



**Stantec**

**Review of the Environmental  
Assessment Process in the  
Mackenzie Valley**

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*Prepared for:*

**Mackenzie Valley Environmental  
Impact Review Board**

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## Executive Summary

The environmental impact assessment (EIA) and regulatory system in the Mackenzie Valley has been the subject of considerable evaluation since the introduction of the *Mackenzie Valley Resource Management Act (MVRMA)* just over a decade ago. An audit of the system was performed in 2005 and again in 2010. In 2008, the Minister of Indian and Northern Affairs Canada (INAC) launched the Northern Regulatory Improvement Initiative, which, while including all three northern territories, is focused on the Mackenzie Valley region of the Northwest Territories. The report *Road to Improvement* (McCrank 2008), a first task under the initiative, recommended several improvements to the regulatory system created by the *MVRMA*. Among other issues noted during the 2005 audit and McCrank (2008) review, was that the system was lengthy and fraught with uncertainty.

The Mackenzie Valley Environmental Impact Review Board (MVEIRB or the “Review Board”) is responsible for conducting environmental assessments and environmental impact reviews (EIRs) in the Mackenzie Valley. In support of achieving its goal of a timely environmental assessment process, the Review Board commissioned Stantec Consulting Ltd. to undertake an external review of its environmental assessment process and related operations to identify opportunities to complete assessments in a timelier manner. Essentially, the review is intended to identify the main bottlenecks in the assessment process and propose solutions for those matters that are within the MVEIRB’s control. While focusing on the environmental assessment stage of the EIA process, the review also needs to consider linkages to other stages of EIA (preliminary screening and EIR) and other components of the regulatory system established by the *MVRMA*.

This review provides an analysis of the legislative basis for environmental assessment, the process established by the Review Board and operational constraints affecting timeliness of process. The Review Board’s process timelines are compared with those established for similar processes in other jurisdictions.

Although EIA processes across Canada are not directly comparable and the assessments reviewed during this study each have unique attributes, the environmental assessment process in the Mackenzie Valley is one of the lengthier processes in Canada. Unlike the Mackenzie Valley, most EIA processes in Canada have established time limits for all or specific assessment phases. Where time limits have been implemented, the process is more expedient than most of the similar level assessments conducted by the Review Board. The Review Board is also challenged by the range of projects referred for assessment; it is estimated that over 50% of the projects referred to environmental assessment in the Mackenzie Valley would not be subject to the same level of assessment in other jurisdictions. In response, the Review Board has adjusted its process on a case by case basis to provide a timelier assessment for these “smaller” developments. While improving timeliness, the implementation of a development-specific process increases uncertainty for proponents and parties to the assessment. A number of legislative, procedural and operational factors have been identified which affect the timeliness of the environmental assessment process and land and water regulation as a whole, including:

- the requirement for a development to complete a lower level of assessment and receive a determination before proceeding to a higher level of assessment

- the need for more than a single standard process given the range of developments to be assessed
- the limited effectiveness of preliminary screening for scoping of an environmental assessment
- the limited linkage between environmental assessment and permitting and licensing, contributing to a lengthy regulatory process
- a scoping process with a tendency to “broad scoping” with effects on timeliness of subsequent phases of the environmental assessment
- a Ministerial Decision phase which is variable and unpredictable in duration
- the responsibilities of the Review Board and staff
- the capacity of the parties to participate

A number of improvement initiatives are recommended to address the issues affecting timeliness. Some initiatives, such as legislative change, are beyond the authority of the Review Board, others such as improving the linkage between environmental assessments and licensing require the cooperation of other groups. However, there are a number of improvement initiatives the Review Board can consider implementing to achieve its goal of a timely environmental assessment process. Many of these recommendations will also help to improve process predictability and certainty, an important tenet of a good regulatory system. Recommended improvement initiatives within the Review Board’s authority include:

- develop best practice for scoping environmental assessments in the Mackenzie Valley which recognizes the interests of the parties and allows a timely environmental assessment
- develop a two level environmental assessment process – a simpler more expedient process for developments requiring limited analysis and a second process which provides for increased technical review
- develop increased guidance material for all parties- this would include updated process guidelines and more specific guidance on topics such as requirements for a project description, the scoping process, draft TOR and formal submissions
- establish time limits for those phases of the environmental assessment process that the Review Board can control –formal submissions, conformity, technical review, report of the environmental assessment, public comment periods
- develop a process for efficient referral of a development to EIR during the scoping phase of the environmental assessment
- delegate more responsibility to the EAOs in implementing the environmental assessment process
- undertake capacity development initiatives for the Review Board and staff

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## Abbreviations

CEAA.....	<i>Canadian Environmental Assessment Act</i>
DAR.....	Developers Assessment Report
EAO.....	Environmental Assessment Office
EIA.....	Environmental Impact Assessment
EIR.....	environmental impact review
EIS.....	environmental impact statement
INAC.....	Indian and Northern Affairs Canada
ISR.....	Inuvialuit Settlement Region
MVEIRB.....	Mackenzie Valley Environmental Impact Review Board
MVRMA.....	<i>Mackenzie Valley Resource Management Act</i>
NIRB.....	Nunavut Impact Review Board
NUPPA.....	<i>Nunavut Project Planning and Assessment Act</i>
NWT.....	Northwest Territories
REA.....	Report of the Environmental Assessment
TOR.....	Terms of Reference
tpd.....	tonnes per day
YESAA.....	<i>Yukon Environmental and Socio-economic Assessment Act</i>
YESAB.....	Yukon Environmental and Socio-economic Assessment Board



# 1 INTRODUCTION

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## 1.1 Background and Purpose

The environmental impact assessment and regulatory system in the Mackenzie Valley has been the subject of considerable evaluation since the introduction of the *Mackenzie Valley Resource Management Act (MVRMA)* just over a decade ago. The system was audited in 2005 and again in 2010. In 2008, the Minister of Indian and Northern Affairs Canada (INAC) launched the Northern Regulatory Improvement Initiative, focusing on the Mackenzie Valley region of the Northwest Territories. The report *Road to Improvement* (McCrank 2008), one of the initiative's first actions, recommended several improvements to the regulatory system created by the *MVRMA*. Among other issues noted during the 2005 audit and McCrank (2008) review, was that the system was lengthy and fraught with uncertainty.

Environmental assessment is one component of the regulatory system in the Mackenzie Valley. All developments requiring a permit, licence or authorization are subject to one or more levels of assessment under the *MVRMA*. The first level of assessment, preliminary screening, is conducted by the permitting agency who determines whether the development requires a more thorough evaluation through an environmental assessment before it can proceed. The Mackenzie Valley Environmental Impact Review Board (MVEIRB or the "Review Board") is responsible for conducting environmental assessments and environmental impact reviews (EIRs) in the Mackenzie Valley. With a mission to "conduct fair and timely environmental impact assessments..." the MVEIRB has undertaken a process of continuous improvement since its establishment. The Review Board's Strategic Plan for 2011/12 to 2013/14 has a number of goals supporting its mission and vision, including: "a timely environmental assessment process" (MVEIRB 2011). Process timeliness and certainty have been identified as concerns in evaluations of the processes under the *MVRMA* to date.

To support its goal of achieving a timely environmental assessment process, the Review Board commissioned Stantec Consulting Ltd. to undertake an external review of its environmental assessment process and related operations and identify opportunities to complete assessments in a timelier manner. The review focuses on the environmental assessment stage of the Review Board's EIA system. Stantec Consulting Ltd. has reviewed a number of definitions for the term "timely", finding common reference to something done at the proper or right time; however, the definition provided in Merriam –Webster's Dictionary of Law (accessed online) is considered most appropriate to this assignment, "falling within a prescribed or reasonable time." Essentially, this review is intended to identify the main bottlenecks affecting a timely environmental assessment process and propose solutions for those matters that are within the Review Board's control. While focusing on the environmental assessment process, this review also considered linkages to other stages of EIA (preliminary screening and EIR) and other components of the regulatory system established by the *MVRMA*. The specific objectives of this review were to:

- document the legislative requirements for an environmental assessment under the *MVRMA*
- document the activities and corresponding timelines in the MVEIRB's current environmental assessment process
- compare the MVEIRB's process and timelines with similar processes in other jurisdictions
- identify and evaluate opportunities to improve timeliness of the environmental assessment process
- provide recommendations to the MVEIRB to improve timeliness of the components of the environmental assessment process for which it has control

## **1.2 Study Methodology**

In addressing the project objectives, Stantec Consulting Ltd. undertook a work program that began with an initial project meeting between the study team and representatives of the Review Board at which time the scope and emphasis of the assignment was confirmed.

Following the project initiation meeting, the project team undertook a scoping exercise to identify areas upon which to focus the review. Scoping included documenting the MVEIRB's environmental assessment process, limited internal and external interviews, review of selected documentation and experience from other jurisdictions, and preliminary analysis of issues potentially affecting timeliness. The results of the preliminary review were reported to the MVEIRB in the report *Setting the Review Context* in mid-February 2011. A follow-up meeting was held between the project team and representatives of the MVEIRB to discuss the findings and proposed direction of the review. A draft framework for the evaluation of improvement initiatives was prepared and submitted to the MVEIRB for review and comment.

Following confirmation of the direction of the review with the Review Board, a more detailed analysis commenced, focusing on areas of interest identified during scoping. Legislative and procedural documentation from a selection of Canadian jurisdictions was reviewed and summarized, case studies of assessments of a similar scale to the MVEIRB's environmental assessment process were prepared, further interviews were held and analysis was completed by the project team. Bottlenecks or issues affecting a timely process were identified and categorized as to whether:

- they were entirely within the MVEIRB's control to address
- they required cooperation with other organizations with responsibilities under the *MVRMA*, or
- they required legislative change.

Improvement initiatives to address bottlenecks or issues affecting timeliness are recommended for consideration by the Review Board.

### **1.3 Report Organization**

Section 2 of this report presents the project team's understanding of the environmental assessment process delivered by the MVEIRB according to three main components:

- structural or legislative basis
- process
- organizational or delivery

An analysis of the timeliness of process is provided, with direct comparison with other jurisdictions, in Section 3. Potential improvement initiatives for consideration by the MVEIRB are presented and analyzed in Section 4. Conclusions and recommendations are presented in Section 5 while references are presented in Section 6.



## **2 ENVIRONMENTAL ASSESSMENT IN THE MACKENZIE VALLEY**

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### **2.1 Introduction**

The *MVRMA* establishes an integrated system to manage land and water use in the Mackenzie Valley region of the Northwest Territories. Part 5 of the *Act* outlines requirements for environmental impact assessment and establishes a three-tiered process:

- preliminary screening
- environmental assessment
- environmental impact review (EIR)

Regulatory and permitting agencies conduct preliminary screenings; however, the *Act* establishes the MVEIRB as the main instrument of environmental assessment and EIR. The Minister of INAC and Responsible Ministers of affected ministries approve or reject the determination of an environmental assessment and EIR.

The following sections summarize the structural or legislative basis for environmental assessment, the process the MVEIRB has developed to meet the legislative requirements of environmental assessment and the operational aspects of implementing the process.

### **2.2 Legislation**

The *MVRMA* is intended to “provide for an integrated system of land and water management in the Mackenzie Valley...” fulfilling the objectives and requirements of a number of comprehensive land claim settlements in the Northwest Territories. The *Act* establishes requirements for planning, land and water regulation, environmental assessment and monitoring. Part 5 of the *Act* establishes the MVEIRB and identifies the requirements for EIA in the Mackenzie Valley. Pursuant to section 143 of Part 5 of the *Act*, the Preliminary Screening Requirement Regulations and the Exemption List Regulations have been developed.

Sections of the *MVRMA* of particular relevance to EIA in the Mackenzie Valley and the current review of the timeliness of the environmental assessment stage of EIA include:

- 24(1). A Board may conduct any hearings that it considers to be desirable for the carrying out of any of its functions.
- 24(2). Subject to this *Act* the Board shall coordinate their respective hearings in order to avoid duplication.
- 30. A Board may make rules respecting its practice and procedures in relation to applications to the board including the imposition of reasonable time limits.

