



PARKS CANADA GUIDE TO COMPLIANCE WITH THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT



January, 2007



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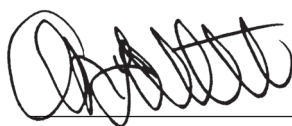
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**Parks Canada Guide to Compliance with the
Canadian Environmental Assessment Act**

These procedures have received my approval. They may be updated from time to time based on case law, legal interpretations, and review of implementation. Revisions may be made at the discretion of the Director General of National Parks, who has responsibility within Parks Canada for environmental assessment compliance. Appropriate consultation will be undertaken prior to any such revisions.

A handwritten signature in black ink, appearing to read 'Alan Latourelle', is positioned above a horizontal line.

Alan Latourelle,
Chief Executive Officer

January 3, 2007

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1.0 Executive Summary

This document describes the legal obligations of Parks Canada under the *Canadian Environmental Assessment Act (CEAA)*, and the procedures to be followed for environmental assessments under *CEAA*.

The environmental assessment program within Parks Canada encompasses a number of legislated and policy-based processes in addition to that set out in *CEAA* and described in this guide. Others include the strategic assessment of policy, plan and program proposals, as required by a Cabinet Directive, and environmental assessment regimes specific to certain geographic areas such as Nunavut, the Mackenzie Valley, the Yukon, and the Inuvialuit settlement region. Information about Parks Canada's obligations under these other processes can be obtained from various sources including environmental assessment specialists in each service centre and in national office. Overall policy direction on the conduct of environmental assessment within Parks Canada is provided in Parks Canada Management Directive 2.4.2 on Impact Assessment (May, 1998).

The Parks Canada *Guiding Principles and Operational Policies* state that, "federal environmental assessment legislation is meticulously applied in heritage places administered by Parks Canada". The superintendent is accountable for ensuring that environmental assessment obligations are met within each national park, national historic site and national marine conservation area. In general, the person with decision-making responsibility for a project is responsible for ensuring that environmental assessment obligations are met for that project.

CEAA is triggered when a federal department is the proponent of a project, provides financial assistance to a project, disposes of an interest in land for a project, or issues a listed permit or licence for a project. There are some circumstances in which projects can be excluded from assessment. Sometimes more than one department has an obligation to conduct an assessment, in which case their ef-

forts must be coordinated. Parks Canada will be obliged, on occasion, to provide expert advice to other departments, just as it may receive advice from others. Advice provided to others must be carefully considered in view of a potential obligation to assist with the implementation of any mitigation measures or follow-up studies recommended by Parks Canada.

The Ecological Integrity Branch (EIB) in National Parks Directorate provides guidance to and national coordination of the environmental assessment program within Parks Canada. In addition, each service centre has at least one environmental assessment specialist who is responsible for guidance to field units in that area as well as support to the national environmental assessment program.

Parks Canada must maintain a public registry for each project undergoing assessment at the screening or comprehensive study level. This involves contributing the required information to the Canadian Environmental Assessment Registry Internet Site (CEARIS), and maintaining a project document file in a location that is convenient for access by the interested public. Parks Canada will provide opportunities for the participation of individuals and groups who wish to be involved in environmental assessment processes.

CEAA allows for a cooperative approach to the environmental assessment of projects that involve more than one jurisdiction. Other processes may be substituted as long as the requirements of *CEAA* are met. No matter who does the assessment, or what process is used, the responsibility to make a decision following environmental assessment with regard to Parks Canada's support for a project can never be delegated outside Parks Canada.

Because of Parks Canada's mandate to protect ecosystems and cultural resources, both will be included in the factors to be considered in each assessment, regardless of whether there is a legal requirement to consider effects on cultural resources in any particular assessment.

SUMMARY OF KEY ACCOUNTABILITIES FOR ENVIRONMENTAL ASSESSMENT

CEO - Has overall accountability for Parks Canada's compliance with *CEAA*

Superintendent - Is accountable for ensuring that *CEAA* obligations are met within each national park, national historic site or national marine conservation area, including:

- choice of environmental assessment track
- determination of appropriate scope
- appropriate coordination with other federal agencies
- consultation with Aboriginal groups if there is a possibility that the project or activity might have adverse effects on Aboriginal right or title, even those which are claimed but unproven
- consultation with the public as appropriate
- evaluation of adverse effects and determination of significance
- documentation of process and registry management
- implementation of any mitigation and follow-up studies

Service Centre Directors – Provide support to Field Units and National Office including:

- scientific and procedural advice
- training delivery
- coordination with other federal agencies at the regional level
- development of policy, legislation, guidance and training

DG National Parks – Ensures that appropriate scientific and procedural advice is given to the CEO, to superintendents, and to other federal agencies with respect to issues of national importance related to the protection and management of national parks and national marine conservation areas.

DG National Historic Sites – Ensures provision of advice to the CEO, to superintendents, and to other federal agencies on issues of national importance related to the protection and management of cultural resources.

DG East, or DG West and North – Provides liaison with other jurisdictions and other federal agencies at the regional level; provides advice to the CEO with respect to issues of regional importance.

Executive Director, Ecological Integrity

– Provides national program coordination including:

- development of national policy,
- development of guidance and training
- liaison with other federal agencies at the national level
- scientific and procedural advice on issues of national importance related to ecological integrity.

Refer to Annex 1 for a detailed list of environmental assessment accountabilities

2.0 Purpose and introduction

The primary purpose of this guide is to specify the procedures to be followed within Parks Canada in the conduct of environmental assessments under the *Canadian Environmental Assessment Act (CEAA)*, and to identify the responsibilities of those who may participate in environmental assessment processes on behalf of Parks Canada.

The environmental assessment program within Parks Canada encompasses a number of legislated processes in addition to that set out in *CEAA* and described in this guide. Other legislated regimes specific to certain land claim agreements for areas such as Nunavut, the Mackenzie Valley, the Yukon, and the Inuvialuit settlement region will not be covered in this guide.

The protection of Canada's natural and cultural heritage is a mandated duty for Parks Canada. The purposes of *CEAA* are entirely compatible with and supportive of this mandate. Environmental assessment, when undertaken early in the project planning process, provides an opportunity for the consideration of adverse effects on ecosystems and cultural resources. Refer to Figures 1(a) and 1(b) for a description of the relationship between the management planning process and environmental assessment. Assessment results make use of management planning products such as state of park reports and commemorative integrity evaluations to contribute to optimal project design and to the efficient use of resources. Environmental assessment processes also provide a means of meeting obligations under the *Species at Risk Act (SARA)*.

Within Parks Canada the majority of environmental assessments will be conducted at the screening level. While most of our projects are at the less complex end of the scale, they

can benefit from assessment. The challenge is to keep the level of effort appropriate for the risk of environmental impact and the focus on key issues, especially those related to broad scale impacts that can impair ecological integrity or highly valued cultural resources. Relatively few projects will require a higher order environmental assessment process.

CEAA, when it was proclaimed on January 19, 1995, replaced the *Environmental Assessment and Review Process Guidelines Order*. From 2000 to 2003 *CEAA* was the subject of a legislated review, which resulted in an amended Act taking effect on October 30, 2003.

This document supplements reference guides produced by the Canadian Environmental Assessment Agency (the CEA Agency). It provides direction on the environmental assessment obligations under *CEAA* within Parks Canada. It is intended for those seeking guidance to determine how specific procedures or responsibilities are approached in Parks Canada. Should questions arise which are not addressed by this guide, consultation is advised with an environmental assessment specialist in a Parks Canada service centre or national office, and, if necessary, with officials from the CEA Agency national or regional offices.

In the following sections, relevant section numbers from *CEAA* appear in square brackets. In the event of a discrepancy between this document and *CEAA*, readers should refer to *CEAA* for the authoritative text.

Parks Canada will respect any guidelines issued by the CEA Agency for the conduct of environmental assessments, to facilitate compliance with *CEAA*.

Figure 1a: Links between management planning and environmental assessment processes

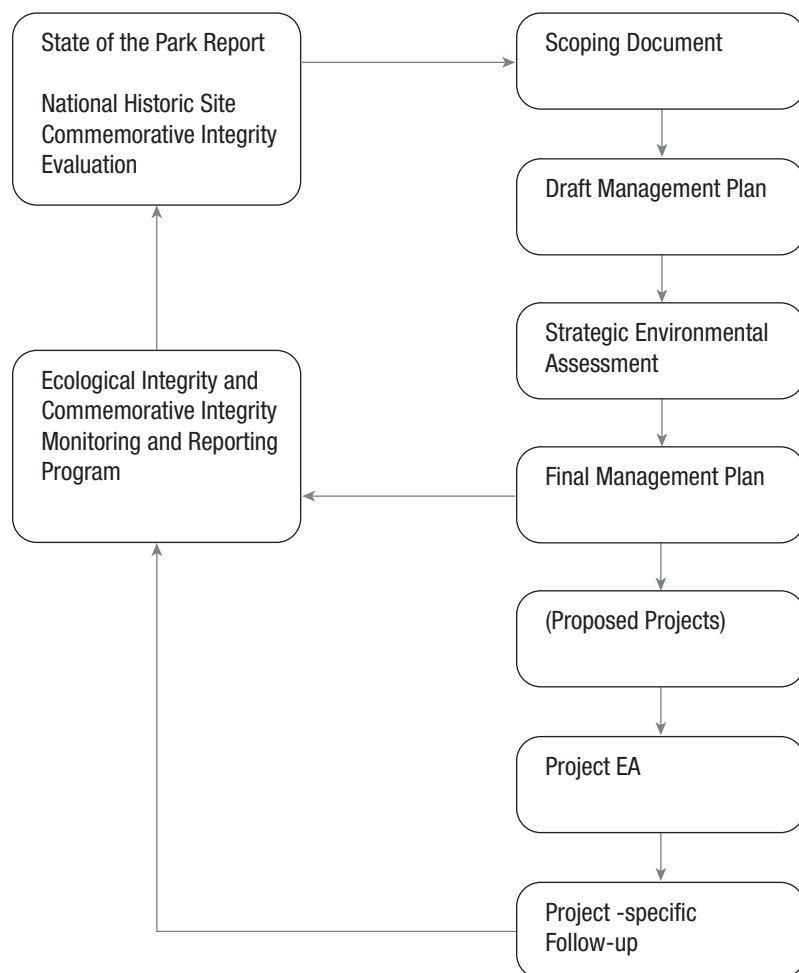
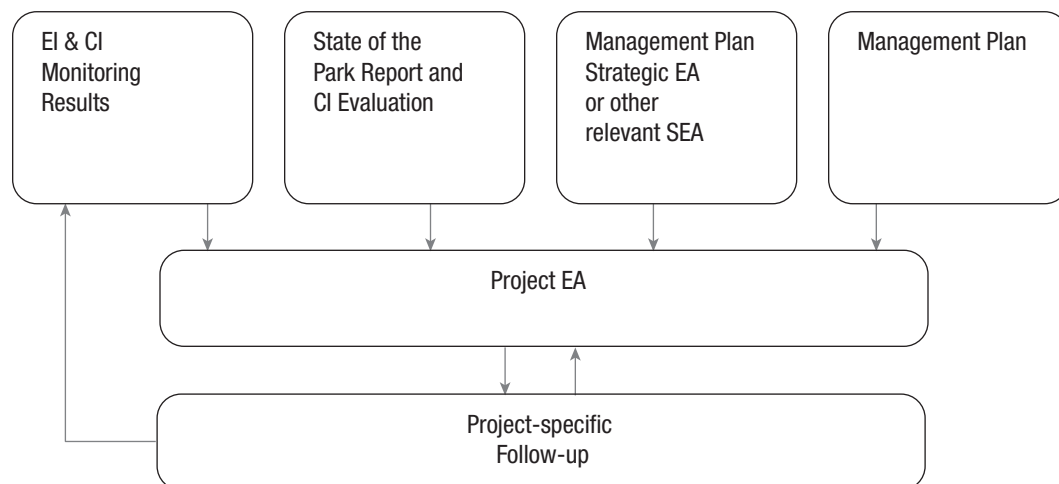


Figure 1b: Information flow between the management planning processes and environmental assessment



3.0 Legislation and Policies

3.1

The following legislation and policy governs the environmental assessment of projects affecting areas managed by Parks Canada:

- a) *Canada National Parks Act and Regulations*
- b) *Canadian Environmental Assessment Act and key Regulations:*
 - Law List Regulations
 - Inclusion List Regulations
 - Comprehensive Study List Regulations
 - Exclusion List Regulations
 - Federal Coordination Regulations
- c) *Federal Real Property and Federal Immovables Act and Regulations*
- d) Harmonization agreements between Canada and the provinces, where these exist
- e) Inuvialuit Final Agreement
- f) *Mackenzie Valley Resource Management Act and Regulations*
- g) National Historic Sites Order and National Historic Sites Regulations
- h) Nunavut Land Claims Agreement
- i) *Parks Canada Agency Act*
- j) Parks Canada Guiding Principles and Operational Policies
- k) Parks Canada Management Directive 2.4.2 on Impact Assessment
- l) Parks Canada Management Directive 2.3.1 on Human Remains, Cemeteries and Burial Grounds.
- m) *Species at Risk Act* and Orders
- n) *Yukon Environmental and Socio-economic Assessment Act and Regulations*

4.0 Consistency Of Projects With Policy

4.1

If there is any uncertainty with regard to the acceptability of a proposed project under Parks Canada policy, it is imperative that this be fully resolved prior to the start of the environmental assessment. It is advisable to document the outcome of this policy review in the project file before the assessment proceeds, including a brief rationale for the acceptability of the project, the signed endorsement of the project (in terms of policy acceptability only) by the appropriate manager, and references to any relevant policy documents. It should be clearly stated that the final approval of the project is subject to the completion

of an environmental assessment and consideration of the results. This documentation should be available to the public if policy-related questions arise during any public consultation process. Each field unit should have a list and copies of relevant policy documents to facilitate this policy review.

Any uncertainty regarding the acceptability of a proposed project under Parks Canada policy must be fully resolved prior to the start of its environmental assessment.

5.0 Definitions

5.1

Alternative means are various ways that are technically and economically feasible or methods that are functionally the same and which can be used to achieve a particular purpose, such as selecting a different location, expanding an existing facility rather than building a new one, building several small facilities instead of a large one, etc.

5.2

Alternatives to a project are functionally different ways of achieving the same end; for example, alternatives to the construction of a nuclear power plant include importing power, building a hydroelectric dam, conserving energy, and obtaining the energy through renewable sources.

5.3

Canadian Environmental Assessment Registry (CEAR) means the combination of the Canadian Environmental Assessment Registry Internet Site (CEARIS) and the project file for each assessment. The CEARIS is the electronic database that contains basic information about each project being assessed under CEAA and which is accessible by the public from the Internet. The project file contains all of the documents relevant to the assessment that can be released to the public.

5.4

Environment means the components of the Earth, and includes

- a) land, water and air, including all layers of the atmosphere,
- b) all organic and inorganic matter and living organisms, and
- c) the interacting natural systems that include components referred to in paragraphs (a) and (b) [s. 2].

5.5

Environmental effect means, in respect of a project,

- a) any change that the project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as defined in the *Species at Risk Act (SARA)*, and also including certain effects that flow directly from those changes, such as effects on health and socio-economic conditions, on physical and cultural heritage, on the current use of lands and resources for traditional purposes by Aboriginal persons, or on any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, and
- b) any change to the project that may be caused by the environment, whether any such change occurs within or outside Canada [s. 2].

Note: Parks Canada has made a policy decision, as stated in Management Directive 2.4.2, to include consideration of adverse effects on cultural resources as a primary consideration, regardless of whether or not they flow from changes to the environment.

Parks Canada has made a policy decision to consider adverse effects on cultural resources regardless of whether or not they flow from changes to the environment.

