Overview\*](#).

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**Related guidance**

For guidance on how to identify responsible authorities and expert federal authorities in accordance with the *Federal Coordination Regulations*, please refer to the guide entitled [\*Federal Coordination: Identifying Who’s Involved\*](#).

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## Part 2. When Does the Act Apply?

**Introduction to Part 2**

Part 2 of this guide provides direction to federal authorities when determining the need for an environmental assessment (EA) under the *Canadian Environmental Assessment Act* (the Act).

**When does the Act apply?**

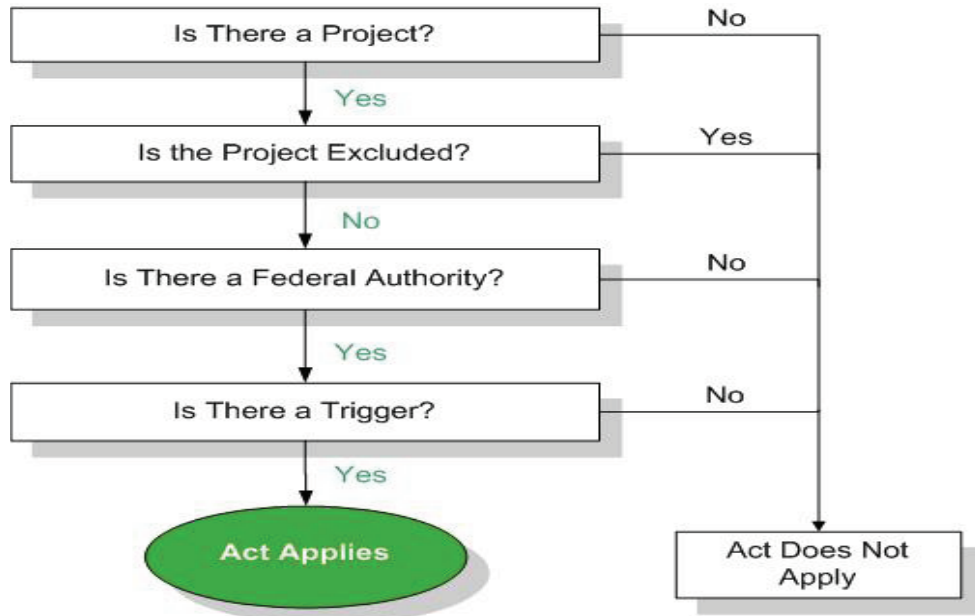
The Act applies to public and private sector proposed projects where specific federal decisions or approvals must be made or granted.

The Act applies to a proposal when *all four* of the following criteria are met:

1. the proposal meets the definition of “project” under the Act;
2. the project is not excluded from having to undergo an EA;
3. the project will necessitate an action or decision of a federal authority; and
4. the specified federal action or decision “triggers” an obligation to ensure that an EA is conducted.

**Figure 1:**  
Decision chart for determining if the Act applies

The decision chart below provides an overview of the sequence of the four questions and the implications of decisions at each step.



**Contents of  
Part 2**

The following sections of Part 2 explain each of these questions and provide examples.

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## 2.1 Is There a Project?

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**Question #1: Is there a project?** To determine whether an environmental assessment (EA) is required under the *Canadian Environmental Assessment Act* (the Act), the first task is to determine whether there is a proposed “project” as defined by the Act.

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**Definition of a project** Under the Act subsection 2(1), a project is defined as:

- any proposed undertaking in relation to a physical work; or
- any proposed physical activity not relating to a physical work that is set out in the [Inclusion List Regulations](#).

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**Undertaking in relation to a physical work** The first category of the definition, an *undertaking in relation to a physical work*, covers most projects that fall under the Act.

A “physical work” is something that has been or will be constructed (human-made) and has a fixed location. Examples include a bridge, building or pipeline, but do not include airplanes or ships at sea.

“Undertakings” associated with the physical work consist of all of the various steps of the life cycle of the physical work. Examples include construction, operation, modification, decommissioning and abandonment.

