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EA 101 TSAG

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Outline

- **Context**
- **Background and Definitions**
- **EA process**
- **Summary**
- **Information**

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Context

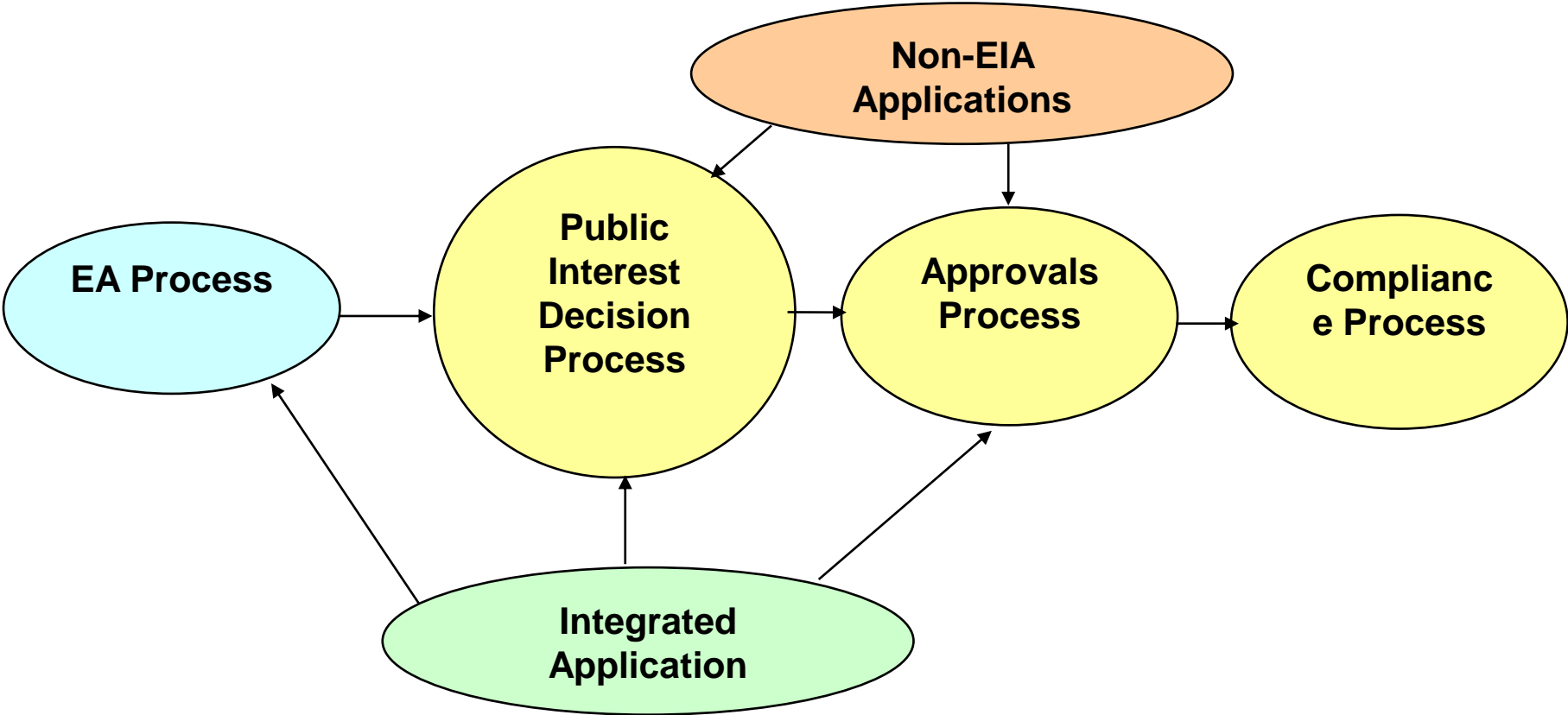
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Context