5.6

Federal Authority (FA) means:

- a) A Minister of the Crown in right of Canada;
- b) An agency of the Government of Canada or 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;

- c) Any department or departmental corporation set out in Schedule I or II in the *Financial Administration Act*; and
- d) Any other body that is prescribed pursuant to regulations made under paragraph 59(e);

But does not include the Legislature or an agency or body of the Yukon or Nunavut, the Commissioner in Council or an agency or body of the Northwest Territories, a council of the band within the meaning of the *Indian Act*, The Hamilton Harbour Commissioners constituted pursuant to *The Hamilton Harbour Commissioners' Act*, The Toronto Harbour Commission constituted pursuant to *The Toronto Harbour Commissioners' Act*, 1911, a harbour Commission established pursuant to the Harbour Commissions Act or a Crown corporation within the meaning of the *Financial Administration 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 [s. 2].

Note: as of June 12, 2006, the definition of federal authority will be revised so that Crown Corporations are included, with the exception of the Export Development Canada, the Canada Pension Plan Investment Board, and any Crown Corporation that is a wholly-owned subsidiary.

5.7

Manager means an employee of the Parks Canada Agency who is the responsibility centre manager and has decision-making responsibility for the project.

5.8

Minister means the Minister of Environment, in his/her role as the Minister responsible for the administration of *CEAA*.

5.9

Minister responsible for Parks Canada means the Minister in his/her role as Responsible Authority.

5.10

National historic site, for purposes of *CEAA* compliance, means a place that is marked or otherwise commemorated under paragraph 3(a) of the *Historic Sites and Monuments Act* and is under the administration of the Parks Canada Agency. A project at any of the National Historic Sites not owned and administered by Parks Canada will require assessment under *CEAA* only if it is to receive federal funding, lease federal land for the purpose of the project, or require a permit specified in the Law List Regulations.

5.11

Project means:

- a) An undertaking in relation to a physical work, such as any proposed construction, operation, modification, decommissioning, abandonment or other undertaking in relation to that physical work; or
- b) Any proposed physical activity not relating to a physical work that is listed in the Inclusion List Regulations [s. 2].

5.12

Responsible Authority (RA) means, in relation to a project, a federal authority that is required to ensure that an environmental assessment of the project is conducted [s. 2 & 11(1)].

Project means:

- a) An undertaking in relation to a physical work, eg. construction, operation, modification, decommissioning, abandonment or other undertaking; or
- b) A physical activity that is listed in the Inclusion List Regulations

6.0 Triggers

6.1

An environmental assessment is required under *CEAA* for any project for which Parks Canada or any other federal authority [s. 5]:

- a) Is the proponent:
And does any act or thing that commits the federal authority to carrying out the project in whole or in part;
- b) Provides financial assistance:
Makes or authorizes payments or provides a guarantee for a loan or any other form of financial assistance to the proponent for the purpose of enabling the project to be carried out in whole or in part, except where the financial assistance is in the form of any reduction, avoidance, deferral, removal, refund, remission or other form of relief from the payment of any tax, duty or impost imposed under any Act of Parliament, unless that financial assistance is provided for the purpose of enabling an individual project specifically named in *CEAA*, regulation or order that provides the relief to be carried out;
- c) Disposes of an interest in land:
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 Her Majesty in right of a province, for the purpose of enabling the project to be carried out in whole or in part; or

- d) Exercises a power under a provision on the Law List:
Under a provision on the Law List Regulations, issues a permit or licence, grants an approval or takes any other action for the purpose of enabling the project to be carried out in whole or in part.

Triggers

Parks Canada or another federal authority:

- Is the proponent
- Provides financial support
- Disposes of an interest in land
- Exercises a power under a provision on the Law List

6.2

Transfer of the administration of federal lands from one federal Minister to another federal Minister, or to an “agent corporation” is not considered to be a disposal of an interest in land when effected by the Governor in Council, or by a Minister, even where it is for the purpose of a project. The Minister receiving the lands, however, may need to undertake an assessment pursuant to *CEAA* par. 5(1)(a) if the transfer is for the purpose of a project.

7.0 Transboundary Effects

7.1

An environmental assessment may also be undertaken in certain circumstances if a project is likely to have significant transboundary effects and none of the other triggers applies. “Transboundary effects” includes effects that cross international, provincial or federal/non-federal jurisdictional boundaries. Parks Canada, or another group or individual with an interest in the potential adverse effects, can request application of this section of *CEAA* only when both of the following conditions are met:

- a) when there is no section 5 trigger in relation to the project; and
- b) when there may be significant adverse environmental effects on federal land, or when there may be significant adverse environmental effects on the ecological integrity of a national park [s.48].

An EA may also be undertaken if a project is likely to have significant transboundary effects and none of the other triggers applies.

7.2

Any attempt to apply this section will require substantiation of the potential significance of the adverse effects on the park or site. Additional information about the determination of “significance” can be found in section 13 of this guide. If the area at risk is a national park or national park reserve, this substantiation must include an analysis of the

potential adverse transboundary effects on the ecological integrity of the park. A service centre environmental assessment specialist should be consulted as early as possible for advice. They will consult and coordinate with the CEA Agency, as appropriate. Ecological Integrity Branch, national office, should be advised, and will also be available to provide support, if necessary. If it is determined that the transboundary adverse effects are potentially significant, and there is no other section 5 trigger, the superintendent must advise the DG East, or DG West and North, and the DG National Parks. If the area at risk is a national historic site, the analysis should include transboundary threats to commemorative integrity, a cultural resource management specialist should be consulted in addition to the appropriate environmental assessment specialist, and the DG National Historic Sites must be advised in addition to the DG East or DG West and North. A recommendation may then be forwarded to the CEO, and on to the Minister.

If the area at risk is a national park, analysis must include potential adverse transboundary effects on its ecological integrity.

7.3

If an assessment were to proceed pursuant to s.48 of *CEAA*, the scope would be limited to transboundary adverse effects.

8.0 Exclusions

8.1

The following circumstances exclude a project from environmental assessment under *CEAA*:

- a) The project is described in the Exclusion List Regulations (Schedule II or III for national parks, national park reserves, and national historic sites managed by Parks Canada, or canals); or
- b) The project is to be carried out in response to a national emergency for which special temporary measures are being taken under the Emergencies Act; or
- c) The project is to be carried out in response to an emergency, and carrying out the project forthwith is in the interest of preventing damage to property or the environment, or is in the interest of public health or safety; or
- d) The essential details of a project to which Parks Canada provides financial assistance are not specified before or at the time the funds are allocated [s. 7]. In this event the funding agreement must include, at a minimum, a commitment to subsequent environmental assessment, either in accordance with *CEAA* or an equivalent process, once the essential details of the project are known [s. 54]. It would also be prudent for the funding agreement to be conditional upon a determination that the project is unlikely to cause significant environmental effects, and a commitment by the recipient to implement, at his or her own expense, any recommended mitigation measures and follow-up program. Legal services should be consulted regarding the drafting of such an agreement.

8.2

When a project is undertaken in response to an emergency there is no legal obligation to do an environmental assessment. It may be good practise, however, to review the emergency response. This would provide an opportunity to document the implementation of mitigation measures, to determine the need for additional mitigation or follow-up studies, and to inform the public about the emergency response and any environmental consequences of the project.

A project can be excluded from environmental assessment under *CEAA* if:

- a) It is in the Exclusion List Regulations or,
- b) It is in response to a national emergency (under the Emergencies Act); or
- c) It is in response to an emergency, in the interest of preventing damage to property or the environment, or in the interest of public health or safety;

9.0 Coordination with Other Federal Authorities

9.1

If it is suspected that a project may require another federal authority (FA) to exercise a power in addition to Parks Canada, or that a project may be of interest to another FA, or that another FA may have expertise relevant to a project, then the manager shall ensure that the other FA is notified about the project as per the Federal Coordination Regulations. Contact may be made with another FA directly by a field unit environmental assessment coordinator or by a service centre environmental assessment specialist on behalf of a field unit. A sample of a standard letter for both notification and response purposes can be found in Annex 9 of this guide. For more information, especially with regard to timelines that must be respected in various circumstances, consult a Parks Canada service centre environmental assessment specialist, officials in the CEA Agency regional offices, or refer to the Federal Coordination Regulations and related guidance material on the CEA Agency web-site.
[<http://www.CEAA-acee.gc.ca/>]

9.2

If it is determined that there is more than one RA, then the manager will act on behalf of Parks Canada, in consultation with the appropriate environmental assessment specialist, to determine with the other RA(s) what the roles and responsibilities will be for each, and which authority will be the federal environmental assessment coordinator (FEAC) [s. 12 and s.s. 12.1]. If there are multiple RAs and they cannot reach agreement in a timely manner as to which will be the FEAC, the CEA Agency may take on this role [s.s. 12.4(3)(a)].

9.3

For a project with multiple RAs, or for which the CEA Agency is the FEAC, the roles and responsibilities of the RAs and FAs are to be documented in a workplan that is prepared by the FEAC and agreed to by all parties. Periodic progress reports must be provided to the CEA Agency.

9.4

In a project with multiple RAs, only one environmental assessment should be undertaken in such a way that all federal interests are addressed. However, each RA must decide on a course of action following the assessment [s. 12].

10.0 Choice of EA Track

10.1

The manager shall ensure that the appropriate level of assessment is chosen. All projects will be assessed at the screening level unless they are described in the Comprehensive Study List Regulations. It is possible, though unlikely, that the superintendent may choose to refer the project, via the CEO, to the Minister at the outset for mediation or panel review due to likely significant adverse effects or to significant public concern [s. 14] [s. 20].

11.0 The Canadian Environmental Assessment Registry

11.1

The Canadian Environmental Assessment Registry (CEAR) is to contain information for each project requiring assessment under *CEAA*, from the start of the assessment until any follow-up program is completed. It includes the Canadian Environmental Assessment Registry Internet Site (CEARIS), and a project file, normally maintained at the field unit and containing all of the relevant documents that may be made accessible to interested members of the public. In occasional circumstances it may be necessary to maintain a project file in an alternate location, provided that it is conveniently accessible to the public. The manager must ensure that the CEAR contains the following information at a minimum in order to be complete for each project assessed:

- a) All records included in the CEARIS
- b) Any report relating to the assessment;
- c) Any comments filed by the public in relation to the assessment;
- d) Any records relating to the need for, design of or implementation of any follow-up program; and
- e) Any documents requiring mitigation measures to be implemented [s.s. 55.4(2)].

11.2

The RA is responsible for posting the required information to the CEARIS for projects assessed at the screening and comprehensive study levels [s.s. 55.1(2) and 55.3(1)]. The CEA Agency fulfils registry obligations for projects undergoing review by panel or mediation [s.s. 55.2]. The manager must ensure that records are entered and updated in a manner that provides the public with timely access to information about projects undergoing assessment. Refer to Annex 3 for a list of the information that must be made available on the CEARIS.

TIMELINES

11.3

A notice of commencement must be provided on the CEARIS within 14 calendar days of the start of the assessment for each project, so that the public can be aware of the project at the earliest possible opportunity [s.s. 55.1(2)(a)]. An environmental assessment will be considered to have started once Parks Canada has identified itself as an RA with respect to a project. Typically this will coincide with documentation of the assessment being initiated, in particular with the availability of a project description that is sufficiently detailed to allow a notice of commencement to be prepared and to provide a basis for analysing the environmental effects. Preliminary enquiries in relation to a project may begin prior to the start of the assessment. A file should be maintained of any information resulting from preliminary enquiries that may become relevant to a subsequent assessment.

A notice of commencement must be posted on the registry within 14 calendar days after the start of the assessment

11.4

The notice of commencement must include a description of the scope of the project in relation to which an environmental assessment is to be conducted. This would include the principal project and any accessory projects. This can generally be accomplished in a paragraph of 200 words or less.

11.5

After the completion of the environmental assessment the manager may not take any action to allow a project to proceed until the 15th calendar day following the posting on the CEARIS of the notice of commencement including the description of the scope of the project, and the additional information that is

required if the public is given an opportunity to participate in accordance with subsection 18(3) [s.s. 20(4)]. The manager shall ensure that a record of the chosen course of action is included in the project file and in the CEARIS, ideally prior to the project going ahead.

A project cannot be started until 15 calendar days after the posting of the notice of commencement on the registry.

OBLIGATIONS UNDER THE ACCESS TO INFORMATION ACT AND PRIVACY ACT

11.6

The records contained in the project file must be ones that have been publicly available or would have been disclosed, had a request been received under the *Access to Information Act (ATIA)*. This excludes Cabinet documents, information related to national security or criminal investigations, legal opinions, and third-party information. For the latter, sections 27, 28 and 44 of the *ATIA* apply. Third-party information is defined as [s.s. 55.5]:

- a) Trade secrets of a third party;
- b) Financial, commercial, scientific or technical information supplied to the government by a third party that is treated consistently in a confidential manner by the third party;
- c) Information which, if disclosed, could reasonably be expected to result in material financial gain or loss or to prejudice the competitive position of a third party; and
- d) Information which, if disclosed, could reasonably be expected to interfere with contractual or other negotiations of a third party.

11.7

In addition, records containing the location(s) of archaeological or sacred sites may qualify for exclusion from disclosure. This would apply if the disclosure of such a site might result

in looting and or vandalism that could damage or destroy the heritage value of the site.

11.8

Any questions about whether information must be exempted should be referred to an ATIA contact or to legal services. Additional information can be obtained from the guide entitled *A Canadian Environmental Assessment Registry*, available on the CEA Agency website, and from guidance documents on the website of the Treasury Board of Canada Secretariat: <http://www.tbs-sct.gc.ca>.

OBLIGATIONS UNDER THE OFFICIAL LANGUAGES ACT

11.9

All information posted on CEARIS must be in English and French, as required by the *Official Languages Act*. A document in the project file must be translated into the other official language only if it meets all of the following conditions:

- a) It was prepared for the purpose of communicating with the public;
- b) It originates with an RA, or was prepared on behalf of an RA; and
- c) The address of the project RA contact is in a designated bilingual area.

Screening reports are prepared for the purpose of providing information to decision-makers rather than communicating with the public. The only assessment documents typically prepared for the purpose of communicating with the public are those notices or summaries designed to inform the public of assessment processes. These may be general or project-specific. If a member of the public requests such information from the project file in the official language other than that in which it was prepared, pursuant either to *CEAA* or *ATIA*, it will be necessary to obtain a translation. It may be possible to translate a summary of the information as an alternative to translating an entire report.

All information posted on the registry must be in English and French

11.10

All protected areas administered by Parks Canada are designated bilingual areas. For further information contact an expert on the *Official Languages Act* or refer to information on the website of the Treasury Board of Canada Secretariat.

ANNUAL STATISTICAL SUMMARY**11.11**

The EIB will be responsible for preparing the annual statistical summary that is required by *CEAA* to cover all environmental assessments conducted by each RA. This will be compiled from data in the CEARIS, and will be submitted to the CEA Agency by the end of April each year. This will serve only to summarize the number of assessments conducted pursuant to *CEAA* and not the overall number of assessments conducted by or for all projects affecting protected heritage areas managed by Parks Canada.

