

REGIONAL ASSESSMENTS UNDER THE *IMPACT ASSESSMENT ACT*

Slave Geological Province Regional Strategic Environmental Assessment Workshop

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Introduction and Contents

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The views expressed herein are those of the author

Regional Assessments under the IAA

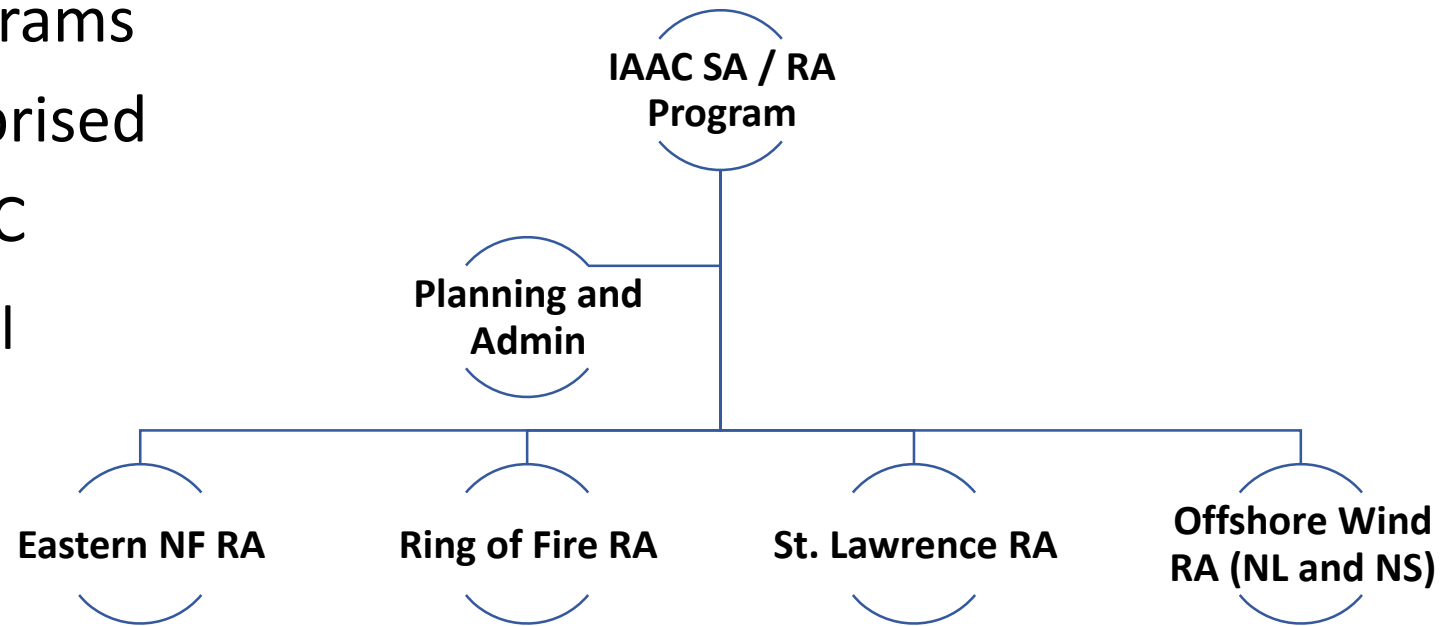
- Project-level IA remains an important and effective tool for addressing the potential effects of individual proposed development projects
- BUT, more proactive and comprehensive approaches are often required to understand and manage larger environmental and socioeconomic issues on a regional scale
- *Impact Assessment Act* (IAA) allows the Minister to establish a committee or authorize the Agency to conduct a Regional Assessment of the effects of existing or future physical activities in a region
 - If region is not entirely made up of federal lands, Minister may enter into an agreement / arrangement with another jurisdiction regarding the joint establishment of a committee and the conduct of the assessment
 - IAA sets out various procedural requirements for the conduct of Regional Assessments under the Act
 - This includes processes and timelines for the Minister to receive and respond to public requests for a Regional Assessment
 - IAA also requires that the results of Regional Assessments be considered at several points in subsequent project-specific impact assessments