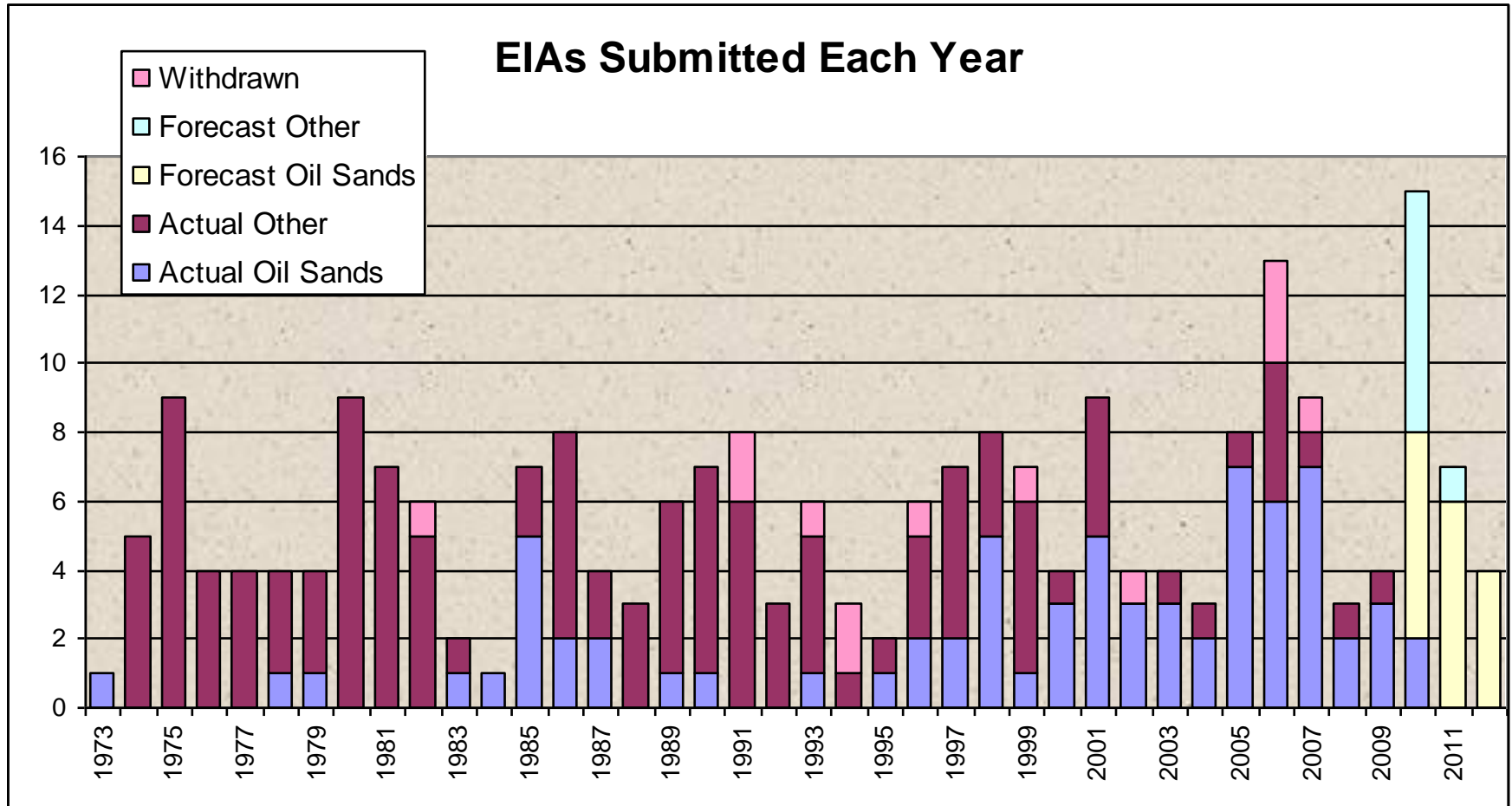
- **Highly regulated process**
- **Public input opportunities**
- **Joint federal-provincial process**
- **Multi-disciplinary, multi-department review**
- **Lots of projects**
 - Need to streamline process while protecting environment

Context Continued

EA is the front end of a larger regulatory approvals process



Context Continued





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Definitions and Background

Definitions

- **Environmental Assessment (EA)**
 - The regulatory process
 - Purpose of environmental assessment is
 - Information gathering
 - Public input
 - Support sustainable development
- **Environmental Impact Assessment (EIA)**
 - The technical procedures undertaken to evaluate the impact of a project
- **Environmental Impact Assessment Report (EIA report)**
 - The document that presents the results of the EIA and is submitted to the government

Definitions Continued

- **Integrated application**
 - EIA report and Alberta Environment and Regulatory Board approval applications
- **Regulatory Boards**
 - Energy Resources Conservation Board
 - Natural Resources Conservation Board
 - Alberta Utilities Commission