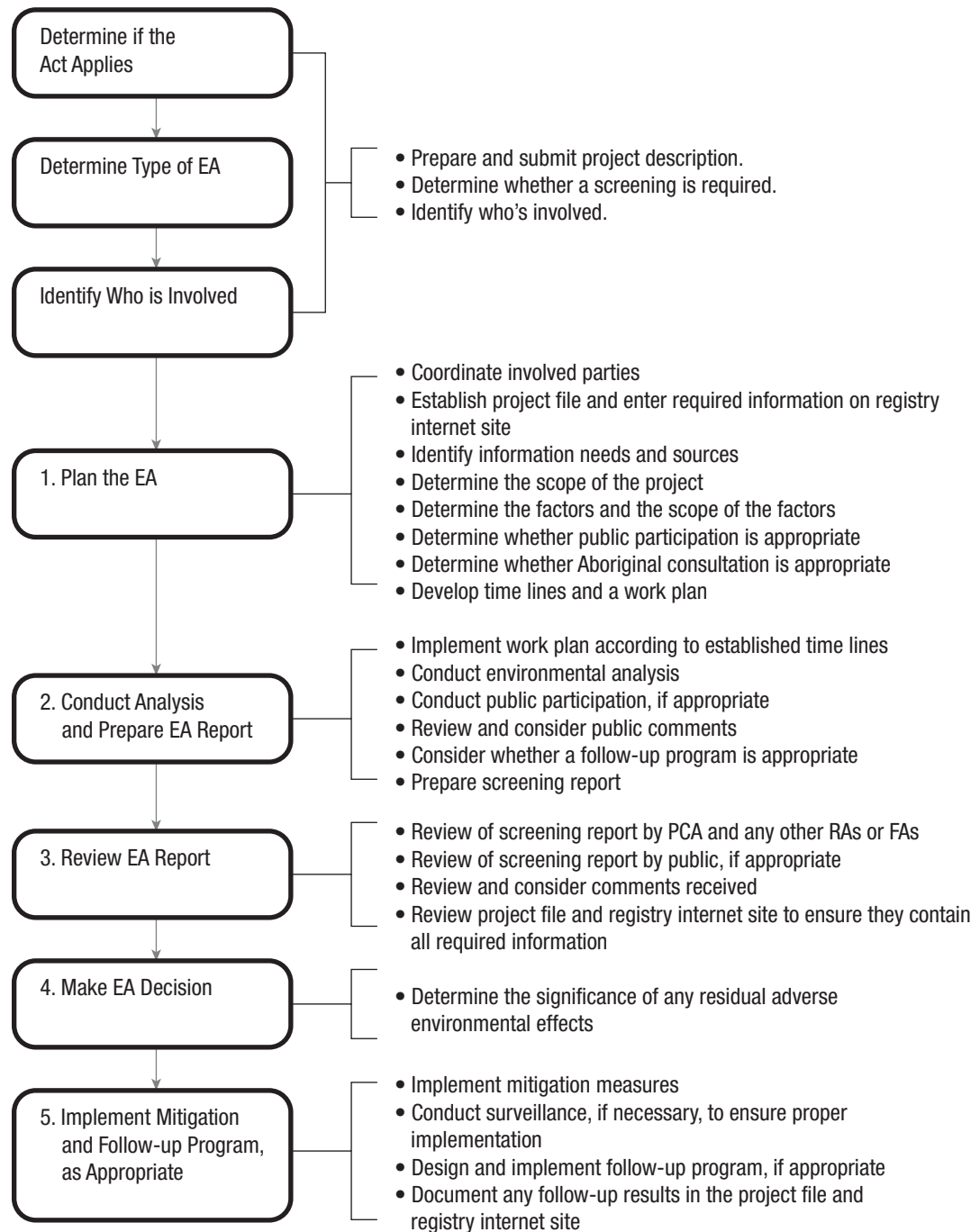
12.0 Screening

12.1

The manager shall ensure that a screening is conducted as early as is practicable in the planning stages of the project and before irrevocable decisions are made [s.s. 11(1)].

This should include early consultation with internal specialists in ecosystem and cultural resource management, as appropriate. Refer to Figure 2 for an overview of the screening process.

Figure 2: Screening Process



LEVEL OF EFFORT AND INFORMATION REQUIRED

12.2

The level of effort devoted to a screening should be appropriate for the severity of the anticipated environmental effects and for the degree and nature of public interest. It can range from a brief screening using only available information and internal expertise, to one which includes consideration of the project's purpose and alternative means of carrying it out, the collection of additional information and involves outside experts and the interested public. Annex 4 of this guide provides an aide to including the required information in each screening report. Additional tools are available on the Parks Canada intranet as indicated in more detail in the appendices.

The level of effort devoted to a screening should be appropriate for the severity of the anticipated adverse effects and for the level of public concern.

12.3

A screening will be based on available information unless the manager is of the opinion that the available information is not adequate to allow a course of action to be chosen pursuant to section 20 of *CEAA*. The manager shall ensure, in this event, that any necessary additional information is collected.

SCOPING

12.4

The manager shall ensure that the scope of the project and the factors to be considered are defined for each screening to be conducted under *CEAA* [s. 15 and s. 16]. This should be done according to **A Guide to Defining the Scope of an Assessment Under the Canadian Environmental Assessment Act** (Parks Canada 2001) and the **Policy for Determining an Appropriate Scope of Project for Environmental Assessments** (CEA Agency 2005) http://www.CEAA.gc.ca/013/010/directives_e.htm. Potential impacts to ecological and commemorative

integrity, and to ecosystem and cultural resources in general, should be anticipated to the extent possible so that the assessment is focused on identifying, mitigating and evaluating these impacts. This will help to provide an objective basis for the determination of significance.

The scope of the project and the factors to be considered must be defined for each screening.

12.5

For some projects it is advisable at the scoping stage to develop project-specific criteria for determining significance, in particular those likely to involve contentious issues, or with multiple RAs and/or FAs. This will typically involve deciding on a threshold for each valued ecosystem or cultural resource component, or key valued components, beyond which the impact will be considered significant. This should be endorsed by all RAs and FAs. Such criteria agreed to in advance will provide a more objective basis for determining the significance of any residual adverse effects at the end of the process, and will make it easier to communicate this evaluation process to the proponent and the public. Examples of project-specific criteria can be obtained from a Parks Canada environmental assessment specialist at a service centre or at national office.

12.6

The manager must be prepared to provide project-specific direction to each external proponent, or to anyone preparing an environmental assessment report on behalf of a proponent, with respect to the appropriate scope of the project, the factors to be considered and scope of those factors.

12.7

The scope of the project refers to those components of the proposed development that should be considered part of the project for the purposes of the environmental assessment. Normally, this will be any undertaking (construction, operation, modification,

decommissioning, abandonment or other undertaking) in relation to the principal project (physical work or physical activity) that required an assessment, plus any “linked” or “interdependent” physical works or activities (those which follow inevitably from the principal project or upon which the principal project depends). Properly describing the scope of the project, the factors to be considered, and the scope of those factors ensures that the study focuses on the important issues and that all parties who have (or could have) a valid interest in the environmental assessment are identified.

The scope of the project refers to those components of the proposed development that should be considered in the environmental assessment.

12.8

Each screening shall include a consideration of the following factors in relation to the project as scoped [s.s. 16(1)]:

- a) The environmental effects of the project, whether inside or outside Canada, including those related to malfunctions or accidents that may occur and cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out;
- b) The effects of the environment on the project;
- c) The significance of the effects referred to above;
- d) Comments from the public,
- e) Measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project;
- f) The significance of any residual effects; and
- g) Any other relevant matter such as the need for the project and alternatives to the project, that the RA may require to be considered.

12.9.

In determining the factors to be considered, the manager must include:

- a) All relevant factors listed in section 16 of *CEAA* (listed above), regardless of whether an effect falls within an area of federal jurisdiction; and
- b) All relevant factors that must be considered by the RA in order to comply with any other federal law or regulation, particularly the law creating the RA’s decision-making authority (such as the *Canada National Parks Act*); and
- c) Any issues relating to potential adverse impacts of the activity or project on Aboriginal rights and title
- d) Any other issues considered relevant by the RA (eg. for Parks Canada, the consideration of effects on cultural resources as noted in section 5.5 of this guide).

DECIDING WHETHER PUBLIC PARTICIPATION IS APPROPRIATE

12.10

There is a range of action that can be taken to involve the public in environmental assessment, from action intended only to inform the public to action taken under subsection 18(3), for a screening, or under the comprehensive study or panel review processes, to attempt to solicit comments from the public. One of the purposes of *CEAA* is “to ensure that there be opportunities for timely and meaningful public participation throughout the environmental assessment process”[s.s. 4(1)(d)]. The term “public participation” is not defined in *CEAA* but, as used in the purpose section, seems meant to include the entire range of options from the provision of information via CEARIS to active solicitation of public comment. The term “public consultation” is used only in subsection 21(1) of *CEAA* in reference to comprehensive studies, during which public participation opportunities are mandatory rather than discretionary. Additional information on the comprehensive study process can be found in section 15 of this guide.

12.11

It is advisable to use a proactive approach in identifying and addressing public concerns during screenings by involving the public and seeking comments from the public as early as possible any time there are suspected public concerns. The manager should determine whether public participation is appropriate for each screening, pursuant to subsection 18(3) of *CEAA*, based on consideration of the criteria in the **Ministerial Guideline on Assessing the Need for and Level of Public Participation in Screenings under the Canadian Environmental Assessment Act**, available at the following website: http://www.CEAA.gc.ca/013/006/ministerial_guideline_e.htm. These criteria are:

- There is an indication of existing or likely public interest in (i) the type of project, (ii) the location of the project, or (iii) the ways the project might affect the community;
- Those who may be interested have a history of being involved;
- The project has the potential to generate conflict between environmental and social or economic values of concern to the public;
- The project may be perceived as having the potential for significant adverse environmental effects (including cumulative environmental effects and effects of malfunctions and accidents);
- There is potential to learn from community knowledge or Aboriginal traditional knowledge and, thereby, improve the environmental assessment and the project;
- There is uncertainty about potential direct and indirect environmental effects or the significance of identified effects;
- If the project meets at least one of the criteria above but has been, or will be, subject to other public participation processes of appropriate scope and coverage to meet the objectives of this guideline, additional public participation does not need to be conducted during the environmental assessment process;

Each screening must document whether public participation is appropriate

12.12

Each screening report should include a brief rationale for the decision on whether or not public participation is appropriate in the circumstances. The rationale should reflect the applicability to the project of the criteria in the Ministerial Guideline, listed above.

INVOLVING THE PUBLIC**12.13**

A decision to exercise the RA's discretion under subsection 18(3) of *CEAA*, to involve the public, is in effect an invitation to the public to comment on the project or its assessment. In this case the manager shall determine what approach to take considering the objectives and key elements of public participation described in the Ministerial Guideline. This will depend on the scope of the project, the potential adverse effects, the potential to gain valuable information, and the anticipated degree of public interest. At a minimum, any notice requesting public participation must be included in the CEARIS among the records for that project [s.s. 55.1(2)(h)]. As well, for any project with a public participation component, the CEARIS must contain a description of the factors to be considered, and the scope of those factors, or an indication of how this information may be obtained [s.s. 55.1(2)(j)].

12.14.

When the manager has determined that public participation is appropriate in the circumstances, the public must be given an opportunity to examine and comment on the screening report and on any record included in the public registry, and adequate notice of that opportunity. This leads to obligations under the *Official Languages Act* that have implications for the cost and duration of the assessment process at the screening level. Consideration must be given to the need for translation of appropriate environmental assessment documentation as a basis for public participation. It may be possible to translate

a summary of the information as an alternative to translating an entire document. When consulting with identifiable groups or individuals it may be advisable to ask in advance that they indicate their language preference, possibly alleviating the need for translation.

12.15

It may be valuable, for any project with a public participation program under subsection 18(3), for Parks Canada to prepare a determination report separate from the screening report (refer to section on “Documenting the Assessment”). This report should summarize any comments received from the public and indicate how they influenced the outcome of the assessment.

12.16

When a decision is made under subsection 18(3) to involve the public, it is advisable to have the superintendent review and approve the scope of the project, the factors to be considered and the scope of those factors, the determination of significance, and the recommended course of action.

When a decision is made to seek public participation, the superintendent should review and approve the scope of the project, the scope of assessment, the determination of significance, and recommended course of action

CONSULTATION WITH ABORIGINAL PEOPLES

12.17

CEAA requires that each screening consider the effects of any environmental change on the current use of lands and resources for traditional purposes by Aboriginal peoples. Where this is relevant, it is important to seek the participation of the people affected in the environmental assessment process to help determine the nature and degree of the effects.

12.18

Parks Canada is required to engage in additional and separate consultations with Aboriginal groups if there is a possibility of

the project affecting established or potential Aboriginal right or title, settled or unsettled land claims or self-government agreements, or where there is a real or constructive knowledge of the potential existence of Aboriginal right or title, which is claimed but unproven, in order to fulfil federal government responsibilities regarding potential impacts to these rights. [Note – The Court ruled that government has a legal duty to consult with an Aboriginal group where it has real or constructive knowledge of the potential existence of Aboriginal right or title, which are claimed but unproven. The Court found that this duty to consult flows from the honour of the Crown in its dealings with Aboriginal peoples and is triggered where there is a possibility that a Government activity might adversely affect a potential Aboriginal or Treaty right.] This consultation process goes beyond any public participation program designed to serve environmental assessment purposes under *CEAA*. There may also be a need to consult with Aboriginal peoples for a project that hasn't any general public participation component. If it is determined that consultation with Aboriginal groups is necessary, please refer to A Handbook for Parks Canada Employees on Consultation with Aboriginal Peoples prepared by the Aboriginal Affairs Secretariat. If there is any uncertainty regarding this obligation with respect to a particular project, it is advisable to refer the matter to Parks Canada Legal Services for advice.

TRADITIONAL KNOWLEDGE

12.19

Parks Canada has adopted the term “traditional knowledge” for knowledge that is based on the traditional uses, cultures, values and experiences of Aboriginal peoples as well as others who have strong attachments to local places.

12.20

CEAA states that both community knowledge and Aboriginal traditional knowledge may be considered in conducting environmental assessments.

12.21

Guidance is available from other sources on considerations specific to obtaining community knowledge or Aboriginal traditional knowledge. The CEA Agency has published a guide entitled “Considering Aboriginal Traditional Knowledge in Environmental Assessments Under the Canadian Environmental Assessment Act: Interim Principles” which is available at this website: http://www.CEAA.gc.ca/012/atk_e.htm. This guide suggests how and when one can use Aboriginal traditional knowledge in environmental assessments.

TAKING PUBLIC CONCERNS INTO ACCOUNT**12.22**

The superintendent must take public concerns into account, whether or not they were sought, when deciding on a course of action. The evaluation of public concerns should take into account several factors including:

- a) The validity and scope of concerns expressed by stakeholders, Aboriginal groups and the general public;
- b) Ministerial and other correspondence;
- c) Potential for litigation;
- d) Whether the comments provide new information relevant to the assessment; and
- e) How wide a geographic area is represented by the concerned public.

Public concerns must be taken into account, whether or not they were sought, when deciding on a course of action.

13.0 Determination of Significance

13.1

The determination of the significance of environmental effects of a project is essentially an exercise of judgement. Only environmental effects that are both *adverse* and *likely* can be considered in the determination of significance. The following questions may help the decision maker to determine whether the predicted effects are adverse, likely, and significant:

- a) Is there a likelihood of the occurrence of adverse effects?
- b) What is the predicted extent, magnitude, duration, and frequency of adverse effects?
- c) Will the project threaten ecological integrity or other environmental components of special value?
- d) Will the project threaten commemorative integrity, or other cultural resources?
- e) Will the project threaten the sustainable use of a national marine conservation area?
- f) Will the adverse effects occur in an area which has already been adversely affected by human activities or is likely to be in the future, or which is ecologically fragile and has little resilience to additional stresses?
- g) Will the adverse effects be reversible?

13.2

For some projects it is advisable to develop project-specific criteria for determining significance, in particular those likely to involve contentious issues, or with multiple RAs and/or FAs. This will typically involve deciding on a threshold for each valued ecosystem component, or key valued ecosystem components, beyond which the impact will be considered significant. This should be done at the scoping stage and endorsed by all RAs and FAs. Such criteria agreed to in advance will provide a more objective basis for determining the significance of any residual adverse effects at the end of the process, and will make it easier to communicate this evaluation process to the proponent and the public. Examples of project-specific criteria can be

obtained from a Parks Canada environmental assessment specialist at a service centre or at national office.

Additional guidance can be found from the CEA Agency at: **Reference Guide: Determining Whether A Project is Likely to Cause Significant Adverse Environmental Effects.**

For contentious projects or those with multiple RAs and/or FAs, it is best to develop project-specific criteria for determining significance.

13.3

For each project taking place within a protected area administered by Parks Canada, it is important to include, as part of the determination of significance, a statement which documents the manager's consideration of the effect of the project on ecological and/or commemorative integrity for a national park or historic site, or sustainable use for a national marine conservation area, as it is described in the management plan or alternative document. This demonstrates compliance with subsection 8(2) of the *Canada National Parks Act*, requiring that maintenance or restoration of the ecological integrity of a national park be the first priority in park management, fulfilment of the mandate set out in the *Parks Canada Agency Act*, which requires Parks Canada to ensure the commemorative integrity of national historic sites, and compliance with subsection 4(3) of the *National Marine Conservation Areas Act* which requires Parks Canada to ensure the sustainable management and use of national marine conservation areas.

