



AFN ENVIRONMENTAL STEWARDSHIP

RESPECTING AND PROTECTING MOTHER EARTH

Federal Environmental Assessment Process

Introduction

The Canadian Environmental Assessment Act (CEAA) sets out the federal responsibilities and procedures for conducting an environmental assessment (EA). An EA is a process that predicts the environmental impact of a proposed project before the project is carried out. EAs should be conducted early, during the planning and proposal stages of a project.

One of the benefits of undertaking an EA is that it provides an opportunity for public participation.

Aboriginal traditional knowledge is referred to in the CEAA where it says that “Community Knowledge and aboriginal traditional knowledge may be considered in conducting an environmental assessment.” Traditional knowledge offers many benefits to the EA process as the knowledge acquired by First Nations about the land and its resources can assist in determining the potential impacts of a project.

Outline of Federal Environmental Assessment Process

STEP 1: Determine if an EA is required or if a project is excluded. Federal authorities determine whether they have a responsibility to ensure that an environmental assessment is conducted;

STEP 2: Determine what kind of assessment is required (screening, comprehensive study, mediations or panel reviews) and notify other federal parties to determine their involvement;

STEP 3: Plan the EA and scope of the project, including the factors to be considered and timelines;

STEP 4: Conduct the EA and analysis, and prepare the EA report, which can include a screening report, comprehensive study report, mediator’s report, environmental impact statement and panel report;

STEP 5: Review the EA report. The responsible authority reviews the report for adequacy and accuracy;

STEP 6: Determine the EA decision. Based upon the findings of the screening report the responsible authority decides whether adverse environmental effects are likely to be significant and whether or not the project can proceed. For comprehensive reports, mediator's reports and panel reports, the Minister of the Environment determines whether or not the project can proceed;

STEP 7: Implement mitigation and follow-up programs as appropriate. Mitigation measures identified in the report are implemented throughout the project, and follow-up verifies the accuracy of the EA and determines the effectiveness of any mitigative measures.

Four sets of regulations enacted under the CEAA govern the types of activities and works that require, or are exempt from, environmental assessments. Activities requiring environmental assessments are defined in the Inclusion List Regulations. These regulations cover activities such as low level flying. The Law List Regulations identify federal statutory and regulatory approvals that trigger an EA, such as where a federal authority issues a licence, permit, certificate or other regulatory authorization under a federal statute: a fishing licence, for instance. The Exclusion List Regulations specify projects that are exempt from the EA process because they involve works with insignificant environmental impact. And finally, the Comprehensive Study List Regulations list works (as opposed to activities) that must undergo a comprehensive study because they are likely to have significant environmental impact.

For More Information

The First Nations Environmental Assessment Toolkit provides further information on the EA process and traditional knowledge, including legal considerations, funding for studies, and ways to protect traditional knowledge. To obtain copies, you can contact the FNEATWG administration at (250) 417-3474 / (250) 651-2188 or by email at ccrffc@cyberlink.bc / scarlick@trtfn.com

You may also consult the Canadian Environmental Assessment Agency website at www.ceaa-acee.gc.ca

For more information, please contact the Assembly of First Nations at 613-241-6789 or toll-free 1-866-869-6789 or send an email to environment@afn.ca