What EIA Reports are

- **Proponent's description of:**
 - Project
 - Environmental and socio-economic setting
 - Effects of project
 - Effects of project with future projects (6 months prior to EIA submission) – often called cumulative effects
 - Mitigation of effects
 - Residual effects

What EIAs are not

- **EIAs are NOT**
 - One size fits all
 - Detailed descriptions of the project
 - Opportunities for government to
 - Gather data for internal purposes
 - Set or implement policy
 - Comparisons against some historic undeveloped baseline
 - Approval or acceptance of the project

What EIA Reports are used for

- **Information to support a public interest decision by a Regulatory Board/Commission**
- **Planning tools**
 - Government – infrastructure, economy, environment
 - Industry – need for process or design changes

Regulatory system

- **Provincial Legislation**

- *Environmental Protection and Enhancement Act*
Part 2, Division 1

- *Environmental Assessment (Mandatory and Exempted Activities) Regulation*
 - *Environmental Assessment Regulation*
 - *Activities Designation Regulation*

- *Water Act Part 2, Division 2*

- **Federal Legislation**

- *Canadian Environmental Assessment Act*

Regulatory System Continued

- **Policies**

- 1996 AEP/EUB Memorandum Of Understanding on oil sands integrated applications
- Canada – Alberta Agreement for Environmental Assessment Cooperation
- First Nations Consultation Guidelines

Decision makers

- **EA Team Leader**
 - Designated as “Director” for sections 43 to 56 of EPEA
 - Power to decide whether or not an EIA report is required, scope of EIA (TORs) and if EIA report is complete
- **Minister of Environment**
 - Only other person who may decide an EIA report is required even if the Director does not or can not decide, or the activity is exempted from an EIA.
 - The Minister can not decide that an EIA is not required