Each assessment should include a short statement about the effect of the project on ecological integrity for a national park, commemorative integrity for a national historic site, or sustainable use for a national marine conservation area

14.0 Courses of Action After Screening

14.1

The responsibility to take a course of action following a screening shall not be delegated to anyone outside Parks Canada [s. 17].

When Parks Canada is an RA, the responsibility to determine a course of action following a screening cannot be delegated to anyone outside Parks Canada

14.2

The superintendent shall take one of the following courses of action after taking into consideration the screening report and any comments received from the public [s. 20]:

- a) Approve
where, taking into account the implementation of appropriate mitigation measures, the project is not likely to cause significant adverse environmental effects, the manager may exercise any power that would permit the project to proceed, and shall ensure that the mitigation measures are implemented;
- b) Not approve
where, taking into account the mitigation measures, the project is likely to cause significant adverse environmental effects that cannot be justified, the manager shall not exercise any power which would permit the project to proceed;
- c) Public review (i.e. mediation or panel review)
where it is uncertain whether the project would cause significant adverse environmental effects, or the project is likely to cause significant effects and a determination must be made as to whether they are justifiable in the circumstances, or there are important public concerns about the project, the superintendent shall make a recommendation that the project be referred to the Minister for mediation or panel review, following the procedures specified in the section on public review.

14.3

Occasionally, a screening may be presented to the superintendent with insufficient information about the impacts to allow for a determination of significance. In this case, it will normally be returned for additional information prior to a course of action being chosen. A project would be referred to public review due to uncertain impacts only in exceptional circumstances and after consultation with the Parks Canada CEO.

14.4

The manager shall ensure that a record of the chosen course of action is included in the project file and in the CEARIS. The superintendent shall not take the chosen course of action until the 15th calendar day following the posting on the CEARIS of the notice of commencement or the posting of a notice of public participation or the scope of the factors to be considered. [s.s. 20(4)].

PUBLIC NOTIFICATION

14.5

For projects in which the public has expressed an interest, it is good practise to provide public notification of the environmental assessment results in addition to the information provided on the CEARIS. Such notification can be provided in a newspaper, meeting, letters to participants, a community bulletin board or alternate venue, as appropriate. The information must be in both official languages and should include:

- a) The chosen course of action;
- b) Any mitigation measures to be implemented;
- c) Any follow-up program to be implemented; and
- d) Any results of the follow-up program.

If a separate consultation process is to be implemented for Aboriginal groups, please refer to A Handbook for Parks Canada Employees on Consultation with Aboriginal Peoples to determine how to provide notification of the environmental assessment project and results.

SURVEILLANCE

14.6

Surveillance will be undertaken as required, during the implementation phase for each project, to ensure that component activities such as construction and operation are carried out as described, and that mitigation measures are implemented as described during all phases of the project [s.s. 37(2.2)].

15.0 Comprehensive Study

15.1

For any project described in the Comprehensive Study List Regulations, the manager shall ensure that a comprehensive study is initiated as early as is practicable in the planning stages of the project and before irrevocable decisions are made [s.s. 11(1)].

FEAC DECISION

15.2

The CEA Agency must be contacted at the outset, and a decision made as to whether the CEA Agency or Parks Canada will be the FEAC for the comprehensive study. While *CEAA* assumes that the CEA Agency will be the FEAC for any comprehensive study, it does allow for an RA, if there is only one, to assume this role if both the RA and the CEA Agency agree [s.s. 12.4(3)(b)]. Refer to the section on Federal Coordination for additional information on the FEAC role.

CONSULTATION WITH FEDERAL EXPERTS

15.3

If the FEAC is to be Parks Canada, the CEA Agency should be consulted throughout the course of the comprehensive study for procedural advice and direction, as appropriate. Liaison with the CEA Agency should be provided by the nearest service centre environmental assessment specialist at the regional level and by the EIB at the national office level.

15.4

The manager must consult internal environmental assessment and other relevant specialists, from the field unit, service centre and national office, as appropriate, in the development of a comprehensive study, from the early stages to completion. It is also advisable

to make early contact with experts from other departments that may have an interest in the assessment, as directed by the FEAC.

SCOPING

15.5

The manager shall determine the scope of the project, the factors to be considered, and the scope of those factors for any comprehensive study, in consultation with any other RAs, the CEA Agency, and expert FAs, following **A Guide to Defining the Scope of an Assessment Under the Canadian Environmental Assessment Act** (Parks Canada 2001) and the **Policy for Determining an Appropriate Scope of Project for Environmental Assessments** (CEA Agency 2005) http://www.CEAA.gc.ca/013/010/directives_e.htm.

ADDITIONAL FACTORS TO CONSIDER

15.6

In addition to the elements included in a screening, a comprehensive study must include consideration of [s.s. 16(2)]:

- a) The purpose of the project;
- b) Alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternative means;
- c) The need for, and the requirements of, any follow-up program in respect of the project; and
- d) The capacity of renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future.

PUBLIC CONSULTATION

15.7

The views of the public must be obtained very early in the comprehensive study process with respect to the proposed scope of the project, the factors to be considered, the scope of those factors, and the ability of the comprehensive study to address issues relating to the project [s.s. 21(1)].

15.8

Specifically, each comprehensive study must provide at least three opportunities for the public to participate [s.s. 21.2]. Two of these opportunities must occur at stages specified in *CEAA*, ie., prior to a recommendation to the Minister regarding the appropriate environmental assessment track, and on completion of a draft report [s. 21 & s. 22]. The timing of the third opportunity is at the discretion of the FEAC. The manager may determine the strategy and scope for the public involvement in consultation with the CEA Agency, the appropriate Parks Canada environmental assessment specialist and any expert FAs. Guidance is available within Parks Canada and being developed by the CEA Agency on the design of adequate consultation opportunities. Consult an environmental assessment specialist from a service centre or national office for more information.

15.9

Participant funding may be available from the CEA Agency for those who:

- are directly interested in the project, such as those living or owning property in the project area
- can provide community knowledge or Aboriginal traditional knowledge relevant to the environmental assessment
- are planning to provide expert information relevant to the anticipated environmental effects of the project

MINISTER'S DECISION: COMPREHENSIVE STUDY VS PANEL OR MEDIATION

15.10

Following public consultation on the scope of the assessment, and as soon as it is of the opinion that it has sufficient information to do so, the RA shall report to the Minister regarding:

- a) The scope of the project, and the factors to be considered in its assessment;
- b) Public concerns in relation to the project;
- c) The potential of the project to cause adverse environmental effects;
- d) The ability of the comprehensive study to address issues relating to the project; and
- e) A recommendation to either continue with the comprehensive study process or refer the project to a mediator or review panel [s.s. 21(2)].

15.11

If the Minister decides to continue the comprehensive study process, the project cannot be referred at a later date to a review panel or mediation [s.s. 21.1(2)].

PUBLIC REGISTRY

15.12

If the project is to be referred to public review, the panel secretariat that is established by the CEA Agency will enter this information in the CEARIS and will continue to be responsible for managing the registry for that project until the panel or mediator submits the report.

15.13

If the assessment is to proceed as a comprehensive study, the manager must continue to ensure that the required information is posted to the CEARIS and entered in the project file in a timely manner.

COURSES OF ACTION AFTER COMPREHENSIVE STUDY**15.14**

The CEA Agency will review the comprehensive study report [s. 22], undertake a public consultation program, and review public comments together with the RA prior to recommending that the Minister take one of the following courses of action [s. 23]:

- a) Refer the project back to Parks Canada for a decision;
 - if the project is not likely to cause significant adverse environmental effects, in which case the manager may take action to allow the project to proceed;
 - if the project is likely to cause significant effects that cannot be justified, in which case the manager may not take any action which would allow the project to proceed;
- b) Refer the project to Parks Canada for further attention:
 - if it is uncertain whether the project will cause significant adverse effects, or there are still public concerns which need to be addressed, in which case the manager must provide more information [s. 23];
 - if the project is likely to cause significant adverse effects and a determination must be made as to whether they are justifiable in the circumstances, in which case no course of action may be taken without the approval of the Governor in Council [s.s. 37(1.3)].

15.15

If a decision is made to support the project, the manager shall ensure that any mitigation measures are included as conditions on any authorization of the project and are implemented [s.s. 37(2)], and that follow-up studies are designed and implemented [s.s. 38(2)]. A summary description of the follow-up program and its results, or information as to how they can be obtained, must be included in CEARIS.

PUBLIC NOTIFICATION**15.16**

If a decision is made not to support the project, the manager shall ensure that a record of the chosen course of action is included in the project file and in the CEARIS.

15.17

If a decision is made to support the project, the manager shall record the chosen course of action in the project file and in the CEARIS. It is good practise to also notify the public by additional means of:

- a) The chosen course of action;
- b) Any mitigation measures to be implemented;
- c) The follow-up program to be implemented; and
- d) The results of the follow-up program [s. 38(2)].

The type of notice should be appropriate for the circumstances. It should reflect the public involvement program that has been undertaken. Examples could include newspaper advertisements, news releases, a letter to people and organizations who participated in the public consultation, and/or public meetings.

16.0 Documenting the Assessment

16.1

The information specified in Annex 4 should be provided for all projects that undergo screening or comprehensive study, to document the assessment process. An alternative format may be used, if more appropriate to the circumstances, provided that the equivalent information is included. In all cases a signature page must accompany the report in the project file.

16.2

Where a screening report has been prepared for Parks Canada by an external proponent or by a consultant on behalf of the proponent, it is appropriate to have a separate report, using the screening form referred to above, to summarize any public concerns, the adverse impact on ecological and/or commemorative integrity, as appropriate, the conclusion regarding the significance of the environmental effects, and the chosen course of action. While this report will normally be very brief, it may be necessary in some circumstances to provide additional analysis to complement that provided in the proponent's report. This may be appropriate, for example, if the project is complex or controversial and there are issues that should be clearly communicated to the public at the conclusion of the assessment.

When a screening report has been prepared by an external proponent, or by a consultant on behalf of the proponent, Parks Canada should prepare a separate report to summarize public concerns, adverse impact on ecological and/or commemorative integrity, the determination of significance, and the chosen course of action.

16.3

Where a comprehensive study has been undertaken by an external proponent, a comprehensive study report should be prepared to summarize the results of the assessment. This report must be translated and must include all the information about the project and assessment that will be required for the final public consultation conducted by the CEA Agency. This will include a description of the scope of the project, the factors considered, the scope of the factors with a focus on key issues, the methodology used in the analysis, the results of the analysis, recommended mitigation measures, cumulative environmental effects, residual effects, recommended follow-up studies, public consultation processes and a summary of comments received.

17.0 Public Review: Mediation or Review Panel

17.1

Public Review is reserved for those projects that may have significant adverse effects and/or significant public concern. It can be undertaken by an expert panel appointed by the Minister, through a formal mediation process, or a combination of these processes.

REFERRAL TO PUBLIC REVIEW

17.2

Referral to public review can be made before, during, or after completion of a screening, in the early stages of a comprehensive study, or in response to a petition regarding transboundary effects. A recommendation to proceed to public review must be made by the superintendent via the FUS, DG East or DG West and North, and DG National Parks to the CEO, and then to the Minister, who decides whether to direct the project to public review and, if so, whether to use mediation, review panel or a combination of the two. If the referral concerns a national historic site, the DG National Historic Sites should also endorse the recommendation to the CEO [s.s. 29(1)].

COSTS OF PUBLIC REVIEW

17.3

Certain costs associated with a review panel or mediation can be recovered from a special Treasury Board fund called the Public Review Reserve only if the review is established wholly or principally pursuant to the disposal of an interest in federal land or a federal regulatory duty (i.e. Law List provision), and no other source of funds has been provided. If the environmental assessment is triggered because the RA is the proponent of the project, or is contributing funding to the project, then the costs associated with a review panel or mediation are to be absorbed, or recovered from an external proponent, by the RA as part of the cost of the project. The rules that apply to cost recovery are set out in the "Environmental Assessment Review Panel Service Charges Order". Additional in-

formation is available from the CEA Agency "Reference Guide for Project Proponents on the Cost Recovery of Environmental Assessment Review Panels", available at the following website: http://www.CEAA.gc.ca/017/images/e_report.pdf

COMMUNICATIONS

17.4

In the event that Parks Canada is an RA for a project for which a review panel or mediation is anticipated due to public concerns, likely significant adverse effects, or uncertain effects, the EIB should be notified via the service centre environmental assessment specialist.

17.5

When a project is referred to a review panel or mediation, the superintendent will designate someone to be responsible for providing liaison and information related to the project. This person will have authority to represent Parks Canada for the purposes of the panel or mediation. Additional advice on the conduct of a review panel can be found in **Procedures For An Assessment By A Review Panel**. This document is available at the following website: http://www.ceaa.gc.ca/013/0001/0007/panelpro_e.htm.

RESPONSE TO A REPORT BY A PANEL OR MEDIATOR

17.6

Once a public review is completed, the project will be referred back to the CEO. Parks Canada shall take into consideration the report of the mediator or review panel and respond to the report, in consultation with other interested FAs.

17.7

The person designated to coordinate communications will be responsible for coordinating the preparation of the response by Parks Canada to the report of the mediator or review panel. In the circumstance where departmental consultations on a panel response

take place at national office, the coordination role may need to be transferred to a designate in EIB, who would then work closely and in consultation with the field unit representative as the federal response is finalized and submitted to the Governor in Council.

COURSES OF ACTION

17.8

The Governor in Council will endorse one of the following courses of action for a project which has undergone public review [s.s. 37(1)]:

- a) Approve
where the project is not likely to cause significant adverse effects, or the project is likely to cause significant adverse effects that can be justified in the circumstances, allow the RA to exercise any power which would allow the project to proceed;
- b) Not approve
where the project is likely to cause significant adverse effects that cannot be justified, prohibit the RA from exercising any power which would allow the project to proceed in whole or in part.

17.9

If a decision is made to support the project, the manager shall ensure that appropriate mitigation measures are implemented [s.s. 37(2)] and that an appropriate follow-up program is designed and implemented [s.s. 38(1)].

PUBLIC NOTIFICATION

17.10

Maintenance of the CEAR and public notification are the responsibility of the CEA Agency from the time the mediator or panel is appointed until the report is submitted to the Minister. After that time, the manager must maintain the registry until the completion of any follow-up program, and must provide public notice of its course of action, mitigation measures to be implemented, the extent to which the mediator's or panel's recommendations have been adopted or reasons for not doing so, and the design and results of any follow-up program for the project [s.s. 38(2)].

18.0 Class Screening

REPLACEMENT CLASS SCREENING REPORT

18.1

Parks Canada may recommend that a particular screening report be declared by the CEA Agency to be a “replacement class screening report” and then be used as a replacement for individualized screening reports of similar projects in similar locations [s.s. 19(2)(a)].

18.2

Once declared, subsequent use of a replacement class screening report will not require any project-specific adaptation.

MODEL CLASS SCREENING REPORT

18.3

Parks Canada may recommend that a screening report be declared by the CEA Agency to be a “model class screening report” and then be used as a model for conducting screenings of other projects in the same class [s.s. 19(2)(b)].

18.4

Subsequent to the declaration of a model class screening report, the manager may permit the use of all or part of that report to whatever extent is appropriate for a project. Use of a model class screening report will require that any adjustments are made to the report that are necessary to take into account local circumstances including cumulative effects. Each application of a model class screening report to a specific project must be documented and approved as a separate assessment and, in all respects other than the electronic registry, treated in the same way as any other screening [s.s. 19(6) & (7)].

CLASS SCREENING DEVELOPMENT PROCESS

18.5

Environmental assessment specialists in the service centres and national office can provide support on the development of a class screening report including coordination with other regions, departments, and the CEA Agency, as appropriate, depending on

whether it has regional or national applicability. Each draft class screening report should be reviewed by the appropriate internal specialists in ecosystem and cultural resource management and by relevant expert federal departments. Public involvement is advised following peer review. The proposed class screening should then be submitted to the CEA Agency. The submission should include a record of consultation with expert departments and the public as well as a discussion of any unresolved issues.