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**Examples** Examples of undertakings in relation to a physical work include:

Undertakings such as...	Relating to physical works such as a ...
Demolition	Bridge
Repair or maintenance	Dam
Construction	Multi-lane highway
Modification and operation	Natural gas pipeline
Decommissioning	Nuclear power generating station
Installation	Radio communication antenna

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**Physical activities not relating to a physical work**

The second category of the definition of project covers physical activities not relating to a physical work. These are listed in the *Inclusion List Regulations*. Examples include low-level flying, pesticide spraying by air in national parks and dredging.

This category seeks to bring into the EA process certain activities that have the potential for significant adverse environmental effects.

**Examples**

Examples of physical activities not relating to a physical work include:

Physical activities such as...	Relating to non-physical works such as...
Remediation	contaminated land
Alteration	a shoreline in a national park
Dredging for navigation	a natural water body
Dumping of substances prescribed by the <i>Canadian Environmental Protection Act</i>	an ocean
Prospecting for minerals	lands subject to the <i>Indian Mining Regulations</i>
Low-level flying	the atmosphere

*Note:* These examples all relate to air, land or water, but not to physical works, and can all be found in the *Inclusion List Regulations*.

**Next steps**

The next steps are as follows.

If the proposal...	Then...
meets the definition of a “project” under the Act	proceed to <a href="#">2.2. Is the Project Excluded?</a>
does not meet the definition of a project under the Act	no EA is required under the Act. Document your decision.

## 2.2 Is the Project Excluded?

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**Question #2: Is the project excluded?** To determine whether an environmental assessment (EA) is required under the *Canadian Environmental Assessment Act* (the Act); the second task is to determine whether an identified project can be exempt from the requirement to conduct an EA under the Act. The Act does not apply to proposed projects that are excluded.

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**Definition of excluded** “Excluded” means that no EA is required under the Act.

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**Exclusions under the Act** A project may be excluded from the need to undergo an EA if it meets any of the following conditions from section 7:

- it is described in the [Exclusion List Regulations](#);
- it is in response to a national emergency for which special temporary measures are being taken under the *Emergencies Act*; or
- it is in response to an emergency, and it is important to carry out the project immediately in the interest of preventing damage to property or the environment or in the interest of public health or safety.

*Note:* Under subsection 7(2) of the Act, an EA is not required when a federal authority provides financial assistance and the details of the project(s) expected to receive federal funding are not known.

Notwithstanding subsection 7(2), section 54 of the Act requires that funding agreements related to projects outside Canada, and all funding agreements with provinces (and provincial institutions), foreign states and international organizations, include a clause indicating that an EA will be conducted once the essential details of the project are known.

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**Exclusion List Regulations** The *Exclusion List Regulations* provide the most common source of projects excluded from the need to undergo an EA.

These regulations list undertakings in relation to a physical work that are considered to have an insignificant impact on the environment, such as simple renovations and routine operations.

As shown in the examples below, many of the exclusions are set by thresholds or conditions, such as distance to the nearest water body or size of building.



**Examples from  
the *Exclusion  
List Regulations***

- The proposed maintenance or repair of an existing physical work.
- The proposed demolition of an existing building with a floor area of less than 1,000 m<sup>2</sup> that would not:
  - a) be carried out in or on or within 30 m of a water body;
  - b) involve the likely release of a polluting substance into a water body;  
and
  - c) be carried out within 30 m of another building.
- The proposed construction, installation, expansion or modification of a fish habitat improvement structure that would not involve the use of heavy machinery.

**Next steps**

The next steps are as follows.

<b>If the project ...</b>	<b>Then...</b>
does not meet any of the criteria for exclusion	proceed to <a href="#">2.3. Is There a Federal Authority?</a>
meets one of the criteria for exclusion	no EA is required.  Document your decision.

## 2.3 Is There a Federal Authority?

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**Question #3: Is there a federal authority?** To determine whether an environmental assessment (EA) is required under the *Canadian Environmental Assessment Act* (the Act), the third task is to determine whether there is a federal authority involved with the proposed project. There must be a federal authority involved for the Act to apply.