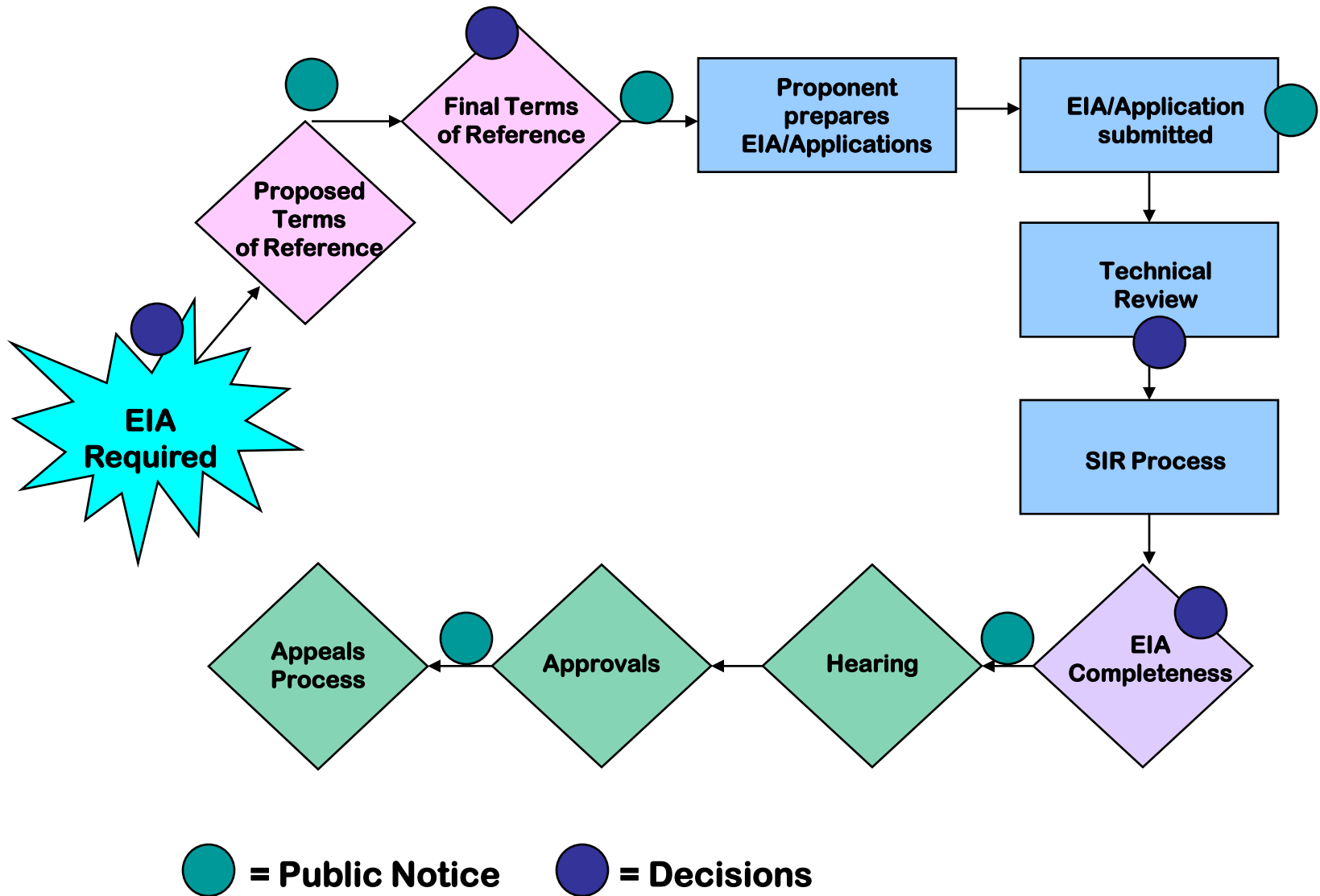


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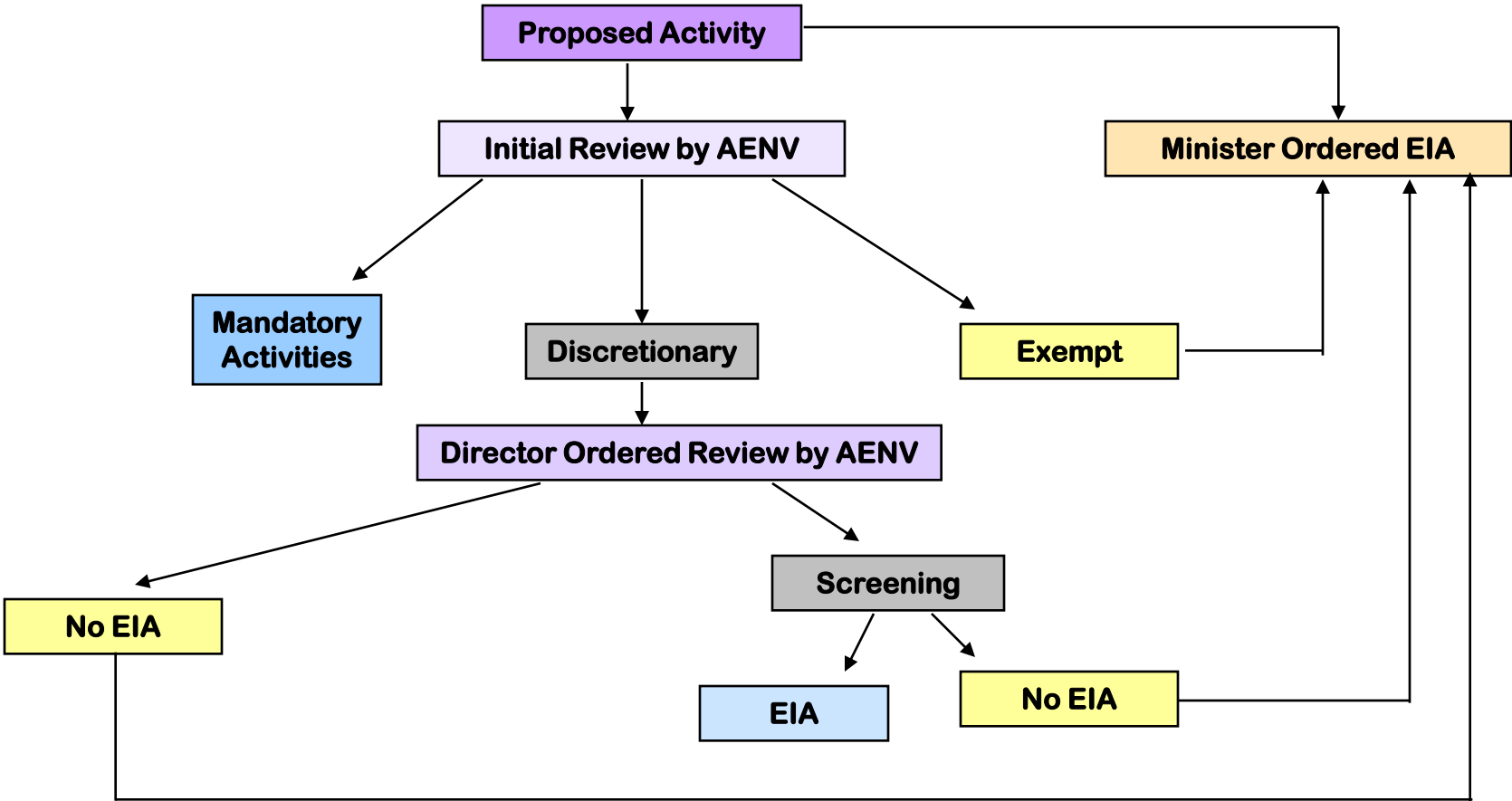
EA Process