- 62. A Board may not issue a licence, permit or authorization unless Part 5 has been complied with. Every licence, permit and authorization issued shall include any conditions that are required pursuant to a decision under Part 5.
- 114. The purpose of this part is: (a) to establish the MVEIRB as the main instrument for environmental assessment and EIRs; (b) to ensure the impact on the environment of proposed developments receives careful consideration before action is taken; and (c) to ensure the concerns of aboriginal people and the general public are taken into account in that process.
- 115. The process shall be carried out in a timely and expeditious manner and have regard to the protection of the environment from significant adverse effects and the protection of the social, cultural and economic well-being of residents and communities in the Mackenzie Valley
- 117(1). Every EA shall include a determination of the scope of the development by the MVEIRB.
- 117(2). Every EA and EIR of a proposal shall include consideration of:
  - environmental impacts (including accidents and malfunctions)
  - cumulative impacts
  - impact significance
  - public comment
  - imposition of mitigative or remedial measures where significant impacts are likely
  - any other matter the Review Board or Responsible Ministers consider relevant
- 117(3). An EIR shall also consider:
  - purpose
  - alternatives
  - follow – up programs
  - capacity of renewable resources likely to be significantly affected to meet existing and future needs
- 120. The Review Board can establish guidelines respecting the process, including (but not limited to):
  - determination of the scope of the development
  - for the form and content of reports
  - submission and distribution of environmental impact statements (EIS) and related public notification
- 124. Regulatory Authority is required to conduct a preliminary screening of an application for a licence, permit or other authorization, unless exempted by regulation.
- 125. Preliminary Screening bodies shall refer a proposal for environmental assessment when it considers the development might have a significant adverse impact on the environment or might be a cause of public concern (Subsection 2 increases the test to “likely” when the development is within local government boundaries).

- 126. The MVEIRB shall conduct an environmental assessment of a proposal that has been referred to the Board following preliminary screening pursuant to Section 125.
- 128(1). On completing the environmental assessment the MVEIRB shall:
  - where the development is not likely in its opinion to have any significant adverse impact on the environment or to be a cause of significant public concern, determine an EIR is not required; or
  - when the development is likely to have a significant adverse impact on the environment order an EIR or recommend approval with measures to prevent significant impacts; or
  - where the development is likely a cause of significant public concern order an EIR; or
  - where the adverse impact on the environment is so significant it cannot be justified, reject the proposal
- 128(2). The Review Board shall provide its report of the environmental assessment to the Federal Minister and any designated regulatory agency responsible for issuing a licence, permit or authorization, and (3) anybody that conducted a preliminary screening or referred the proposal for environmental assessment.
- 130. Federal and Responsible Ministers decision on MVEIRB recommendations.
- 134. An EIR includes
  - issuance of Terms of Reference for the Review Panel
  - applicant submission of EIS
  - public notification
  - public consultations or hearings
  - report
- 135. Federal and Responsible Ministers Decision on EIR report
- 143. Governor in Council may make regulations for the carrying out of the purposes and provisions of this part, and in particular:
  - respecting procedures in relation to PS, EA and EIR, generally including: time limits and the form and content of reports
  - identifying laws with respect of which preliminary screenings must be conducted
  - exempting any development of class of development from a preliminary screening for a reason referred to in 124 (1 a or b)
  - respecting establishment of a Public Registry

The Preliminary Screening Requirement Regulations, issued pursuant to section 143 (1) (b) identifies the federal and territorial acts and regulations that trigger a Preliminary Screening under the *MVRMA*. The Exemption List Regulations, issued pursuant to section 143 (1) (c) list the developments which are exempt from Preliminary Screening under the *MVRMA*.