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**Definition of federal authority** In the context of the Act, the term federal authority refers to a federal body (e.g., a department, agency or parent Crown corporation).

The Act defines “federal authority” in [subsection 2\(1\)](#). Among other things, the definition refers to regulations made under the Act (i.e., the [Federal Authorities Regulations](#)) and to schedules I and II of the [Financial Administration Act](#).

The table below outlines the types of federal authorities as defined in the Act, and provides examples of each type.

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**Types of federal authorities** The types of federal authorities are as follows.

Type of federal authority	Examples	See the Act
Ministers... <i>a Minister of the Crown in right of Canada</i>	<ul style="list-style-type: none"> <li>Minister of the Environment</li> <li>Minister of National Defence</li> </ul>	Subsection 2(1) “federal authority” paragraph (a)
Agencies and parent Crown corporations... <i>an agency of the Government of Canada, a parent Crown corporation, as defined in subsection 83(1) of the Financial Administration Act, or any other body established by or pursuant to an Act of Parliament that is ultimately accountable through a Minister of the Crown in right of Canada to Parliament for the conduct of its affairs</i>	<ul style="list-style-type: none"> <li>Canadian Transportation Agency</li> <li>Defence Construction Canada</li> <li>Canada Post Corporation</li> </ul>	Subsection 2(1) “federal authority” paragraph (b)

Departments... <i>any department or departmental corporation set out in Schedule I or II to the Financial Administration Act</i>	<ul style="list-style-type: none"> <li>• Department of Fisheries and Oceans</li> <li>• Department of Natural Resources</li> <li>• National Research Council of Canada</li> </ul>	Subsection 2(1) “federal authority” paragraph (c)
Prescribed bodies... <i>any other body that is prescribed [to be a federal authority] pursuant to regulations (i.e., the Federal Authorities Regulations)</i>	<ul style="list-style-type: none"> <li>• Canada–Newfoundland Offshore Petroleum Board</li> <li>• Canada–Nova Scotia Offshore Petroleum Board</li> </ul>	Subsection 2(1) “federal authority” paragraph (d)

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**Regulated Authorities**

Certain bodies are not federal authorities under the Act, but may be required to conduct EAs if specific regulations are passed for that purpose.

For example, port authorities established under section 8 of the *Canada Marine Act* are required to conduct EAs because of the [Canada Port Authority Environmental Assessment Regulations](#) passed under the Act for that purpose.

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**Examples of bodies that are not federal authorities**

The following are not federal authorities under the Act:

- the Executive Council of — or a minister, department, agency or body of the government of — Yukon, the Northwest Territories or Nunavut;
- a band council within the meaning of the *Indian Act*;
- Export Development Canada;
- the Canada Pension Plan Investment Board;
- a Crown corporation that is a wholly owned subsidiary as defined in subsection 83(1) of the *Financial Administration Act*;
- the Hamilton Harbour Commissioners as constituted pursuant to *The Hamilton Harbour Commissioners' Act*;
- a harbour commission established pursuant to the *Harbour Commissions Act*;
- a not-for-profit corporation that enters into an agreement under subsection 80(5) of the *Canada Marine Act* or a port authority established under that Act;
- provincial government bodies;

- individual members of the public; and
- private sector organizations.

**Next steps**

The next steps are as follows.

If the project ...	Then...
involves a federal authority	proceed to <a href="#">2.4 Is There a Trigger?</a>
does not involve a federal authority	no EA is required under the Act (unless specific regulations have been passed for that purpose for that body).  Document your decision.

## 2.4 Is There a Trigger?

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**Question #4: Is there a trigger?** To determine whether an environmental assessment (EA) is required under the *Canadian Environmental Assessment Act* (the Act), the fourth task is to determine whether a federal authority may take an action or make a decision that triggers the Act. There must be a triggering decision or action by a federal authority for the Act to apply.