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Alberta's Environmental Assessment Process



Is an EIA Report required?



EA screening

- **Project referred to Director for decision if not mandatory or exempt**
 - New technology, sensitive location, public concern
- **Director determines if further assessment required; if so**
 - Proponent prepares disclosure document
 - Public notice of assessment (min 30 days)
 - Director prepares Screening Report and makes it available to public
 - Director decides if EIA Report required
 - Director advises proponent and public

Who is involved

- **Province**

- Environment (lead)
- Sustainable Resource Development
- Health and Wellness
- Culture and Community Spirit
- Transportation
- Tourism, Parks and Recreation
- Energy Resources Conservation Board
- Natural Resources Conservation Board
- Alberta Utilities Commission

- **Canada**

- Canadian Environmental Assessment Agency (lead)
- Fisheries and Oceans
- Environment
- Health
- Transport
- Parks
- Natural Resources
- Indian and Northern Affairs

Who's involved Continued

- **Directly affected public**
- **ENGOS**
- **First Nations and Métis**
- **Municipalities**

Roles in EA process

- **Project Proponent**
 - Evaluates impacts (consultants)
 - Prepares and submits EIA Report
 - Reports to regulatory decision-makers
- **Alberta Environment**
 - Administers EA process
 - Reviews EIA report and applications
 - Makes regulatory decisions

Roles in EA Process Continued

- **Other Government Departments or Agencies**
 - Participate in EA process (e.g., technical review) and make decisions regarding their own regulatory requirements
 - AUC/ERCB/NRCB are the public interest decision-makers
- **Stakeholders and Public**
 - Participate in EA process (e.g., comment on Terms of Reference)
 - Provide advice to proponents and government