## **2.3 Process**

The Review Board has developed a process for environmental assessment which meets the requirements of the *MVRMA* and contributes to good decisions about the conservation, development and use of land and water resources (MVEIRB 2004). The Board has issued its Environmental Impact Assessment Guidelines (2004) to provide participants with an understanding of the process followed to address the requirements of the *MVRMA* for all three levels of assessment. This review is focused on the second stage and provides a summary of the Review Board's process for environmental assessment.

**Start-up.** Upon referral of a project for environmental assessment, the Review Board provides public notice of the assessment and the opportunity to register as a party to the proceedings, opening the public registry for such purpose.

**Scoping.** This phase involves developing an understanding of the project to be assessed (scoping the development) and the issues and concerns raised by the development which are to be examined during the assessment (scoping the issues). The first task requires the provision of a detailed development description by the developer. Generally, a more comprehensive development description than that submitted during preliminary screening is required to complete the scoping. Scoping of the issues is undertaken to focus the assessment on the most relevant and important matters. Issues scoping relies on information from the preliminary screening, issues raised during consultations, experience from similar developments and input received at Scoping Meetings held by the Review Board staff. Scoping culminates with the preparation of Terms of Reference (TOR) which confirm the Scope of the Development and Scope of the Assessment. The TOR specify the information a developer must provide in its Developer's Assessment Report (DAR). Sometimes a work plan, specifying activities and timelines for the assessment, accompanies the TOR. The MVEIRB typically issues draft TOR for comment by the parties before issuance of the final TOR.

**Developer's Assessment Report.** The developer issues its Developers Assessment Report (DAR) or EIS in response to the TOR.

**Conformity Review.** The MVEIRB will conduct a review of the DAR to determine if it conforms to the TOR. Upon completion of the conformity review, the MVEIRB issues one of three possible determinations: the DAR is in conformity and the technical review phase can commence; the DAR is not in conformity but the technical review can commence; or, the DAR is not in conformity and the deficient information is pivotal to the assessment; therefore the technical review will not commence until conformity is achieved.