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**Definition of “trigger”** A trigger occurs when a federal authority exercises one or more of the following duties, powers or functions in relation to a project:

- proposes a project as its proponent;
- grants money or other financial assistance to the proponent for the purpose of enabling a project to be carried out;
- sells, leases or otherwise disposes of land or any interest in land to enable a project to be carried out; or
- exercises a regulatory function in relation to a project (such as issuing a permit or licence) in accordance with a provision of a statute or regulation that is listed in the [Law List Regulations](#).

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**The four triggers** The triggers for an EA are determined as explained in the following table. For some projects, more than one trigger may apply.

If a federal authority...	And...	Then an EA of the project is required due to the...
is the proponent of the project	does any act or thing that commits the federal authority to carrying out the project in whole or in part	proponent trigger. Paragraph 5(1)(a)
makes or authorizes payments or provides a guarantee for a loan or any other form of financial assistance to the proponent	it is for the purpose of enabling the project to be carried out in whole or in part	funding trigger. Paragraph 5(1)(b)

has the administration of federal lands and sells, leases or otherwise disposes of those lands or any interests in those lands, or transfers the administration and control of those lands or interests to a province	it is for the purpose of enabling the project to be carried out in whole or in part	land trigger. Paragraph 5(1)(c)
issues a permit or licence, grants an approval or takes any other action pursuant to a provision that is specified in the <i>Law List Regulations</i>	it is for the purpose of enabling the project to be carried out in whole or in part.	<i>Law List Regulations</i> trigger. Paragraph 5(1)(d)

### Examples of triggers

Examples of triggers for an EA are provided below.

Trigger	Example
Proponent	Public Works and Government Services Canada proposes to construct a building for office space.
Funding	Infrastructure Canada agrees to fund municipal infrastructure projects, but is not directly involved in the construction activities.
Land	Indian and Northern Affairs Canada may provide a right of way that will enable a private company to construct and operate a pipeline that will transport natural gas.
<i>Law List Regulations</i>	Transport Canada issues a permit under section 5 of the <i>Navigable Waters Protection Act</i> to allow a new bridge to be built across a river.

### Next steps

The next steps are as follows.

If there is ...	Then...
a trigger under the Act	an EA is required under the Act. Proceed to <a href="#">Part 3. What Type of Environmental Assessment Is Required?</a>
not a trigger under the Act	no EA is required under the Act. Document your decision.

## 2.5 Are Significant Adverse Transboundary Environmental Effects Likely?

### Referral due to transboundary environmental effects

The following table summarizes the provisions in the *Canadian Environmental Assessment Act* (the Act) that allow the referral to a mediator or review panel of a project that may cause significant adverse transboundary environmental effects.

Initiator	When	Section of the Act
Minister of the Environment	at any time the Minister is of the opinion that a project may cause significant adverse transboundary environmental effects <b>interprovincially</b> and no federal power, duty or function referred to in section 5 of the Act exists in relation to a project.	46
Minister of the Environment and Minister of Foreign Affairs	at any time the Minister of the Environment is of the opinion that a project may cause significant adverse transboundary environmental effects <b>internationally</b> and no federal power, duty or function referred to in section 5 of the Act exists in relation to a project.	47
Minister of the Environment	at any time the Minister is of the opinion that a project may cause significant adverse environmental effects <b>on federal lands or on any other lands specified in subsection 48(1)</b> and no federal power, duty or function referred to in section 5 of the Act exists in relation to a project.	48(1)
Minister of the Environment	at any time the Minister is of the opinion that a project located on lands in an Indian Reserve* may cause significant adverse environmental effects <b>outside those lands</b> and no federal power, duty or function referred to in section 5 of the Act exists in relation to a project.	48(2)
* Subsection 48(2) also applies to other specific types of Aboriginal lands if those lands are prescribed by regulation. No such regulations exist at this time.		

## Part 3. What Type of Environmental Assessment Is Required?

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**Introduction to Part 3** This part will guide you in determining the type of environmental assessment that will be required for a specific project under the *Canadian Environmental Assessment Act* (the Act).