Proposed Terms of Reference

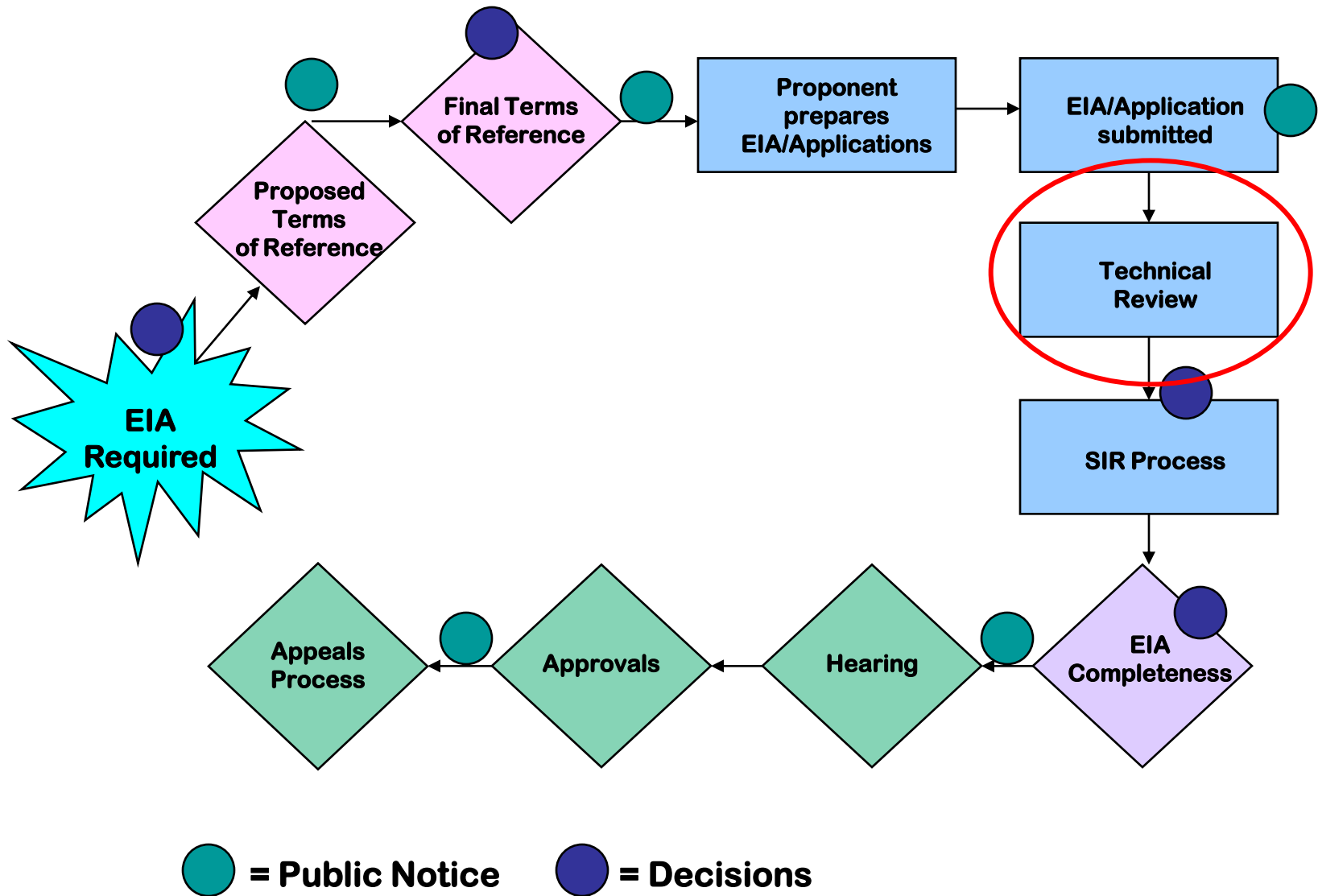
- **Prepared and Submitted by the Proponent**
- **Based on the standardized terms of reference which are developed by Alberta Environment**
- **Proposed Terms of Reference are advertised in local newspapers for public comment (typically a 45 day notice period)**
- **Alberta Environment seeks input directly from other provincial and federal Departments during this public notice period**
- **Alberta Environment finalizes the terms of reference after considering the comments received.**

Terms of Reference - information required

- ◆ Project description
- ◆ Need for activity
- ◆ Alternatives to the activity, including not proceeding
- ◆ Site selection alternatives
- ◆ Existing environment
- ◆ Project cumulative effects
- ◆ Significance of effects
- ◆ Mitigation plans
- ◆ Human health issues

- ◆ Monitoring
- ◆ Contingency plans
- ◆ Waste management & recycling
- ◆ Pollution minimization plans
- ◆ Consultation and follow up consultation plans
- ◆ Concordance table
- ◆ Any other information required by the Director