REGISTRY OBLIGATIONS FOR CLASS SCREENING

18.6

Each project for which a replacement or model class screening report is used shall be listed using the template provided by the CEA Agency, and the list provided quarterly to the CEA Agency using the CEARIS. [s.s. 55.3(2)].

Each project assessed under a replacement or model class screening must be listed using the template provided by the CEA Agency, and the list posted quarterly on the CEARIS

ALTERNATIVE TO CLASS SCREENING REPORT

18.7

Reference to a relevant code of good practice or to a previous screening of a similar project is encouraged in the absence of a class screening. In this circumstance each project must have a complete screening report that takes into account its specific circumstances, including cumulative effects [s.s. 19(7)], and must be entered in the CEARIS.

19.0 Seeking Expert Advice from Federal Authorities

19.1

The Federal Coordination Regulations specify a process and timelines for seeking advice from other federal authorities. Refer to section 9 of this guide for additional information on this process. Expert advice should be sought under the following circumstances:

- a) When another FA is likely to have information or expertise which would assist the superintendent to decide on a course of action for a project being assessed at the screening or comprehensive study level;
- b) When the project has the potential to affect an area of federal interest for which another FA has mandated responsibilities;
- c) When an FA has indicated via the federal coordination process that it has expertise relevant to the assessment;
- d) When the project is controversial and/or there is a risk of litigation; or
- e) When the manager considers it to be necessary.

The Federal Coordination Regulations specify a process and timelines for seeking advice from (or providing advice to) other federal authorities

19.2

When requesting advice or information from an expert department, the nature of the advice or information requested must be specified. It is important to emphasize that the specialist advice should describe as objectively as possible the likely consequences of the actions being assessed as they relate to the mandate of the expert department. The expert department should be requested to refrain from asserting conclusions that verge on determining the significance of any adverse effects or making a recommendation about the course of action which should be taken when Parks Canada has the sole responsibility for decision making with respect to the project.

20.0 Acting as Expert Department

ROLE AND RESPONSIBILITY

20.1

Parks Canada staff shall, on request from another department, the CEA Agency, a review panel or a mediator, make available any specialist or expert information or knowledge in our possession relating to a project [s.s. 12(3)] Parks Canada will not assert conclusions about the significance of the impacts of a project for which it is not an RA, unless requested to do so by the RA. If requested, any such conclusions will be limited to the significance of adverse effects on Parks Canada's mandated interests. Comprehensive, factual advice should be given, but the determination with respect to a course of action must be left to the RA.

When Parks Canada provides expert FA advice, conclusions may be asserted about the significance of the adverse impacts of a project only when requested by an RA, and only with respect to Parks Canada's mandated interests.

20.2

In a situation where Parks Canada is concerned about a project for which another department or agency has a trigger under *CEAA*, the manager should take the initiative to make the concerns known to whichever department is the RA or FEAC. That department is obliged to take our concerns into account. This situation may arise where an external project is likely to have adverse effects on natural or cultural resources managed by Parks Canada.

EXPERT ADVICE ON ARCHAEOLOGICAL RESOURCES

20.3

In addition, Parks Canada has the responsibility to provide expert advice on the protection and management of archaeological resources located on or in all federal lands and federal lands under water. This responsibility is mandated by the *Government of Canada Archaeological Heritage Policy Framework*

(1990) which states that "... it is the policy of the Government of Canada to protect and manage archaeological resources" and that the "Canadian Parks Service will protect and manage archaeological resources using its existing resource management regime..." and that "The Federal Environmental Assessment and Review Process will be used to ensure that archaeological issues are dealt with when development is planned." This may involve either responding to a request for advice or taking the initiative to make concerns known to the RA for the project in question.

EXPERT ADVICE ON BUILT HERITAGE

20.4

Parks Canada also provides expert advice to federal departments making decisions affecting real property or the protection of the heritage character of Crown-owned buildings. This responsibility is mandated by the Government of *Canada's Heritage Buildings Policy*. The principal elements of the policy are: to provide a mechanism for the identification of heritage character and the designation of Federal Heritage Buildings; to develop a set of principles and procedures to guide custodian departments in the conservation of Federal Heritage Buildings; to develop procedures for the timely review of real property management decisions which can affect heritage character in order to avoid or minimize damage to heritage values; and to provide advice to custodian departments on the application of conservation principles to heritage buildings. This may involve either responding to a request for advice or taking the initiative to make concerns known to the RA for a project involving a heritage building that is subject to *CEAA*.

EXPERT ADVICE ON HERITAGE RIVERS

20.5

The Canadian Heritage Rivers System is a co-operative program of the federal and provincial/territorial governments to conserve the natural and cultural heritage features and values of Canada's significant rivers. Parks Canada is the lead federal agency

for the Canadian Heritage Rivers System. Rivers included in the system are considered to have outstanding significance in human history, natural history or recreational value. For a river to be designated to the system, a management plan must be developed which sets out the policies and practices to be followed to ensure that its heritage resources are protected and enhanced for the benefit and enjoyment of Canadians today and in the future. In addition to managing and protecting Canadian Heritage Rivers within national parks, Parks Canada may provide advice to an RA upon request, or take the initiative to make concerns known to an RA for a project subject to *CEAA* which may result in an impact to the heritage values of either designated or nominated rivers

RECOMMENDING MITIGATION MEASURES OR FOLLOW-UP STUDIES

20.6

In its role as an expert department Parks Canada may recommend any mitigation measures that are considered technically and economically feasible. The RA may include in its assessment any mitigation measure that can be implemented by the federal government or that it is satisfied will be implemented by another jurisdiction (eg. province, or private sector) [s.s. 20(1.1), 37(2.1), 38(3)]. There are limitations, however, on the mitigation measures or conditions that can be attached to a federal authorization. They must:

- (1) relate to the regulated project, and
- (2) be necessary in order to mitigate the adverse effects of the project on the environmental components within federal jurisdiction.

As an expert FA, Parks Canada may recommend any mitigation measures that are technically and economically feasible. However, mitigation measures can be attached to a federal authorization only when they are necessary in order to mitigate the adverse effects of the project on environmental components within federal jurisdiction.

20.7

It is important to note that an FA providing expert advice on mitigation measures or follow-up studies may be expected to help with the implementation of those recommendations, by mutual agreement with the RA for the project [s.s. 20(2.1), 37(2.3).

38(4)]. For this reason, anyone making recommendations to an RA in relation to mitigation measures or follow-up studies is advised to clarify in advance, and in writing, any expectations on the part of the RA and/or the project proponent with respect to the nature and duration of any human and financial support to be provided by Parks Canada on the implementation of mitigation measures or follow-up studies, and to obtain approval from the appropriate Parks Canada manager prior to any commitment of financial or human resources for this purpose.

An FA providing expert advice on mitigation measures or follow-up studies may be expected to help implement those recommendations. For this reason, anyone making such recommendations to an RA is advised to clarify in advance, and in writing, any expectations on the part of the RA and/or the project proponent with respect to the nature and duration of any human and financial support to be provided by Parks Canada

REGISTRY OBLIGATION

20.8

The person responsible for responding to a request for specialist advice should maintain a file of all correspondence related to that advice and ensure that any report which relates to the assessment, and which may be released to the public, is placed in this file.

21.0 Species At Risk Act Obligations

21.1

Anytime a project is thought to have potential adverse effects on a species at risk listed in schedule 1 of the *Species At Risk Act (SARA)* (i.e. “a listed species”), this Act creates certain additional obligations for the environmental assessment process pursuant to *CEAA* or any other legislated federal environmental assessment regime. These primarily involve notification, identification of effects, mitigation, and monitoring, and are described in detail below.

Anytime a project has potential adverse effects on a listed species, SARA creates additional obligations for the EA process. These primarily involve notification, identification of effects, mitigation, and monitoring.

21.2

SARA has amended the definition of “environmental effect” found in *CEAA* to clarify that environmental assessments must always consider impacts on a listed species, its critical habitat or the residences of individuals of that species. Definitions of these terms can be found in the glossary. For more information on *SARA* implications for Parks Canada, consult the Parks Canada intranet at: http://intranet/content/eco-re/sar-eep-eng/binder_e.asp.

EAs must always consider impacts on a listed species, its critical habitat or the residences of individuals of that species.

21.3

Situations may arise where more than one department or agency has an interest in a species potentially affected by a project. This could occur, for example, in the case of a species that resides both inside and outside a national park.

Notification must be provided in writing to the regional contact for Environment Canada (for terrestrial species exclusively or partly outside of Parks Canada lands) or Fisheries and Oceans Canada (for aquatic species exclusively or partly outside of Parks Canada lands) as soon as possible after it is learned that a listed species in one of these categories may be adversely affected. These contacts are the people normally notified for purposes of compliance with the *CEAA* Federal Coordination Regulations. Similarly, any other RA must notify the regional environmental assessment contact for Parks Canada if that RA is responsible for a project that may affect a listed species that is exclusively or partly on Parks Canada lands. Internal notification is not necessary when Parks Canada is responsible for the environmental assessment process and the population or critical habitat in question will not be affected beyond lands administered by Parks Canada. Please refer to Intranet fact sheet “Environmental Assessments and *SARA*” at <http://intranet/content/eco-re/sar-eep-eng/06-01.asp> for a sample notification letter.

21.4

Where a legislated federal environmental assessment is being carried out on a project that may affect a listed species or its critical habitat, *SARA* requires that a person responsible for an environmental assessment:

- a) Identify potential adverse effects on the listed species and its critical habitat. (When looking at the impact on “species”, please consider the individuals of the species as well as the residences of these individuals, as this will facilitate

coordination with **SARA** authorization requirements where applicable.)

- b) Identify measures (mitigations) to avoid or lessen these effects; and ensure they are consistent with any applicable recovery strategy or action plan.
- c) Ensure these measures (mitigations) are implemented.
- d) Ensure that the effects on the listed species are monitored. Monitoring is mandatory in order to determine the effectiveness of any mitigation measures implemented in relation to a species at risk or its critical habitat. This monitoring may be done as part of a follow-up program established under **CEAA**, or may be separate.

21.5

SARA imposes pre-conditions which must be met before a permit, agreement, licence, order, or other document can be issued to authorize any activity prohibited by **SARA** and potentially affecting a species at risk if the species is listed as extirpated, endangered or threatened. This does not apply to species of special concern. The pre-conditions are as follows:

- a) all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted;
- b) all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and
- c) the activity will not jeopardize the survival or recovery of the species.

21.6

To determine if you need a **SARA** authorization, whether it can be issued, and how to issue it, you should refer to the **SARA** Decision Key on the Parks Canada intranet at: <http://intranet/content/eco-re/sar-eep-eng/06-02.asp> (at the bottom of the page, under “tools”)

- a) Use the **SARA** Decision Key (Part I) to determine whether a **SARA** authorization is required in addition to

the environmental assessment. The pre-conditions, when applicable, should be evaluated as part of the environmental assessment process.

- b) Use the **SARA** Decision Key (Part II) to determine whether a **SARA** authorization can be issued for the project based on the information you have compiled for the environmental assessment.
- c) If the **SARA** authorization can be issued, use the **SARA** Decision Key (Part III) to determine how to issue the authorization.
- d) An environmental assessment report can be used as a **SARA** compliant authorization when all information needed to meet the **SARA** pre-conditions is included in the EA (see Annex 4b for the requirements). Attach the completed **SARA** authorization template to the environmental assessment report. The template is available on the Parks Canada intranet at: <http://intranet/content/eco-re/sar-eep-eng/06-02.asp>. Contact your service centre species at risk coordinator to ensure that **SARA** public registry obligations are met.
- e) If the project involves research, the **SARA** authorization pre-conditions will be met within the Research and Collection Permit System (RCPS). Duplication of efforts between the RCPS and environmental assessment processes should be avoided.

21.7

There are numerous sources of additional information on the requirements of **SARA**, and on general considerations in relation to the environmental assessment of projects affecting species at risk. Key references are listed in Annex 5. Guidance is also available from the Parks Canada species at risk coordinators located in each service centre and species at risk specialists in some field units: <http://intranet/content/eco-re/sar-eep-eng/13-022.asp>.

22.0 Role of External Proponent

22.1

Any proponent undertaking a project for which Parks Canada is an RA will be responsible for:

- a) Ensuring the preparation of the environmental assessment report and provision of all other necessary documentation for the project according to the terms of reference set by Parks Canada, unless a class screening applies in which case the requirement may vary;
- b) Meeting all conditions imposed by Parks Canada;
- c) Implementing mitigation measures and paying any associated costs;
- d) Designing a follow-up program in consultation with Parks Canada, if requested; and
- e) Implementing and reporting on the program and paying any associated costs.

22.2

Parks Canada, as RA, may not delegate its duty to decide on a course of action [s. 17].

23.0 Role of Consultant

23.1

A consultant, whether acting on behalf of an external proponent or on behalf of Parks Canada, is normally restricted to the identification, description and evaluation of the potential adverse environmental effects associated with a project, the recommendation of appropriate mitigation measures, and the design and implementation of a follow-up program where appropriate. The adverse effects, including residual impacts, must be presented as factually and objectively as possible, avoiding judgmental comments, in such

a way that the manager is able to answer the questions in section 13 of this guide on the “Determination of Significance”. Normally, a consultant will not be asked to evaluate the significance of environmental effects, as this is the role of the RA [s. 17]. Refer to section 16.0 of this guide on “Documenting the Assessment” for additional guidance.

Normally, a consultant will not be asked to evaluate the significance of environmental effects, as this is the role of the RA.

24.0 Cumulative Effects

24.1

Cumulative effects are the residual adverse effects of the project being assessed in combination with the adverse effects from other activities which have affected, are currently affecting, or are likely in the future to affect the same ecosystem components or cultural resources. Cumulative effects must be assessed for each project. During the scoping phase of the assessment it is usually possible to anticipate potential cumulative effects and adjust the scope of the factors accordingly. The scope of the cumulative effects assessment is sometimes explicitly set out

separately from the scope of the assessment for the project itself. It is important that the scope of the cumulative effects assessment is geographically adequate to encompass the sphere of influence for each environmental component at risk, either ecological or cultural. It may vary from a regional to a local focus depending on the component. Additional information is available from guidance documents listed in Annex 5.

Cumulative effects must be assessed for each project.

25.0 Follow-up

25.1

The manager must ensure that a follow-up program is designed and implemented for each project, if appropriate, to determine whether the mitigation measures were effective and/or whether there were any unpredicted impacts that might require additional mitigation. Each screening report must document consideration of the need for a follow-up program, providing a brief rationale if follow-up is considered unnecessary, or a description of the proposed program [s.s. 38(1)]. A follow-up program is mandatory for any project assessed at the comprehensive study level [s.s. 38(2)].

Each screening report must state whether there will be a follow-up program, providing a brief rationale if follow-up is considered unnecessary, or a description of the proposed program.

25.2

A follow-up program may be appropriate if one or more of the following criteria apply:

- a) Uncertainty as to the potential impacts on sensitive and/or important resources
- b) Mitigation measures:
 - i. There is uncertainty as to the effectiveness of the mitigation measures
 - ii. There are new or unproven mitigation measures
- c) New or unproven project technology
- d) Impact analysis is based on new techniques
- e) Nature of the project: a familiar type of project in a new or unfamiliar setting
- f) Project scheduling is subject to change such that environmental effects could vary.

25.3

Wherever possible, follow-up studies for individual projects should be linked to or integrated with ongoing ecological or commemorative integrity monitoring programs.

Wherever possible, follow-up studies for individual projects should be linked to or integrated with ongoing ecological or commemorative integrity monitoring programs

25.4

Costs associated with a follow-up program will normally be the responsibility of the proponent, unless the follow-up studies can be integrated with an ongoing ecological or commemorative integrity monitoring program such that the incremental project-specific cost is negligible.

25.5

The establishment of a team to guide the follow-up program should be considered for projects with a long-lasting or complex follow-up program. The development of such a team including leadership, roles and responsibilities and stakeholder representation, should be documented as part of the follow-up program.