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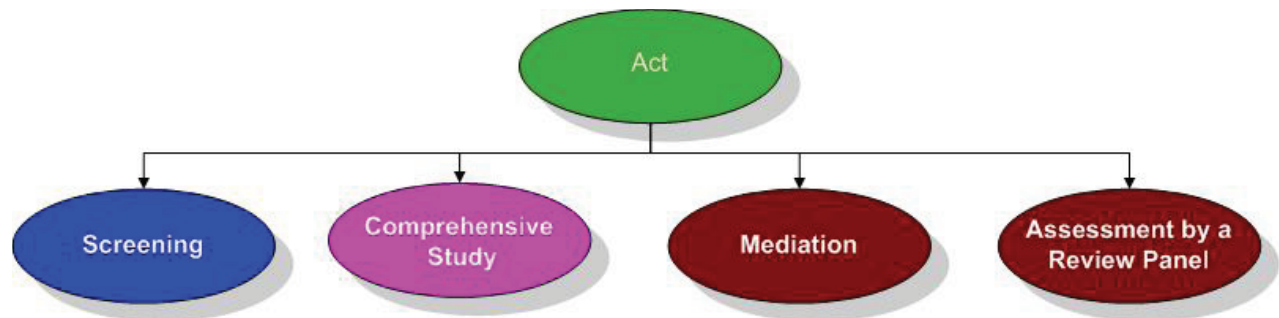


## 3.1 Types of Environmental Assessment

**Figure 2: Types of Environmental Assessment**

Depending on the nature of the project and the significance of possible environmental effects, the type of environmental assessment (EA) required will vary.

There are four types of EAs under the *Canadian Environmental Assessment Act* (the Act). All four types are described below.



**Self-directed vs. third-party assessments**

The types of EAs under the Act can be divided into two main categories:

- those that are self-directed (known as “self-assessments”); and
- those that legally involve an independent third party in the EA process.

The majority of federal projects requiring an EA will undergo either a [screening](#) or a [comprehensive study](#). Both are “self-directed” EAs, as the responsible authority has an obligation to ensure that the EA is conducted in accordance with the Act. In fact, the responsible authority may conduct the EA itself, or it may delegate that task to someone else.

Under certain circumstances, an EA by an unbiased [mediator](#) or an independent [review panel](#) may be required. Since the responsible authority does not conduct these EAs, they are not considered “self-directed.”

**Screening** Most projects are assessed relatively quickly under a screening type of EA.

A screening systematically documents the anticipated environmental effects of a proposed project and determines the need to modify the project plan or recommend measures to mitigate the environmental effects.

Screenings are conducted for projects that are not described in the [Comprehensive Study List Regulations](#). Projects undergoing a screening can be referred to a mediation or a review panel if the circumstances warrant. These circumstances are explained in [section 3.2](#) of this guide.

#### **Class Screenings**

The screening of some routine projects may be streamlined using a class screening report. This kind of report presents the accumulated knowledge of the environmental effects of a given type of project and identifies mitigation measures that are known to reduce or eliminate the likely adverse environmental effects.

Class screenings may be one of two types, either a [model class screening](#) or a [replacement class screening](#).

**Comprehensive study** Comprehensive studies are conducted for large-scale, complex projects that are likely to have significant adverse environmental effects. Consequently, a comprehensive study is a more stringent type of EA than a screening. For example, public participation and implementation of a follow-up program are mandatory in a comprehensive study, whereas they are discretionary in a screening.

A comprehensive study is required for proposed projects identified in the [Comprehensive Study List Regulations](#). These projects can be directly referred to a review panel or mediator at any time before the Minister of the Environment makes his or her “track decision” under section 21.1 of the Act, if the circumstances warrant. This decision and the circumstances that may warrant referral are explained in section 3.2 of this guide.

**Mediation**

Mediation is a formal type of EA available under the Act. It is a voluntary process of negotiation in which an independent and impartial mediator, appointed by the Minister of the Environment after consultations with the interested parties, helps the parties resolve their issues.

Mediation is a non-adversarial, collaborative approach to solving problems and generating agreements where consensus is possible. Like assessments by review panels, it is an advisory process rather than a decision-making process.

The circumstances that may warrant referral to a mediator are discussed further in section 3.2 of this guide.