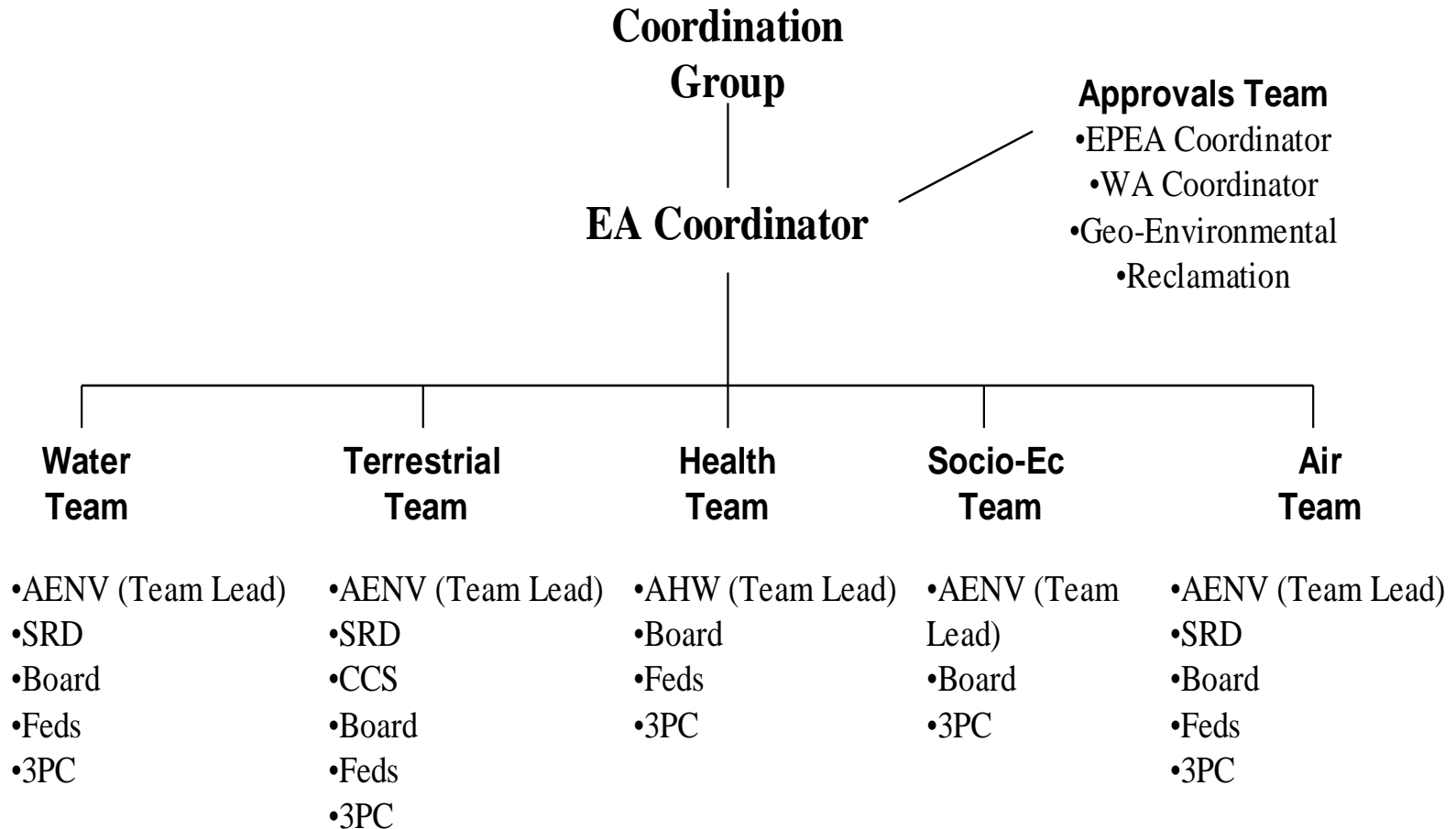
Alberta's Environmental Assessment Process



Technical Review

- **Technical review kicked off approximately 4-6 weeks following the submission of the integrated application.**
- **A standard 43 week schedule has been adopted for the review of the integrated application (includes industry and government time).**
- **Purpose:**
 - the EIA report meets the final Terms of Reference
 - Generally, Alberta Environment understands:
 - Nature of the project
 - Environmental setting
 - Effects of the project on the environment
 - Proposed mitigation
 - Proposed environmental management plans and systems for residual effects

Sample Review Team Structure



Supplemental Information Request process

- **Outcome of the technical review**
- **Questions submitted by each Review Team that are in a structured format**
 - Reference, preamble, question
- **SIRs are consolidated into one package and sent to Regulatory Board**
 - Potential meeting with proponent
- **Board adds questions and sends to proponent**
- **Proponent responds**
 - Potential meeting with proponent
- **Response reviewed**
 - Potential meeting with proponent
 - Think of the SIR process as a funnel

EIA completeness

- **Director is satisfied TOR are met**
- **Generally, this means we understand:**
 - Nature of the project
 - Environmental setting
 - Effects of the project on the environment
 - Proposed mitigation
 - Proposed environmental management plans and systems for residual effects