25.6

Where a follow-up program has been indicated in the environmental assessment report and in the CEARIS, results of that program must be included in the project file. In addition, CEARIS must contain a description of the follow-up program and the results, or information on how this can be obtained. [s.s.55.1(2)(s) and (t)]

26.0 Operational Review

26.1

Internal operational reviews will be undertaken for the purpose of evaluating the effectiveness of the Parks Canada environmental assessment program in order to foster continuous improvement in the quality of Parks Canada's environmental assessment practice. Specifically the operational reviews will aim to identify problems with the implementation of *CEAA* and possible solutions, to determine the timeliness, thoroughness, and accuracy of assessments, and the need for training, improved procedures, or other forms of support.

Internal operational reviews will be undertaken to evaluate the effectiveness of Parks Canada's EA program

26.2

A national environmental assessment operational review guide defines what information should be collected, as well as how and when it should be collected and documented.

26.3

Environmental assessment specialists from national office, service centres and field units will all participate in the implementation of the operational review program. Each operational review will normally be coordinated by the service centre representative and involve at least one specialist from national office.

26.4

Information gained from the operational review program may be used to meet Parks Canada's obligation under the Quality Assurance Program led by the CEA Agency [s.s. 56.1].

27.0 Integration with Financial Planning and Project Planning Systems

27.1

The cost of meeting environmental assessment obligations, including the financial or human resources required for ensuring the implementation of mitigation measures and conducting follow-up studies, will be part of and directly associated with any project costs identified in a field unit business plan or other planning process.

The cost of meeting environmental assessment obligations, including the financial or human resources required to ensure the implementation of mitigation measures and follow-up studies, will be part of any project costs identified in a field unit business plan.

27.2

These costs should wherever possible be identified by the end of November each year for the following fiscal year to allow for planning of the field unit environmental assessment program and for adequate time to complete environmental assessments prior to the proposed project start dates. Capital project lists should be referred to the field unit environmental assessment coordinator and to a cultural resource management specialist at the field unit or service centre to allow for early identification of issues such as the potential need for fieldwork to complete an environmental assessment.

EA costs should be identified by the end of November each year for the following fiscal year.

27.3

Adequate resources for environmental assessment must be included in cost estimates associated with project proposals, including costs for mitigation measures or follow-up studies that may carry into future years. Where environmental assessment indicates uncertainty with respect to mitigation, or a risk of future impact, it is important to ensure that funds will be available to monitor and/or take remedial action if necessary.

27.4

Projects must not be approved until an environmental assessment has been completed to *CEAA* specifications, and the results taken into account [s. 11(2)].

Projects must not be approved until an EA has been completed to CEAA specifications, and the results taken into account

28.0 Transition, Reassessment, and Grandfathering

28.1

A project for which an environmental assessment was previously conducted must be reassessed under *CEAA* [s. 24] if:

- a) The project did not proceed after the assessment was completed;
- b) The project has been changed so that it would involve an undertaking in relation to a physical work which is different from that which was assessed;
- c) The manner in which the project is to be carried out has changed; or
- d) The renewal of a licence, permit, approval or other action is sought under a provision prescribed in the Law List Regulations.

28.2

Clause (a) above applies to any project which was assessed but then did not proceed for some time and for which the manager decides, when the project is reactivated, there is new information available, values have changed, or for some other reason the environmental assessment is no longer valid and should be redone. Generally, environmental assessments that have been on the shelf for more than five years should be reviewed to ensure their validity.

28.3

For a project of a type described above, the manager is required to ensure that the previous environmental assessment is used to whatever extent is appropriate. The RA must ensure that any adjustments are made that are necessary to take into account any significant changes in the environment and in the circumstances of the project [s.s. 24(2)].

28.4

Any assessment commenced under *CEAA* prior to the proclamation of the amendments shall continue to be assessed under the provisions of the original *CEAA (1995)*. An assessment of a proposal will be considered to have been commenced once documentation of the environmental assessment has been initiated and any record is on file, or the notice of commencement has been posted on the CEARIS, whichever comes first.

28.5

A project for which an environmental assessment was conducted under the *Environmental Assessment and Review Process Guidelines Order (1984)*, must be reassessed under *CEAA* if [s.s. 74(3)]:

- a) The project did not proceed after the assessment was completed;
- b) The project has been changed so that it would involve an undertaking in relation to a physical work which is different from that which was assessed;
- c) The manner in which the project is to be carried out has changed; or
- d) The renewal of a licence, permit, approval or other action is sought under a provision prescribed in the Law List Regulations.

For a project of a type described above, it is permissible to use all or part of the previous environmental assessment, as appropriate. [s.s. 74(3)]

28.6

Where the construction or operation of a physical work or the carrying out of a physical activity was initiated before June 22, 1984, *CEAA* shall not apply in respect of the issuance or renewal of a licence, permit, approval or other action under a provision prescribed in the Law List Regulations unless the issuance or renewal entails a modification, decommissioning, abandonment or other alteration to the project, in whole or in part [s.s. 74(4)].

LEASES AND LICENCES OF OCCUPATION

28.7

A new lease or the replacement of an existing lease will trigger *CEAA* and will require an assessment, if it is for the purpose of a project, regardless of when the lease and related project originated. A **lease renewal** is actually the continuation of the original lease and for this reason it does not trigger *CEAA* and there is no environmental assessment requirement. However, if there are any changes to the agreements and conditions

of a lease other than the rent, Parks Canada land management experts and Legal Services should be consulted to determine whether the lease constitutes a new lease (i.e. replacement lease), which would then trigger *CEAA*. For additional guidance on the application of *CEAA* to leases and licences of occupation, refer to “Lease Replacements, Lease Renewals, and Licences of Occupation: Environmental Assessment Requirements under the *Canadian Environmental Assessment Act*” (Parks Canada, 2003).

29.0 Cooperation with Other Jurisdictions

29.1

If Parks Canada is the RA for a project requiring assessment at the screening or comprehensive study level and the project is to be assessed in a process that is harmonized with another environmental assessment jurisdiction, including:

- a) The government of a province;
- b) An agency or a body that is established pursuant to the legislation of a province and that has powers, duties or functions in relation to an assessment of the environmental effects of a project;
- c) A body that is established pursuant to a land claims agreement referred to in section 35 of the Constitution Act, 1982, and having powers, duties or functions in relation to an assessment of the environmental effects of a project; or
- d) A governing body that is established pursuant to legislation that relates to the self-government of Indians and that has powers, duties or functions in relation

to an assessment of the environmental effects of a project [s.s. 12(5)];

then *CEAA* assumes that the CEA Agency will act as the FEAC. For assessments conducted jointly with the jurisdictions described in (a), (c), or (d) above, Parks Canada may be the FEAC if Parks Canada and the CEA Agency agree. In either case, the manager, in consultation with the appropriate Parks Canada environmental assessment specialist, will work with the CEA Agency to harmonize environmental assessment efforts provided that:

- a) All of the mandatory obligations under *CEAA* are met;
- b) Any applicable federal-provincial harmonization agreement is respected; and
- c) Parks Canada's responsibility to make a decision with regard to a course of action is not delegated [s. 17].

29.2

If Parks Canada is the only RA for a project that triggers one or more assessment process(es) in addition to *CEAA*, and these will be conducted concurrently or sequentially but not harmonized, Parks Canada will coordinate the assessment processes.

29.3

If Parks Canada is the RA for a project requiring a review panel and the project also triggers an environmental assessment process in another jurisdiction, including:

- a) Another FA;
- b) The government of a province;
- c) Any other agency or body established pursuant to an Act of Parliament or a provincial government and having powers, duties or functions in relation to an assessment of the environmental effects of a project;

d) Any body established pursuant to a land claims agreement referred to in section 35 of the *Constitution Act*, 1982, and having powers, duties or functions in relation to an assessment of the environmental effects of a project;

e) A government of a foreign state or of a subdivision of a foreign state, or any institution of such a government; and

f) An international organization of states or any institution of such an organization;

then the Minister may enter into an agreement with that jurisdiction regarding the joint establishment and conduct of a review panel, unless it is a jurisdiction described in (e) or (f), in which case the Minister may enter into such an agreement together with the Minister of Foreign Affairs [s. 40].

30.0 Proposals Outside National Parks and National Historic Sites

30.1

Projects or plans may arise for locations outside national parks or national historic sites but which are likely to have adverse effects within. The Parks Canada *Guiding Principles and Operational Policies* state that "...Parks Canada makes concerted efforts to encourage compatible external activities and to discourage incompatible ones within the greater ecosystem or cultural landscape setting of a heritage area." (Section 1 on page 16) In addition, it states that, "Parks Canada will participate in environmental impact assessments for proposed developments outside national parks that may affect park ecosystems" (Section 3.2.14 on page 36). If there is no trigger under *CEAA*, this may require participation in a provincial or regional environmental review process. In the event of concern about a project such as this for which another department will trigger

CEAA, refer to section 20.0 "Acting As Expert Department." For a project with potentially significant effects inside the park or site and no section 5 trigger under *CEAA*, refer to the section on "Transboundary Effects".

The Parks Canada Guiding Principles and Operational Policies state that "...Parks Canada makes concerted efforts to encourage compatible external activities and to discourage incompatible ones within the greater ecosystem or cultural landscape setting of a heritage area."

References

- A Guide to Defining the Scope of an Assessment Under the *Canadian Environmental Assessment Act*. Ecological Integrity Branch, Parks Canada, 2001.
- A Handbook for Parks Canada Employees on Consulting With Aboriginal Peoples. Aboriginal Affairs Secretariat, Parks Canada, 2006.
- Cabinet Directive on Implementing the *Canadian Environmental Assessment Act*. Canadian Environmental Assessment Agency, 2005.
- Canadian Environmental Assessment Act*, October 30, 2003.
- Canadian Environmental Assessment Registry. Canadian Environmental Assessment Agency, 2003.
- Environmental Assessment Review Panel Service Charges Order. Canadian Environmental Assessment Agency, 2002.
- Lease Replacements, Lease Renewals, and Licences of Occupation: Environmental Assessment Requirements under the *Canadian Environmental Assessment Act*. Ecological Integrity Branch, Parks Canada, 2003.
- Ministerial Guideline on Assessing the Need for and Level of Public Participation in Screenings under the *Canadian Environmental Assessment Act*. Canadian Environmental Assessment Agency, 2006.
- Parks Canada Guiding Principles and Operational Policies. Supply and Services Canada, catalogue number R62-275/1994.
- Parks Canada Management Directive 2.4.2 on Impact Assessment. Ecological Integrity Branch, Parks Canada, 1998.
- Procedures For An Assessment By A Review Panel. Environmental Assessment Agency, 1997.

Annex 1: Environmental Assessment Accountabilities in Parks Canada

The purpose of the chart below is to define accountability for compliance with the *Canadian Environmental Assessment Act* in Parks Canada.

CHIEF EXECUTIVE OFFICER:

- Is the ultimate decision-making authority and has overall accountability for environmental assessment under *CEAA* in Parks Canada.
- With the assistance of the managers accountable to him or her, ensures that the legal obligations of the Minister responsible for Parks Canada, with respect to *CEAA*, are fully met for the projects for which Parks Canada is a responsible authority or expert federal authority.
- May recommend to the Minister that a project undergo public review in three circumstances during or at the conclusion of a screening, when:
 - 1) there is uncertainty about whether a project is likely to cause significant adverse environmental effects, [s. 20(1)(c)(i)]
 - 2) the project is likely to cause significant adverse environmental effects that may be justifiable in the circumstances, [s. 20(1)(c)(ii)] or
 - 3) public concerns about a project warrant referral to a mediator or panel [s. 20(1)(c)(iii)]
- Must make a recommendation to the Minister, in the early stages of a comprehensive study, with respect to whether or not a project should undergo public review on the basis of:
 - 1) public concerns in relation to the project, [s. 21(a)(ii)]
 - 2) the potential of the project to cause adverse environmental effects, [s. 21(a)(iii)] and
 - 3) the ability of the comprehensive study to address issues relating to the project [s. 21(a)(iv)]
- May recommend to the Minister that a project located outside federal lands undergo public review in two circumstances:
 - 1) when it may cause significant adverse environmental effects on federal lands. [s. 48(1)(b)]
 - 2) when it may cause significant adverse environmental effects on the ecological integrity of a national park [s. 48(1.1)]

FIELD UNIT OR PARK/SITE SUPERINTENDENT

(or designated employee who is in a capacity appropriate to the exercise of power or the performance of the following duties)

Supported by field unit, service centre and national office environmental assessment, ecosystem and cultural resource management specialists:

- Determines whether an assessment is required under *CEAA*, and, if so:
 - chooses the appropriate environmental assessment track;
 - determines the scope of the project and of the factors to be considered;
 - coordinates with other federal authorities as required;
 - ensures that the project is entered in the CEARIS; and
 - ensures that the assessment is undertaken and adequately documented;
 - ensures that a file is maintained for the environmental assessment
 - ensures that appropriate information is made available to the public
- For a screening, determines whether public and Aboriginal involvement is appropriate during its preparation and, if so, determines what approaches to take
- For a project on the Comprehensive Study List,
 - recommends whether to conduct a comprehensive study or a public review (i.e. via panel or mediation),
 - determines how and at which three stages to involve the public;
- Consults with internal specialists and expert departments on all comprehensive studies and on those screenings for which it is appropriate;
- Provides liaison with other departments or jurisdictions for screenings or comprehensive studies, where appropriate for park-site specific projects or in conjunction with service centres or national office where projects are multi-jurisdictional or have policy implications that go beyond the field unit.
- If public concern during a screening warrants public review (i.e. via panel or mediation), recommends this course of action via the DG East, or DG West and North, to the CEO;
- Determines how to proceed following completion of a screening report, including:
 - considering public concerns, whether or not they were sought;
 - taking one of the courses of action specified in *CEAA*;
 - ensuring that mitigation measures are implemented;
 - designing and implementing a follow-up program where appropriate;
 - ensuring that the chosen course of action is entered in the CEARIS; and
 - providing additional public notification for projects given approval, where appropriate.
- Supports the development of model or replacement class screenings where appropriate;
- Ensures that assessment is undertaken prior to supporting proposals which do not trigger *CEAA* but could negatively affect ecosystems or cultural resources under Parks Canada's responsibility;

- Participates in the planning or environmental assessment processes for projects or proposals to be located outside the park or site but which could negatively affect ecosystems or cultural resources under Parks Canada responsibility; and, where appropriate, recommends assessment under section 48 of *CEAA* (transboundary clause) via the DG East or DG West and North, and the DG National Parks, to the CEO
- Ensures that staff are adequately trained in environmental assessment and that environmental assessment roles and responsibilities within the field unit are clearly defined and understood.
- Ensures that legal advice is sought regarding environmental assessment issues when necessary.
- Participates in operational reviews of the environmental assessment program for the field unit and ensures that appropriate field unit staff are available for the successful conduct of such reviews.
- Provides liaison with other jurisdictions to represent Parks Canada in the development of new environmental assessment regimes

SERVICE CENTRE DIRECTOR

Supported by environmental assessment specialists, ecosystem and cultural resource management specialists in service centres:

- Provides lead scientific and procedural support on environmental assessment to field units with respect to the assessment of specific projects or classes of projects, and other environmental assessment issues
- Provides support to national office on the development of Parks Canada's position on legislation, regulations, policy, guidance material, and related environmental assessment issues
- Provides liaison with the CEA Agency and other departments at the regional/provincial level in relation to the assessment of specific projects, including coordination of process and requests for or provision of expert advice in Parks Canada's role as an expert department.
- Represents Parks Canada on Regional Environmental Assessment Committees
- Assists national office in the development and management of the CEARIS
- Coordinates and participates in environmental assessment operational reviews at field units
- Provides liaison with regional legal services on project-specific issues
- Assists national office in liaison with other jurisdictions for the development of new environmental assessment regimes
- Provides liaison with provinces and territories in relation to harmonization of environmental assessment in general or for specific projects
- Conducts environmental assessments on behalf of field units, as requested (i.e. complex, controversial or multi-jurisdictional assessments), or oversees the conduct of such environmental assessments by others.
- Guides the comprehensive study process, upon request, including providing support on preparation of terms of reference, scoping, review of drafts, and review of the public participation plan
- Designs and develops national environmental assessment training, in conjunction with national office, and customizes the training for delivery to field units
- Delivers training to field units
- Manages regional environmental assessment intranet web-sites
- Develops class screenings, in consultation with field units and national office.