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**Assessment by a review panel**

A review panel is appointed with the objective of reviewing and assessing, in an impartial and objective manner, a project that may cause significant adverse environmental effects or that is the source of sufficient public concern to warrant an assessment by a review panel. Such projects may be referred by the responsible authority to the Minister of the Environment for review by a panel or the Minister of the Environment may make such a referral of his or her own volition.

An assessment by a review panel is an advisory rather than a decision-making process. A review panel submits recommendations to the Minister of the Environment and to the responsible authority. The latter, in turn, must seek Cabinet approval of its response to the review panel's recommendations.

The circumstances that may warrant referral to a review panel are discussed further in section 3.2 of this guide.

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## 3.2 Determining Type of Environmental Assessment

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### Determine the type of EA

The table below summarizes a method for determining the type of environmental assessment (EA) required under the *Canadian Environmental Assessment Act* (the Act). This decision process is depicted in Figure 3 and is explained in more detail in the following sections.

The type of EA should be determined as early as possible so you have adequate time to plan and conduct the EA.

If the proposed project	Then the EA type required is a
<ul style="list-style-type: none"> <li>does not fall into any of the categories below</li> </ul>	screening (includes class screenings).
<ul style="list-style-type: none"> <li>is described in the <a href="#">Comprehensive Study List Regulations</a> and</li> <li>does not fall into the category below</li> </ul>	comprehensive study.
<ul style="list-style-type: none"> <li>warrants direct <a href="#">referral</a> to a mediator or a review panel and</li> <li>the Minister of the Environment agrees (where required)</li> </ul>	mediation or assessment by a review panel.

*Note:* Under the circumstances above, a screening can be referred to a mediator or a review panel at any time during its conduct. A comprehensive study can be referred to a mediator or a review panel at any time before the EA “track decision.” These scenarios are discussed further in [section 3.2.2](#) of this guide.

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### Class screenings

If a screening is required for your project and a class screening has been declared for the type of project proposed, then you may be able to use a replacement or model class screening report for your project.

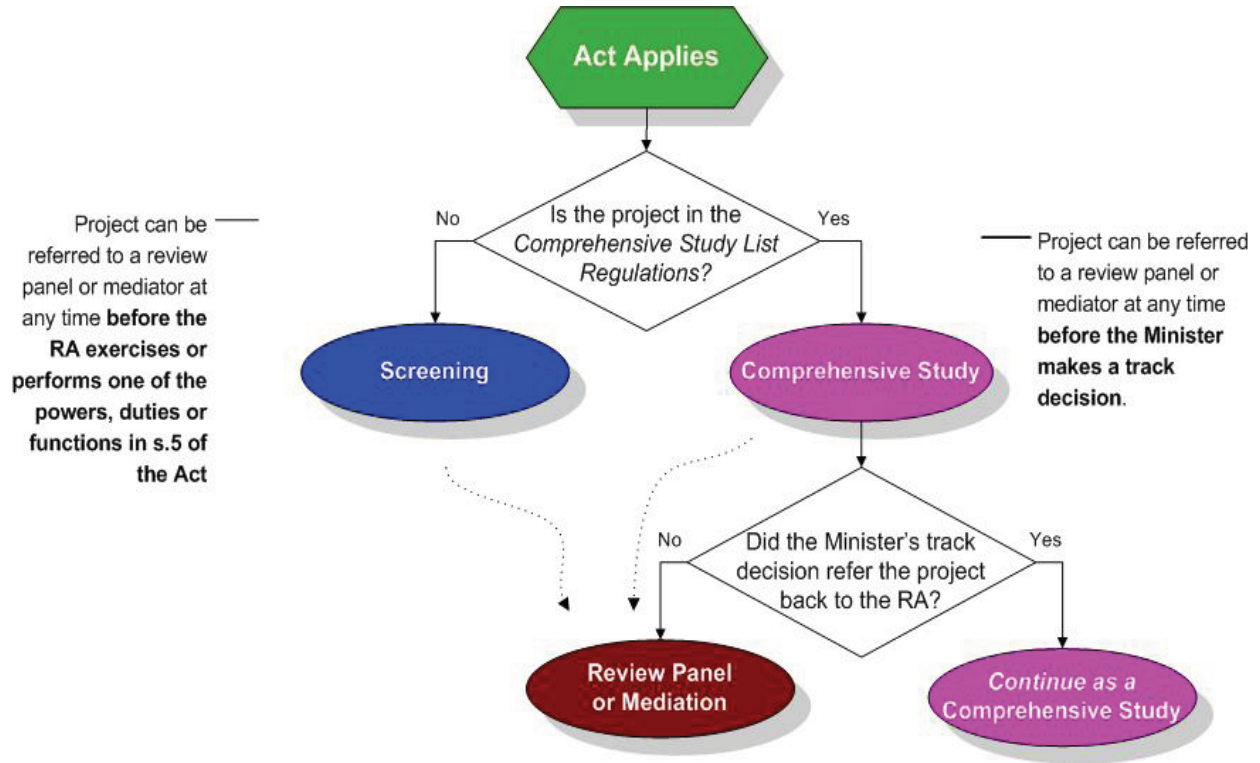
For a list of declared class screening reports, please refer to the Agency’s Web site at [www.ceaa.gc.ca/010/screenings\\_e.cfm](http://www.ceaa.gc.ca/010/screenings_e.cfm).