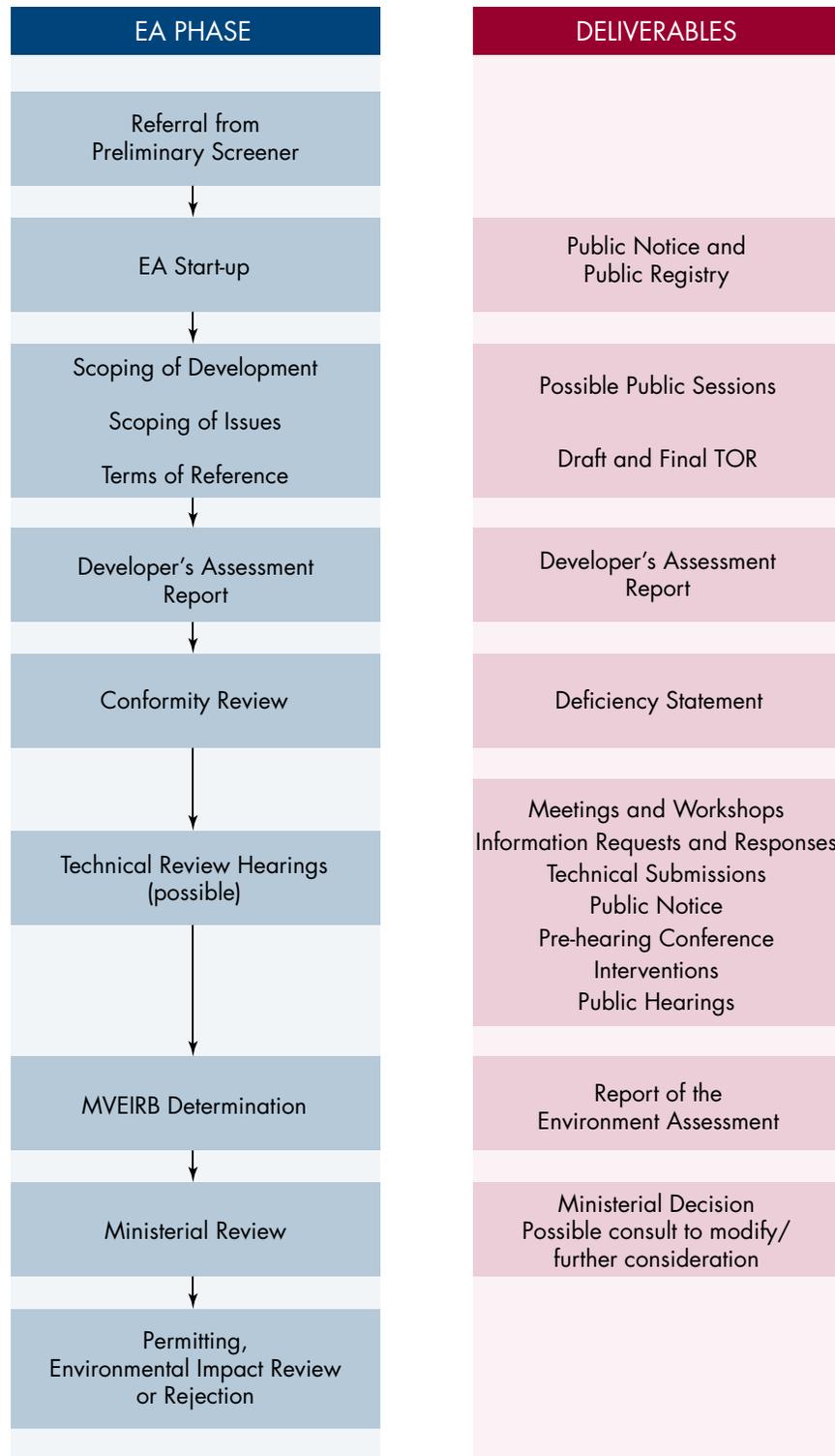
**Technical Review.** During this phase the MVEIRB and parties examine the DAR to determine if it adequately identifies and characterizes potential environmental effects resulting from the project. The technical review process varies in response to each assessment but typically includes the preparation of Information Requests by the MVEIRB, the response to the Information Requests by the developer and a public hearing. Technical meetings and workshops, meetings between the parties and written exchanges of information may also occur. The holding of hearings is discretionary under the *MVRMA* however the MVEIRB has chosen to hold public hearings for most environmental assessments completed to date. Where a hearing is to be held, a Pre-hearing Conference is usually held to prepare for the hearing. Evidence presented at hearings and in response to commitments made during the hearing is placed on the public record. The technical review phase ends with the closing of the public record of the assessment.

**Report of the Environmental Assessment.** The MVEIRB examines the evidence presented during the assessment to determine whether the development is likely to cause significant adverse impacts to the environment or likely to be a cause of significant public concern. The MVEIRB issues one of three recommendations: approval of the development subject to measures to mitigate significant adverse impacts, an EIR be undertaken; or, the development proposal be rejected. The determination is accompanied by reasons for decision in the Report of the Environmental Assessment (REA).

**Ministerial Decision.** The REA is distributed to the Federal Minister (INAC) or designated regulatory agency (i.e., National Energy Board) who will distribute the report to the Responsible Ministers. The Ministers or National Energy Board, in consultation with Responsible Ministers will then determine whether to accept the MVEIRB's determination, consult the MVEIRB to modify the determination and supporting measures or order an EIR.

Upon Ministerial approval, either of the environmental assessment or an EIR, the regulatory authorities recommence their approval processes. Figure 2-1 illustrates the main phases of the MVEIRB's environmental assessment process.

Fig 2-1 Phases of the MVEIRB's Environmental Assessment Process



## **2.4 Operation**

### **2.4.1 Resources**

The MVEIRB maintains responsibility for the completion of an environmental assessment; however they are dependent on internal staff and external parties in carrying out this responsibility. Supporting the MVEIRB is a complement of staff, consisting of a five person environmental assessment team and a small management and administrative staff. One of the Environmental Assessment Officers (EAO) is usually assigned to manage each environmental assessment, with support from other staff as necessary. Legal Counsel is available under contract to the MVEIRB. On occasion, external resources may be contracted to provide specialist technical services to assist the MVEIRB during an environmental assessment.