DIRECTOR GENERAL, NATIONAL PARKS

(supported by Ecological Integrity Branch):

- Ensures that appropriate scientific and procedural advice is given to the CEO and to superintendents
- Ensures liaison with management at the CEA Agency
- Ensures liaison with management in other departments and agencies
- May make recommendations to the CEO on the need to refer projects to review panel or mediation
- May make recommendations to the CEO on the response to a comprehensive study or review panel report, or on the course of action Parks Canada should take following a comprehensive study or public review

DIRECTOR GENERAL, NATIONAL HISTORIC SITES

(supported by Archaeological Services Branch and Policy and Government Relations Branch):

- Ensures that expert advice on protection and management of cultural resources is available to the CEA Agency and to other departments in relation to the development of legislation, regulations, policy, guidance material, and specific projects
- Makes recommendations to the CEO on the need to refer projects to review panel or mediation, in consultation with the DG National Parks

DIRECTORS GENERAL, EAST OR WEST AND NORTH

(supported by service centre environmental assessment specialists, ecosystem and cultural resource management specialists):

- Ensures that scientific and procedural advice is available to the CEO and to superintendents
- Provides liaison with other jurisdictions at the regional level
- Provides liaison with management in other departments and agencies at the regional level
- May make recommendations to the CEO on whether or not to refer projects to review panel or mediation
- May make recommendations to the CEO on the response to a comprehensive study or review panel report, or on the course of action Parks Canada should take following a comprehensive study or public review

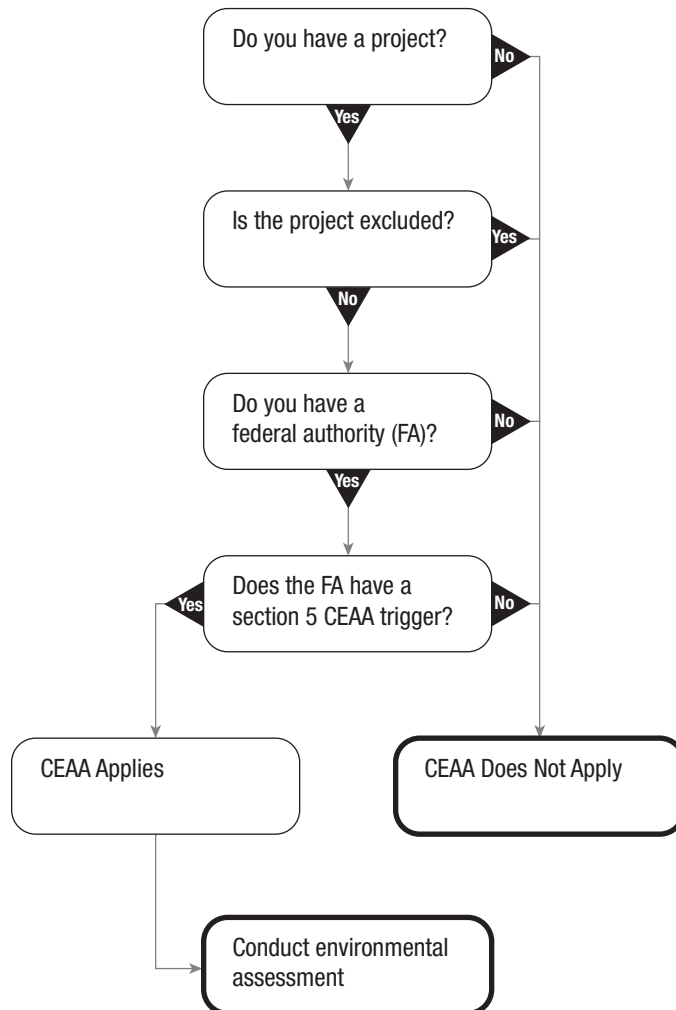
EXECUTIVE DIRECTOR, ECOLOGICAL INTEGRITY BRANCH

Supported by environmental assessment and other ecosystem specialists:

- Provides scientific and procedural advice to national office, service centres, and to field units, with respect to the assessment of specific projects or classes of projects
- Develops national policy, procedures and guidance material on environmental assessment for Parks Canada
- Represents Parks Canada's position to the CEA Agency, central agencies, and other departments on the development of legislation, regulations, policy, training, and related environmental assessment issues at the national level
- Provides overall management of the CEARIS for Parks Canada including input on development issues, technical support, the annual statistical summary, and national quality monitoring
- Provides liaison with the CEA Agency and other departments at the national office level in relation to the assessment of specific projects
- Designs and leads the national environmental assessment operational review program to evaluate the quality and level of compliance of the Parks Canada environmental assessment program, including participation in field unit reviews and national reporting
- Monitors the effectiveness of environmental assessment legislation and policy and recommends amendment
- Provides liaison with legal services at national office to obtain legal advice on environmental assessment issues
- Manages the national environmental assessment intranet web-site
- Provides liaison with other jurisdictions to represent Parks Canada in the development of new environmental assessment regimes
- Designs and develops national environmental assessment training, in conjunction with service centres
- Represents Parks Canada on the Senior Management Committee on Environmental Assessment and on sub-committees (eg. training, CEAR, follow-up, SEA, QAP, public participation)
- Represents Parks Canada on the Regulatory Advisory Committee and participates in sub-committees, as requested

Annex 2: Checklist to Establish CEAA Applicability

Figure 3: Process for determining whether an environmental assessment is required under CEAA



Do you have a project as defined by CEAA?

- The proposal involves an undertaking in relation to a physical work

Yes ☐ No ☐

And

- The undertaking is **NOT** in the Exclusion List Regulations

Yes ☐ No ☐

OR

- The proposal involves a physical activity not in relation to a physical work

Yes ☐ No ☐

And

- The physical activity is in the Inclusion List Regulations

Yes ☐ No ☐

IF NEITHER OF THE ABOVE APPLIES, A SCREENING UNDER CEAA IS NOT REQUIRED

If you have a project as determined above, do you have a trigger?

- Parks Canada is the project proponent
- Parks Canada is being asked to grant a permit for the project under a provision which appears in the Law List Regulations

(please specify which provision)

- Parks Canada is being asked to dispose of an interest in federal land for the purpose of the project (i.e. by lease, transfer of administration, or sale)
- Parks Canada is being asked to provide financial assistance to the project

IF YOU DO NOT HAVE A TRIGGER, THEN A SCREENING UNDER CEAA IS NOT REQUIRED.

Annex 3: Information Required For the CEARIS

NOTICE OF COMMENCEMENT

The following information must be entered within 14 days of the start of the assessment:

- Project title (English)
- Project title (French)
- Scope of project description (English)
- Scope of project description (French)
- Estimated cost of the project
- Geographic location
- EA start date
- EA type (screening, comprehensive study, review panel)
- Project type (physical work or physical activity)
- Project descriptor
- Trigger(s)
- Additional RA(s), if any
- Additional jurisdiction, if any
- FEAC
- RA contact

EA REPORT

The following information must be entered prior to the determination.

- EA report document title (English)
- EA report document title (French)
- EA report document contact
- Either a generic statement of how the report can be obtained or the entire report in French and English.

DECISION

You must wait 15 calendar days after posting the notice of commencement before you may post an EA determination, including the following information. This must be entered prior to the start of the project:

- Determination date
- Determination
- Statement of mitigation measures
- Indication as to whether a follow-up program will be undertaken
- If a follow-up program is to be undertaken, you must state:
 - the start and approximate end date for the follow-up program

- whether follow-up terms and conditions have been included in any legal document to make them enforceable
- the rationale for the follow-up program

PUBLIC PARTICIPATION PROGRAM INFORMATION

The following additional information is required if a decision is made under s.s. 18(3) to involve the public. You must wait 15 calendar days after posting this information before you may post an EA determination.

Public Participation

- Public participation start date
- Public participation end date
- Public participation notice document title (English)
- Public participation notice document title (French)
- Public participation notice document contact
- A link to the public notice in French and English

Scope of the Factors

- Scope of the factors document title (English)
- Scope of the factors document title (French)
- Scope of the factors document contact
- Either provide a generic statement of how the scope of the factors document can be obtained or provide a link to the document in French and English.

Annex 4a: Required Content For Parks Canada Environmental Assessment Reports

Purpose

The purpose of this annex is to set out the type of information that should be included in each environmental assessment report in order to comply with *CEAA*. Reports can take a variety of forms, and it is appropriate for them to differ in length and level of detail, depending on the complexity of the project and the anticipated adverse effects, provided that these minimal requirements are met.

Required Section Headings for each Screening Report with Guidance on Expected Content

Project title:

- Provide the project title, making it descriptive enough that a key word search on CEARIS will allow people to find it reasonably easily.

EA start date:

- Provide date the EA process was started. An EA is considered to have started once Parks Canada has identified itself as an RA with respect to the project. Typically this will coincide with documentation of the assessment being initiated, in particular with the availability of a project description that is sufficiently detailed to allow a notice of commencement to be prepared and to provide a basis for analysing the environmental effects. Preliminary enquiries in relation to a project, including documentation, may begin prior to the start of the assessment.

Date EA was registered on CEARIS:

- Provide the date the notice of commencement was entered on the registry internet site.

CEARIS number:

- Provide the CEARIS registry number

Internal project file number:

- Provide the internal (park, historic site, or marine conservation area) file number, if applicable.

Authority, nature of project and trigger:

- State whether you are writing an EA under *CEAA* or under PC Management Directive 2.4.2.
- If it is a *CEAA* assessment
 - state how it was determined to be a project
 - physical work not on the Exclusion List Regulations OR physical activity not in relation to a physical work and that is described on the Inclusion List Regulations (provide Inclusion List paragraph number)
 - state the trigger: Law List, proponent, funding, or disposal of an interest in land for the purpose of a project

Location of project:

- Name of park, historic site, or marine conservation area and specific location

Proponent contact information:

- Provide name, title and phone number for project manager if Parks Canada is the proponent, OR
- Provide name, title, company, phone number and email address of external proponent.

Federal coordination:

- State whether there were multiple departments involved, as RAs or FAs, and the Federal EA Coordinator's name and department

Other RAs:

- Provide name, title, department, phone number of other RA contacts
- Provide triggers for the other RAs
- Provide date of project referral to potential RAs
- Provide outcome of contact
- Document the notification of Environment Canada and/or Fisheries and Oceans Canada if there are potential adverse effects on a species for which either department has an interest, as described in section 21.3 of this guide.

FAs:

- Provide names, titles and departments of FAs contacted
- Provide reason(s) for FA(s) to be involved
- Provide date of project referral to potential FAs
- Provide outcome of contact

Other experts consulted:

- Provide names and titles for any Parks Canada or external experts consulted

EA Coordinator contact information:

- Provide name, title, and phone number of the Parks Canada staff coordinating and/or writing the EA
- If different than above provide the name, title, and phone number of the EA Coordinator for your field unit, park or site. (This is what you will put on the CEARIS)

Project description:

- Project location
- Phases of a project in relation to a physical work (i.e. construction, operation, modification, decommissioning or abandonment of a building, road, or other physical work) OR phases of a project in relation to a physical activity unrelated to a physical work (eg. phases of a prescribed burn project such as building of fire breaks, active fire stage, clean-up of prescribed burn);
- For each phase, provide schedules, procedures, number of personnel involved, site plans, engineering design details and resource and material requirements and sources (e.g. raw materials; toxic or hazardous materials; energy and water). Include any temporary structures and any off-site requirements such as aggregate pits and asphalt plants. .
- Outline activities associated with each phase of the project (e.g. vegetation removal, excavation, backfilling, burning, animal capture, access, removal of waste, etc.) including the types of equipment used, and any use of chemicals or fuels.

Project rationale:

- Explain why the project is being carried out.

Possible alternatives (optional in a screening if there are no potential effects on species at risk):

- The report should describe efforts to minimize the environmental impact by reviewing possible project alternatives and looking for the most environmentally friendly methods of carrying out the project. The following are some of the questions that might be considered in analyzing the various options:
 - What are the possible effects of the various alternatives to the project, including no action?
 - Is this the best solution?
 - Is there another way to carry out the project?
 - This section could include other factors in the comparison of alternatives such as relative costs, socio-economic issues, public comments)

Compatibility with management plan:

- Review compatibility and confirm that the project is compatible with the park or site management plan. If it is not compatible explain the conflict. In this circumstance the assessment should not proceed until the project is revised to be compatible with the plan, or the manager provides a rationale for proceeding. If the project is a physical work, the assessment may need to be completed as a comprehensive study.

Scope of environmental assessment:

- Scope of project: This section should describe all of the components of the proposal that must be assessed. In choosing these components the following should be considered:
 - Does the principal project involve a physical work?
 - If yes, what are the undertakings in relation to the physical work (e.g. construction, operation, decommissioning, abandonment), and;
 - What activities are associated with those undertakings (e.g. excavation, backfilling, access)?
 - Are there any linked or interdependent physical works or activities that should be assessed as part of this project (i.e. ones that the project depends on or that will inevitably result from the principal project)?
 - Does the principal project involve a physical activity not in relation to a physical work that is identified in the Inclusion List Regulations?
 - If yes, are there any linked or interdependent activities (e.g. storage of pest control products, disposal of unused pest control products)?

To ensure consistency in determining the scope of projects, the “principal project/accessory test” can be used. Information about this test can be obtained at: http://www.CEAA.gc.ca/013/0001/0008/partie2_3_e.htm#1.4

- Scope of factors to be considered:
The factors to be considered and the scope of the factors must include those listed in section 16 of the Canadian Environmental Assessment Act, but it is not sufficient just to repeat the wording from the Act. The scope should be adapted specifically for each project based on the following questions:

- What is the geographic area that will be assessed?
- What time period will you examine to determine the impacts?
- Which environmental components (including cultural resources) are particularly important in this assessment?
- Are there any categories of environmental components that you can predict will not be impacted and do not need to be assessed? If so, these should be stated. This provides readers reassurance that you considered them and found no reason for concern. Examples might be species at risk, cultural resources, water, etc.

The description should explain the rationale for the boundaries of the study area.

Description of environment:

This description should focus on those environmental components that are relevant to the project, specifically those that have been identified in the scope of factors as being of particular importance in this assessment.

The following is a list of examples to guide you in your description:

- Physical Environment
 - dynamics and structure of the landscape and habitat fragmentation
 - climatic features
 - physiography (soil, geology, geomorphology)
 - hydrology (groundwater and surface water)
 - air
- Biological Environment
 - information on ecological processes and functions
 - the flora and fauna in the study area including occasional or seasonal use by migratory birds or wildlife
 - any species at risk which may be present in the area affected by the project (their individuals, the residences of their individuals, or the critical habitat of the species)
 - proximity to important or sensitive sites such as zone 1 areas
 - proximity to water bodies
 - relationships between species, and the relationship between species and their habitat
 - trends
- Human Environment
 - cultural resources, such as built, archaeological or paleontological resources
 - the appearance of the site
 - public safety hazards
 - land and resource use (e.g., agricultural, traditional, recreational, industrial) at the project site and in the adjacent area
 - current use of lands and resources for traditional purposes by Aboriginal persons
 - regional studies or planning processes
 - trends

Methodology:

- Optional (likely to be relevant for more complex assessments) - Identify the method used to identify environmental effects and evaluate their significance. This might include use of a matrix, GIS analysis, modeling, project-specific significance criteria, etc.

Environmental effects:

In determining the environmental effects of a project you will need to look at all of the components of the project that could potentially be a source of impact. These components will have already been identified above. You then need to look at the specific environmental components that could be affected by the project, with a focus on those most valued or already at risk, as previously outlined in the scope of the factors and in the description of environment sections. You then need to consider all possible interactions between the project components and the environmental components at risk.

- * As stated in *CEAA*, environmental effect means, in respect of a project
 - a) any change that the project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the Species at Risk Act
 - b) any effect of any change referred to in paragraph (a) on (i) health and socio-economic conditions, (ii) physical and cultural heritage, (iii) the current use of lands and resources for traditional purposes by Aboriginal persons, or (iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance
 - c) any change to the project that may be caused by the environment

In addition, Parks Canada has made a policy decision to include consideration of the adverse effects on cultural resources as a primary consideration, regardless of whether or not they flow from a change to the environment.