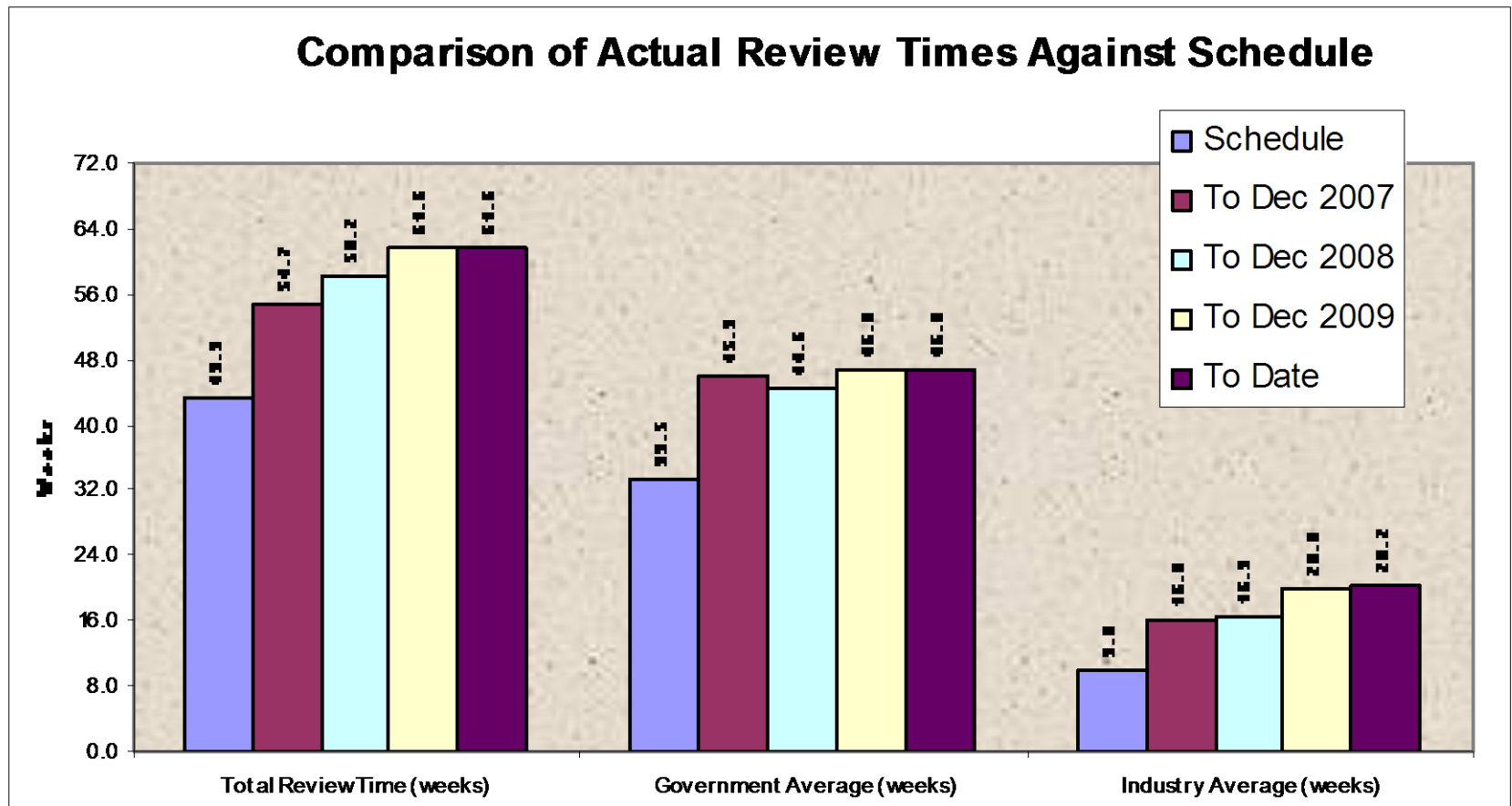
**Completeness does not imply
Agreement or Approval**

After EIA Completeness

- **Public Interest Decision is made by the ERCB**
 - A public hearing may be required
- **AENV Approvals may be issued**
- **Additional provincial and federal approvals issued**
- **Environmental Appeals Board – if required**
- **Compliance**

Schedule and Performance Measurement

- **Standard 43 week review schedule adopted**
 - Time allocated to government and industry
- **Performance against the timelines in the schedule is being monitored and publicly reported.**



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Summary

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5 things that you may not have known

- **EIA reports are for Regulatory Boards not Alberta Environment**
- **EIA reports are the proponent's view of the world**
- **EIA completeness is not acceptance or approval**
- **EIA reports are meant to be conceptual**
- **There is no public comment on EIA reports**

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Information Sources

- **Website**
(<http://www.environment.alberta.ca/1274.html>)
 - General EA Process References
 - Assessment Information
 - Legislation
 - E-Mail Information Service

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Questions

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