Regional Assessments under the IAA

- IAAC Regional Assessment *Fact Sheet*:
 - Regional Assessments are studies conducted in areas of existing projects or anticipated development to ***inform planning and management of cumulative effects and inform project impact assessments***
 - Allow the Government of Canada to go beyond project-focused impact assessments to ***understand the regional context*** and provide more comprehensive analyses ***to help inform future impact assessment decisions.***
- Regional Assessments are a key component of the implementation framework for the IAA – With the underlying objective of ***informing - and improving the effectiveness and efficiency of - subsequent impact assessments***

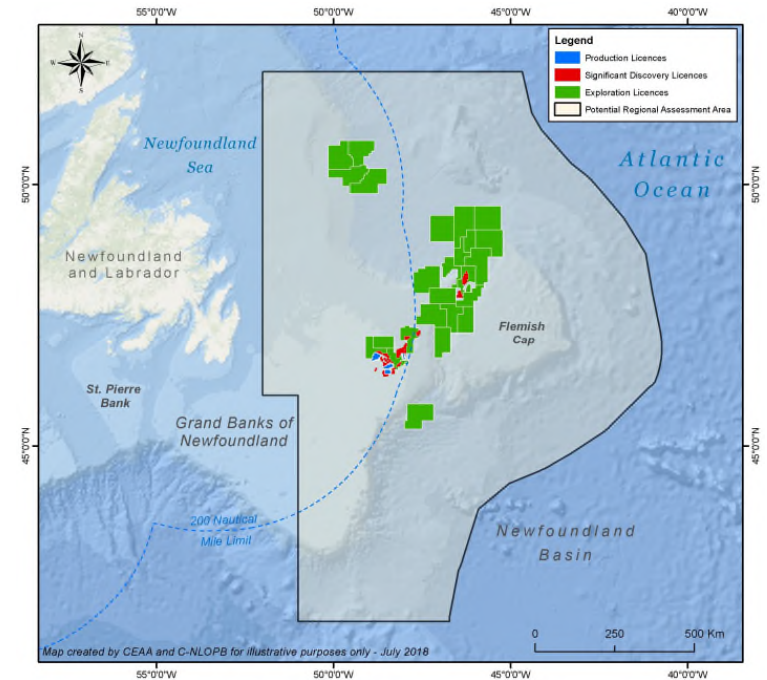
Regional Assessments under the IAA

- IAAC Strategic and Regional Assessment Group (National Programs Division, Operations Sector) comprised of 10 staff based in NL, NS, ON, QC
 - Planning and conduct of Regional Assessments
 - Analysis of potential / suggested Regional Assessments, and
 - Development of associated Regional Assessment procedures and materials