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**Figure 3:**  
Decision chart  
for determining  
type of EA

The decision chart below provides an overview of the questions to ask to determine the type of EA required.

[Section 3.2.2](#) of this guide discusses each scenario in more detail.



**Next steps**

The next steps are as follows.

If	Then
a screening is required	continue to the guide entitled <i>Federal Coordination: Identifying Who's Involved</i> .
a comprehensive study is required	continue to the guide entitled <i>Federal Coordination: Identifying Who's Involved</i> and <a href="#">contact</a> the Agency office in your region.
a mediation is required	contact the Agency office in your region.
an assessment by a review panel is required	

### 3.2.1 Is the Project in the *Comprehensive Study List Regulations*?

**Is a comprehensive study required?**

To determine whether a comprehensive study is required under the *Canadian Environmental Assessment Act* (the Act), you must determine whether a proposed project is described in the [Comprehensive Study List Regulations](#). Any project described in these regulations requires a comprehensive study.

***Comprehensive Study List Regulations***

The *Comprehensive Study List Regulations* list projects that are likely to have significant adverse environmental effects.

To help you navigate through the regulations, the projects and classes of projects for which a comprehensive study is required are listed in categories by sector. The following are examples of the categories:

- national parks and protected areas;
- electrical generating stations and transmission lines;
- oil and gas projects;
- minerals and mineral processing;
- nuclear and related facilities; and
- transportation.

As shown in the examples below, many of the projects are set by thresholds or conditions, such as production capacity or size of physical work.

**Examples from the *Comprehensive Study List Regulations***

- The proposed construction, decommissioning or abandonment of
  - (a) a fossil fuel-fired electrical generating station with a production capacity of 200 MW or more; or
  - (b) a hydro-electric generating station with a production capacity of 200 MW or more.
- The proposed expansion of a heavy oil or oil sands processing facility that would result in an increase in oil production capacity that would exceed 5,000 m<sup>3</sup>/d and would raise the total oil production capacity to more than 10,000 m<sup>3</sup>/d.
- The proposed construction or decommissioning of
  - (a) an aerodrome located within the built-up area of a city or town;
  - (b) an airport; or
  - (c) an all-season runway with a length of 1,500 m or more.

### 3.2.2 Does the Project Warrant Referral to a Mediator or Review Panel?

#### Referral to a mediator or a review panel

Even if you have determined that a project requires assessment by a screening or a comprehensive study, the type of environmental assessment (EA) may change if it is later determined that the project warrants referral to a mediator or a review panel. The timing and legal provisions for such referrals are described in detail in the text below.