It may be helpful to use a matrix to identify potential impacts.

Mitigating measures:

- Identify technically and economically feasible measures that will mitigate the environmental effects of a project. Mitigation means the elimination reduction or control of the adverse environmental effects of a project. Altering the design, location, or scheduling could achieve this mitigation. Mitigation may include, as a last resort, restitution for any damage to the environment through replacement, restoration, rehabilitation, compensation or any other means. Identify all feasible measures that will be taken to avoid or lessen any potential impact of the project on any species listed in *SARA* (its individuals, the residences of the individuals or the critical habitat of the species) and ensure they are consistent with applicable recovery strategies and action plans. These might include, for example, mitigation measures recommended by an animal care committee or by a recovery team.
- Identify all feasible measures that will be taken to avoid or lessen any potential impact of the project on any species listed in *SARA* (its individuals, the residences of the individuals or the critical habitat of the species) and ensure they are consistent with applicable recovery strategies and action plans. These might include, for example, mitigation measures recommended by an animal care committee or by a recovery team.

Residual effects:

- Identify the adverse environmental effects that will persist after mitigating measures have been taken into consideration.

Cumulative effects:

- List any other past, present or future (planned) activities that may affect the same environmental components affected by this project.
- Identify environmental changes that could result from these combined effects.
- Consider if this project affects an environmental component that was identified as a concern in ecological integrity or other monitoring results, the state of park report, management plan, community plan, strategic environmental assessments of these plans, or any relevant regional studies conducted by another jurisdiction
- Identify and describe any additional mitigation that can be used to lessen the cumulative effects.

Public consultation/participation:

- State why public participation was or was not sought. Public participation should be sought when one or more of the following is true:
 - There is an indication of an existing or likely public interest in (i) the type of project, (ii) the location of the project, or (iii) the ways in which the project might impact the community;
 - The project has the potential to generate conflict between environmental and social or economic values;
 - The project may be perceived as having the potential for significant adverse environmental effects;
 - Those likely to be interested have a history of being involved;
 - There is potential to learn from community knowledge or Aboriginal traditional knowledge;
 - There is uncertainty about environmental effects or their significance;
 - If the project meets at least one of the criteria above but has been, or will be, subject to other public participation processes of appropriate scope and coverage to meet the objectives of this guideline, additional public participation does not need to be conducted during the environmental assessment process
- Describe the public participation process
- Summarize any public comments, whether or not they were sought.

Significance of impact:

- Using the most relevant of the following criteria, evaluate each of the residual effects to determine whether they are significant. If project-specific criteria were developed for evaluating significance, use those instead.
 - Geographic extent
 - Magnitude
 - Frequency
 - Duration
 - Reversibility
 - Ecological and/or cultural context
 - Probability of occurring
 - Scientific uncertainty
- Describe the results of the evaluation for each residual effect. If appropriate, state that the project is not likely to cause residual effects. A summary table can help to organize information about the assessment process and results. Impacts should be quantified, if possible, or ranked as low, medium or high concern.

Impact on ecological and/or commemorative integrity:

- If in a national park, what is the impact on the ecological integrity of the park? If in a national historic site, what is the impact on commemorative integrity? Refer to a management plan, commemorative integrity statement, state of park report or monitoring program to identify ecosystem or cultural resource features considered key to ecological or commemorative integrity, and to help evaluate the impact of the project in the context of other stresses. If the project may affect a national historic site within a national park, impacts on both commemorative integrity and ecological integrity should be considered in the evaluation.

Surveillance:

Surveillance is undertaken to ensure implementation of the prescribed mitigating measures and to react quickly to unanticipated effects or unforeseen changes to the project design.

- State whether there will be any surveillance monitoring.
- State who will be responsible for surveillance.
- Describe when and where it should be undertaken.

Follow-up:

- State whether a follow-up program will be conducted and the reason for it. The following are examples of circumstances in which a follow-up program would typically be warranted:
 - Uncertainty as to the potential impacts on sensitive and/or important resources
 - Mitigation Measures
 - i There is uncertainty as to the effectiveness of the mitigation measures
 - ii There are new or unproven mitigation measures

- New or unproven project technology
- Impact analysis is based on new techniques
- Nature of project: a familiar type of project in a new or unfamiliar setting
- Project scheduling is subject to change such that environmental effects may vary
- If there is to be a follow-up program, describe the program, its anticipated duration, and who will be responsible for implementing it.

Species at risk monitoring:

Ensure that any potential adverse effects on a listed species at risk and its critical habitat are monitored. Measures taken to monitor the effects must be compatible with any applicable recovery strategy or action plan

EA determination:

- Provide one of the following statements:
 - Taking into account the implementation of any mitigation measures that the RA considers appropriate, the project is not likely to cause significant adverse environmental effects. The RA may exercise any power or perform any duty or function that would permit the project to be carried out in whole or in part.
 - Taking into account the implementation of any mitigation measures that the RA considers appropriate, the project is likely to cause significant adverse environmental effects that cannot be justified in the circumstances. The RA shall not exercise any power or perform any duty or function conferred on it by or under any Act of Parliament that would permit the project to be carried out in whole or in part.
 - Refer the project to the Minister for a referral to a mediator or a review panel where
 - it is uncertain whether the project, taking into account the implementation of any mitigation measures that the RA considers appropriate, is likely to cause significant adverse environmental effects;
 - the project, taking into account the implementation of any mitigation measures that the RA considers appropriate, is likely to cause significant adverse environmental effects and paragraph (b) does not apply; or
 - public concerns warrant a reference to a mediator or a review panel.

References:

- Provide a list of references (including scientific journals, web sites, Parks Canada reports, etc) that were used to compile the EA report.

Signature page:

- Signature of the superintendent or his/her designate
- Signature of the EA author
- Other signatures considered appropriate (for ex. project manager, EA coordinator, etc.)

Attachments:

It can be valuable to attach maps, photos or other graphics to a screening report to illustrate information.

Annex 4b: How to Make an Environmental Assessment Report Into a SARA Authorization

The Species at Risk Act imposes certain pre-conditions when a project requires a **SARA** authorization due to impacts on a species listed in Schedule 1 of the **SARA** as threatened, endangered, or extirpated (its individuals, residences of individuals or critical habitat of the species). The preconditions are listed in section 21.5 of this guide. To determine whether a **SARA** authorization is required, if you can issue it, and how to issue it, please refer to guidance and decision keys on the Parks Canada intranet at: <http://intranet/content/eco-re/sar-eep-eng/06-02.asp>.

To make an environmental assessment report into a SARA authorization you must first follow the template and guidance provided in Annex 4a. The following information must be included under these headings:

- **Possible alternatives**

Outline all reasonable alternatives that were considered (alternatives **to** the project **as well as** alternative methods of carrying the project out) in order to reduce the impact on the species (its individuals, the residences of its individuals, or the critical habitat of the species). Include a brief explanation of the rationale for the chosen option being considered the best solution for the species and why the other alternatives are not appropriate or are less favoured options for the species.

- **Significance of impact**

Identify whether the activities would jeopardize the survival or recovery of the species. Identify any population-level impact that the project may have on the species (such as a decrease in survival rates of one or more life stages) and explain briefly whether the benefits gained from the project would outweigh any risk of jeopardizing the survival or recovery of the species.

For example:

- indicate whether the project will increase mortality or decrease fertility (will the activity affect a key stage of the life cycle of the species?)
- in some cases you can refer to experience with similar activities and whether they resulted in any death or harm

Annex 5: Important Sources of Information on Environmental Assessment

- A Guide to Environmental Assessment: Assessing Cumulative Effects (Parks Canada, 1997)
- Addressing *Species at Risk Act* Considerations under the *Canadian Environmental Assessment Act*: A federal policy and procedures guide (Environment Canada, Canadian Environmental Assessment Agency, Draft, August 2005)
- Voluntary guidelines on biodiversity-inclusive impact assessment (Conference of the Parties to the Convention on Biological Diversity, January 2006)
<http://www.biodiv.org/doc/meetings/cop/cop-08/official/cop-08-27-add2-en.doc>
- Cumulative Effects Assessment Practitioners Guide (CEA Agency)
http://www.ceaa.gc.ca/013/0001/0004/index_e.htm
- Environmental Assessment Best Practice Guide for Wildlife at Risk in Canada (Environment Canada, 2004)
<http://www.cws-scf.ec.gc.ca/publications/AbstractTemplate.cfm?lang=e&id=1059>
- International Association for Impact Assessment: <http://www.iaia.org>
- Parks Canada - Western Canada Service Centre intranet section on environmental assessment – toolkit, screening report library, access to PC environmental assessment index, and other information sources:
http://westnet/intranet/vancouver/ecosystem_services/environmental_assessment
- Parks Canada national intranet section on **Environmental Assessment**
- Parks Canada's on-line EA Tutorial:
http://westnet/intranet/winnipeg/ecosystem_services/ceaa_tutorial/
- The CEA Agency - information on training, guidance, registry etc:
<http://www.ceaa-acee.gc.ca>
- Wetkit – tools for working with wetlands in Canada: <http://www.wetkit.net>

Annex 6: Clarification on use of the Land Trigger

Subsection 5(1)(c) of *CEAA* can be used in the following circumstances:

1. Parks Canada is selling land for the purpose of a project;
2. Parks Canada is providing a new lease or a replacement lease for the purpose of a project;
3. Parks Canada is transferring land to a province for the purpose of a project;
4. Parks Canada is issuing a right-of-way agreement (sometimes called an easement) under subsection 15(1) of the *Canada National Parks Act* to a railway, pipeline, phone or power company etc. for the purpose of a project;
5. Parks Canada is providing a gift of land for the purpose of a project;
6. In some circumstances, when Parks Canada is providing a licence of occupation for the purpose of a project under:
 - a) The National Parks Lease and Licence of Occupation Regulations [s. 18(1)];
 - b) The Federal Real Property Regulations [s. 4(2)(a)];
 - c) The Indian Affairs and Northern Development Canal Land Regulations [s. 6, 7(a), 7(d), or 7(f)];
 - d) The *Canada National Parks Act* [s.s. 15(1)].

Some licences of occupation may be considered a disposal of an interest in land, but most are not. Because of this uncertainty, each of the provisions above is in the Law List Regulations, and it is therefore unnecessary to determine whether or not the land trigger also applies. Whenever it is possible to cite the Law List Regulations as the trigger it is preferable to do so in order to avoid any uncertainty as to whether there is a disposal of an interest in land.

Annex 7: Glossary

Archaeological Resource: means any tangible evidence of human activity of historical, cultural or scientific interest such as a feature, structure or archaeological object located at or from an archaeological site or recorded as an isolated archaeological find.

Comprehensive Study: an environmental assessment that is conducted pursuant to sections 21 and 21.1 of *CEAA*, and that includes a consideration of the factors that must be considered pursuant to subsections 16(1) and (2) of *CEAA*.

Critical Habitat: *SARA* defines “critical habitat” as “the habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species’ critical habitat in the recovery strategy or in an action plan for the species.”

Cumulative Effects: the incremental impact of an action when added to the impacts of other past, present or reasonably foreseeable actions

Cultural Resource: means a human work or a place that gives evidence of human activity or has spiritual or cultural meaning, and that has been determined to be of historic value.

Determination: the decision taken by the RA, following completion of a screening report, with respect to the likelihood and significance of adverse environmental effects.

Follow-up program: means a program for

- a) verifying the accuracy of the environmental assessment of a project, and
- b) determining the effectiveness of any measures taken to mitigate the adverse environmental effects of the project.

Listed Species: *SARA* defines a listed species as a species that is listed in Schedule 1 of *SARA*, also known as the “legal list”, the “*SARA* List” or the “List of Wildlife Species at Risk”. Consult the *SARA* Public Registry at: http://www.sararegistry.gc.ca/species/default_e.cfm or your field unit biologist or service centre species at risk coordinator, to determine whether a species is listed in *SARA*. Species-specific residence descriptions are being developed and posted on the *SARA* public registry. These descriptions can be obtained by searching for a particular species and finding all the documents related to that species or through your service centre species at risk coordinator.

Monitoring: refers to studies based on a documented protocol and undertaken over a period of time for the purpose of observing changes in ecosystems or cultural resources, or species at risk or their critical habitat as may be required under *SARA*.

Physical Work: is something that is constructed or man-made and has a fixed location, including any proposed operation, modification, decommissioning, abandonment or other undertaking in relation to that physical work.

Project File: is the paper and/or electronic repository, maintained by the RA, of information relevant to an assessment.

Residence: *SARA* defines the term “residence” as “a dwelling-place, such as a den, nest or other similar area or place, that is occupied or habitually occupied by one or more individuals during all or part of their life cycles, including breeding, rearing, staging, wintering, feeding or hibernating.” Species-specific residence descriptions are being developed and posted on the *SARA* Public Registry. These descriptions can be obtained by searching for a particular species and finding all the documents related to that species

SARA Authorization: The term “SARA Authorization” is used here to refer to a permit, agreement, licence, order or other similar document (such as a lease or other land management agreement, for example) that is issued or entered into by Parks Canada and that complies with specific requirements set out in *SARA*.

Scoping: establishes the boundaries of the project to be assessed and the environmental factors to be considered. The objective is to focus the assessment on relevant issues and concerns and reduce the risk of excluding components that should be assessed.

Screening: is an environmental assessment that is conducted pursuant to section 18 of *CEAA* and that includes a consideration of the factors set out in subsection 16(1) of *CEAA*

Surveillance: means observations made following an environmental assessment for the purpose of ensuring that mitigation measures are implemented as specified in the assessment report, and that any necessary changes are acceptable and subsequently documented in an addendum to the report.

Annex 8: Acronyms

ATIA	Access to Information Act
CEAA	Canadian Environmental Assessment Act
The CEA Agency . . .	Canadian Environmental Assessment Agency
CEO	Chief Executive Officer (of Parks Canada)
CEAR	Canadian Environmental Assessment Registry
CEARIS	Canadian Environmental Assessment Registry Internet Site
CI	Commemorative Integrity
CNPA	Canada National Parks Act
CRM	Cultural Resource Management
DG	Director General
EA	Environmental Assessment
EI	Ecological Integrity
EIB	Ecological Integrity Branch
FA	Federal Authority
FEAC	Federal Environmental Assessment Coordinator
FUS	Field Unit Superintendent
QAP	Quality Assurance Program
RA	Responsible Authority
SARA	Species at Risk Act

Annex 9: Federal Coordination - Sample Letter (Notification and Response)

The following should be printed on Parks Canada letterhead for transmittal to other potentially interested federal authorities, with a copy to the appropriate CEA Agency regional office.

To: *(Fill in names of contacts from potentially interested federal authorities)*

From: *(Fill in your name)*
(Fill in your address)
(Fill in your phone number)
(Fill in your fax number)

Date:

Re: Canadian Environmental Assessment Act *(Fill in project title)*

(Provide a brief project description. The level of detail provided on the CEARIS is appropriate.)

Parks Canada has determined that it must exercise one of the powers, duties or functions prescribed under Section 5 of the CEAA and is therefore a Responsible Authority (RA) for the proposed project. Parks Canada has also determined that the appropriate level of environmental assessment is a screening.

We request that you inform this office, as required by the Federal Coordination Regulations, by *(provide date)* if your department or agency:

- has, or anticipates identifying on the basis of information supplied to date, a responsibility under section 5 of CEAA to assess the environmental effects of the project (i.e. is there a trigger?).

yes ☐ no ☐

- can provide specialist advice relevant to this assessment pursuant to section 12(3) of CEAA. (If yes, please describe briefly the nature of the expertise and any relevant federal legislation or policy.)

yes ☐ no ☐

- does not have sufficient information to enable you to identify any concerns related to your mandate. Please clearly identify additional requirements below.

yes ☐ no ☐

Additional requirements:

All departments or agencies are requested to sign the signature block and date below and fax the response to this office within the time frame specified.

Signature of responder (please also print name)

Title

Department

Date