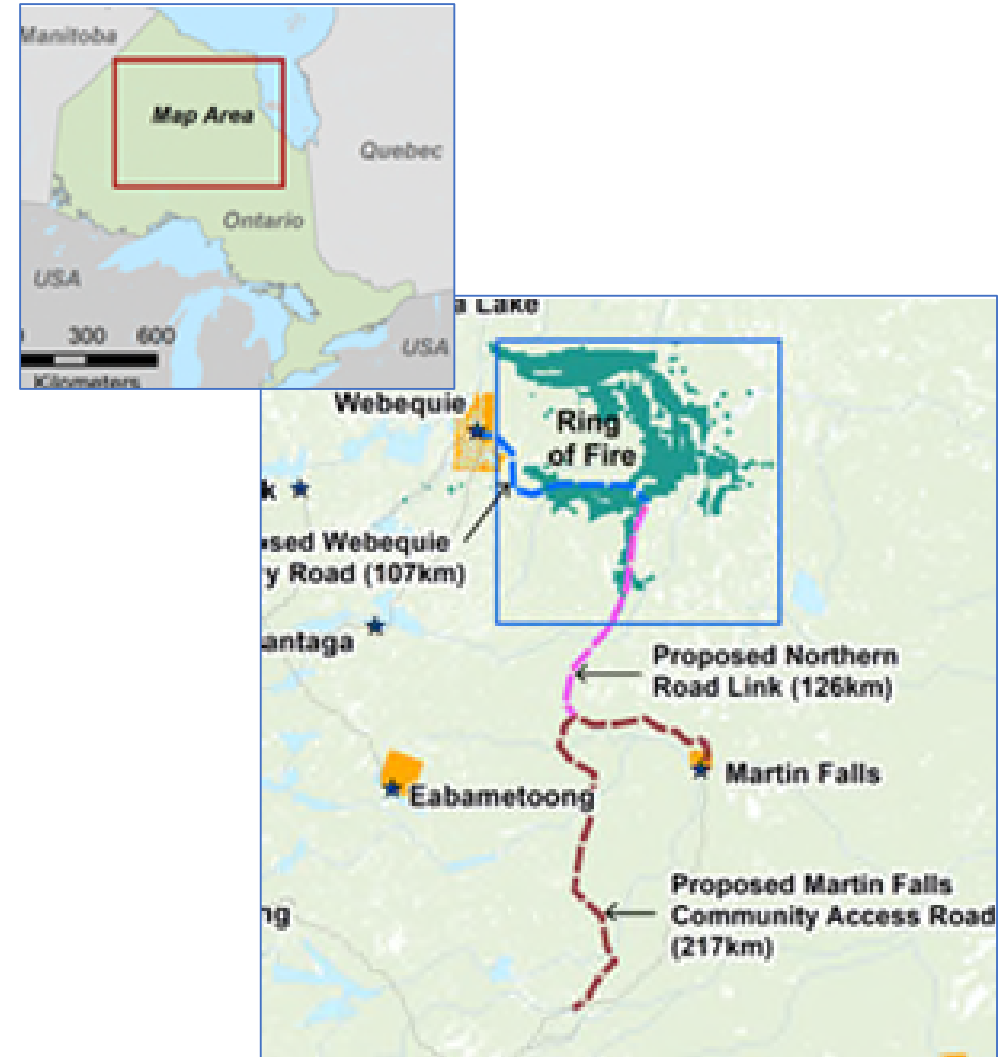
Eastern Newfoundland Regional Assessment

- First Regional Assessment under federal IA legislation
- Focused on exploratory drilling and associated activities offshore Eastern Newfoundland
- Completed as a partnership between IAAC, C-NLOPB, NRCan and Government of NL
 - Final Agreement announced April 2019
 - 5-Member independent Committee
- Final Report February 29, 2020
- Final GIS Application May 31, 2020
<https://nloffshorestudy.iciinnovations.com>
- *June 2020: Regulations Respecting Excluded Physical Activities (NL Offshore Exploratory Wells) + Government Response to Committee's Report*



Ring of Fire Regional Assessment

- Minister received 3 requests for a ROF Regional Assessment in Fall 2019, Initiated in Feb 2020
- Planning in progress, including discussions with Indigenous and stakeholder groups
- IAAC and Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry have been in discussions since Fall 2020 regarding the joint conduct of the assessment
- Completed a draft Agreement and TOR, including its goal, objectives and planned outcomes, and governance and administration
- Recent engagement and comment period on the Draft Agreement and TOR (March 2022)



St. Lawrence Regional Assessment

- Request from Mohawk Council of Kahnaw:ke (MCK) on July 29, 2020
 - Concerns with increased shipping activity and industrialization and associated effects
 - Need for a regional analysis of current state of the river and cumulative effects of current and future activities
- Minister responded on October 27, 2020: Further analysis and engagement
- July 15, 2021: Minister's decision to conduct the Regional Assessment
 - On-going discussions with the Province of Quebec regarding its participation (and use of existing *St. Lawrence Action Plan*)
 - Engagement with Indigenous groups and other parties as part of Regional Assessment planning
 - Draft TOR under development, will be released for public review and comment phase



Regional Assessment of Offshore Wind (NL and NS)

- Announced by the Minister on April 5, 2022
- Will focus on offshore wind development in the Nova Scotia and Newfoundland and Labrador offshore areas
- IAAC is currently in discussions with the Governments of NS and NL, including working towards eventual Draft Agreement(s) and TOR
- Regional Assessment planning will be informed by a public and Indigenous engagement program in Summer / Fall 2022
- Key part of new regulatory framework for offshore wind:
 - 1) Regional analysis to help identify areas for future wind development (+ any constraints), which informs future planning / licencing, and
 - 2) Environmental data and information on potential effects / mitigation to help improve future impact assessment, once offshore wind projects are identified and proposed