#### Referral before, during or after a screening

In the context of a screening, a referral of the project to a mediator or a review panel can be made at any time before, during or after\* the [EA decision](#), as long as the responsible authority has **not** yet exercised or performed one of the powers, duties or functions listed in section 5 of the *Canadian Environmental Assessment Act* (the Act). For example, before the responsible authority has provided funding or issued an authorization to the proponent to enable the project to be carried out.

The following table summarizes the provisions in the Act that allow a referral to a mediator or review panel of a project that normally requires a screening.

Initiator	Action	When
Responsible authority	<b>may request</b> the Minister of the Environment to refer the project to a mediator or review panel (s. 25 of the Act)	at any time before, during or after* a screening, as long as the responsible authority has not yet exercised or performed one of the powers, duties or functions listed in section 5 of the Act, where a responsible authority is of the opinion that: <ul style="list-style-type: none"> <li>• a project may cause significant adverse environmental effects; or</li> <li>• public concerns warrant a referral.</li> </ul>
Minister of the Environment	<b>may refer</b> the project to a mediator or review panel (s. 28 of the Act)	at any time before, during or after* the screening, as long as the responsible authority has not yet exercised or performed one of the powers, duties or functions listed in section 5 of the Act, where the Minister is of the opinion that: <ul style="list-style-type: none"> <li>• a project may cause significant adverse environmental effects or</li> <li>• public concerns warrant a referral,</li> </ul> but after consulting with the responsible authority (or federal authority where no responsible authority exists) and offering to consult with the

		jurisdiction where the project is to be carried out.
Responsible authority	<b>shall refer</b> the project to the Minister of the Environment for a referral to a mediator or review panel  (para. 20(1)(c) of the Act)	after a screening, where: <ul style="list-style-type: none"> <li>• it is uncertain whether the project is likely to cause significant adverse environmental effects;</li> <li>• the project is likely to cause significant adverse environmental effects; or</li> <li>• public concerns warrant a referral.</li> </ul>

**\*Note:** In the context of a screening, the referral of a project to a mediator or review panel is possible after the responsible authority has made its EA decision unless the responsible authority has determined under paragraph 20(1)(b) that the project is likely to cause significant adverse environmental effects that cannot be justified in the circumstances. In such a situation, referral to a mediator or panel is no longer possible.

**Referral during a comprehensive study**

In the context of a project requiring a comprehensive study, a referral of the project to a mediator or review panel can be made at any time before the Minister makes the “track decision” under section 21.1 of the Act. This track decision determines whether a project may continue to be assessed by means of a comprehensive study, or should instead be referred to a mediation or an assessment by a review panel.

If the Minister's decision is to refer the project back to the responsible authority so it can continue the comprehensive study, the Minister cannot refer the project to a mediator or a review panel later in the comprehensive study process.

The following table summarizes the provisions in the Act that allow the referral to a mediator or review panel of a project that would otherwise require a comprehensive study.



Initiator	Action	When
Responsible authority	<p><b>may request</b> the Minister of the Environment to refer the project to a mediator or review panel</p> <p>(s. 25 of the Act)</p>	<p>at any time before the Minister makes a section 21.1 “track decision,” where a responsible authority is of the opinion that:</p> <ul style="list-style-type: none"> <li>• a project may cause significant adverse environmental effects or</li> <li>• public concerns warrant a referral.</li> </ul>
Minister of the Environment	<p><b>may refer</b> the project to a mediator or review panel</p> <p>(s. 28 of the Act)</p>	<p>at any time before the Minister makes a section 21.1 “track decision,” where the Minister is of the opinion that:</p> <ul style="list-style-type: none"> <li>• a project may cause significant adverse environmental effects or</li> <li>• public concerns warrant a referral,</li> </ul> <p>but after consulting with the responsible authority (or federal authority where no responsible authority exists) and offering to consult with the jurisdiction where the project is to be carried out.</p>
Minister of the Environment	<p><b>shall refer</b> the project to a mediator or review panel</p> <p>(para. 21.1(1)(b) of the Act)</p>	<p>if the Minister makes a “track decision” that he/she considers it appropriate, after taking into account the responsible authority’s report and recommendations regarding whether to continue with the EA by means of a comprehensive study or to refer it to a mediator or review panel.</p>