Regional Assessment Planning / Governance

- Planning phase of Regional Assessments under the IAA include considerable Indigenous and public engagement and input
- Draft Agreements / TOR – Designed to include significant and meaningful participation opportunities for Indigenous communities and others (eg, in committee selection, community engagement, advisory groups, Elders-led forums)
- Often a wide range of interests and perspectives around what a regional assessment should be and deliver - and how individual parties wish to be involved
- These viewpoints can be challenging to address and reconcile, especially under the auspices of what a regional assessment under the IAA can be (governance, objectives, outputs, use)

Regional Assessment Objectives / Outcomes

Planning

- Helps define and steer future development in the region (objectives, alternatives, sensitivities, preferred scenarios)
- **Provides regional context for evaluating future developments and (cumulative) effects in subsequent IAs**
- **Identifies general, non-project specific measures to address regional issues**
- **Defines mitigation and follow-up needs for future projects**
- **Contributes information and analysis for future project IAs**

Assessment

Regional Assessment Objectives / Outcomes

- Regional Assessment outcomes may therefore include:

1) Informing and Improving Project IAs

a) Effects Management

- Providing information and analysis for subsequent project IAs
- Identifying and recommending mitigation and follow-up for future projects
- Other approaches to help manage regional (non project specific) issues

b) Regional Information / Analysis / Context

- Allows future projects and their effects to be placed in a “regional context” in subsequent project assessments
- Helping position future IAs to better address cumulative effects by identifying:
 - Components, areas or times that may be particularly susceptible to further change as a result of past and on-going disturbances
 - Locations where the current or potential accumulation of activities and effects may be of particular concern with respect to cumulative effects

Regional Assessment Objectives / Outcomes

- Regional Assessment outcomes may also include:

2) Informing Other Applicable Regulatory and Planning Processes

- Regional Assessment outputs can feed into other relevant regulatory and planning processes to help manage effects more proactively and comprehensively
- Allows effects to be considered and potentially addressed in earlier planning decisions - which then help direct the nature, intensity and distribution of future development activity in a region
- *EXAMPLE:* Recent and on-going Regional Assessments in Eastern Canada can inform offshore licencing processes for marine activities (exploratory drilling, offshore wind)

Summary and Conclusions

- Regional Assessments offer important benefits in assessing and managing key issues and effects as compared to project-specific assessments alone
- There are a variety of potential Regional Assessment objectives and approaches, which are often region- and situation-specific
- Often a variety of views and perspectives about what a regional assessment should be and do, and how groups and interests may be involved
- Regional Assessments can provide information and analysis to inform and improve subsequent projects and their assessments, as well as other relevant regulatory and planning processes

Some Additional Information and Resources

- 1) **Fact Sheet: Regional Assessment under the *Impact Assessment Act*:** <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/regional-strategic-assessments/regional-assessment-impact-assessment-act.html>
- 2) **Operational Guide: Requesting a Regional or Strategic Assessment under the *Impact Assessment Act*:** <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/regional-strategic-assessments/requesting-regional-strategic-assessment-iaa.html>
- 3) **Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador**
 - Final Report: <https://iaac-aeic.gc.ca/050/documents/p80156/134068E.pdf>
 - GIS Application: <https://nloffshorestudy.iciinnovations.com/>
 - Ministerial Response: <https://iaac-aeic.gc.ca/050/evaluations/document/134944>
- 4) **Regional Assessment in the Ring of Fire Area:** Registry Page: <https://iaac-aeic.gc.ca/050/evaluations/proj/80468>
- 5) **Regional Assessment of the St. Lawrence River Area:** Registry Page: <https://iaac-aeic.gc.ca/050/evaluations/proj/80913>
- 6) **Regional Assessment of Offshore Wind Development in Newfoundland and Labrador and Nova Scotia:** Registry Page: <https://iaac-aeic.gc.ca/050/evaluations/proj/83514>