Federal and territorial government officials are important participants in an environmental assessment as they provide technical expertise while also ensuring their respective mandates are being adequately addressed. Section 22 of the *MVRMA* obligates federal and territorial government departments or agencies to provide the MVEIRB with any information required to carry out its functions.

Other parties in an environmental assessment include: the proponent, First Nations and Aboriginal Groups, Non - government organizations and the public. The MVEIRB does not provide intervener funding to parties in an environmental assessment.

### **2.4.2 Guidance**

The MVEIRB has produced a number of guidance documents to assist its staff and the parties to participate in an environmental assessment.

The Environmental Impact Assessment Guidelines (MVEIRB 2004) provide an overview of all three levels of environmental assessment under the *MVRMA*. Meant for a wide audience, these guidelines provide basic information about process, requirements and responsibilities. The MVEIRB has also produced a number of other guidance documents to assist the parties, including, but not limited to:

- Socio- economic Impact Assessment Guidelines
- Guidelines for Incorporating Traditional Knowledge in EIA
- Guidelines for Wildlife at Risk (Draft)
- Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings

Additionally, MVEIRB staff has an internal Environmental Assessment Manual and various templates available to help them meet their responsibilities.



## **3 ANALYSIS OF THE TIMELINESS OF THE PROCESS**

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This section presents a review of the environmental assessment process in the Mackenzie Valley with respect to timeliness. Experience in the Mackenzie Valley is evaluated and compared with similar processes in other jurisdictions across Canada. The legislative basis, process design and operational capacity are examined in consideration of the MVEIRB's goal of a timely environmental assessment process.

### **3.1 Legislative Requirements**

The *MVRMA* provides the legislative framework for environmental assessment in the Mackenzie Valley: establishing the method by which a development is subject to assessment; the basic requirements of an assessment; and the determination that must be made in an assessment. These are common components of environmental assessment legislation across Canada. The implications of the specific provisions in the *MVRMA* on a timely environmental assessment process are discussed below.

#### **3.1.1 Projects Assessed**

The *MVRMA* and associated regulations require that preliminary screening be carried out for developments and activities requiring a permit, licence or authorization. Any project requiring a preliminary screening has the potential for referral to environmental assessment and, ultimately, to EIR. The Exemption List Regulations exempt only the most insignificant of developments, resulting in almost all exploration and development projects being subject to environmental assessment provisions of the *MVRMA*.

Of the 66 projects referred to the MVEIRB for environmental assessment to date, evidence available on the public record allowed the reason for referral to be identified for 58 of these projects. Thirty-three projects were referred because they might be a cause of public concern, 12 because they might have a significant adverse impact on the environment and 13 for both possible public concern and significant adverse impacts to the environment. Developments referred for possible public concern were often smaller scale projects (short duration, limited footprint), many of which were proposed in areas of unsettled land claims. Larger developments (e.g., mines, hydroelectric development) were more commonly referred because of the possibility of significant adverse impacts to the environment, and in some cases also due to possible public concern. Approximately 57% of those projects referred to the MVEIRB for environmental assessment (where the reason for referral was clear) were referred because they might cause public concern only. Interestingly, the intervention by a local First Nation during the preliminary screening of a recent small project stated that the application should be refused, but as that was not possible it requested referral to environmental assessment, "thereby burdening everyone involved in a process that YKDFN will be requesting nothing less than permit refusal through every means available" (YKDFN 2011).

While exact comparisons cannot be made without discerning the specific details of each project, it is likely that as many as 35 of the 66 projects (over 50%) referred to the MVEIRB for environmental assessment would not have been subject to an equivalent level of assessment in most other jurisdictions in Canada. Many jurisdictions have developed inclusion and exclusion lists which document which types or classes of projects are exempt from or subject to different levels of assessments. For example, the Assessable Activities, Exceptions and Executive Committee Projects Regulations, issued under authority of the *Yukon Environmental and Socio-Economic Assessment Act (YESAA)*, identifies developments which are exempt from or subject to Designated Office Evaluations (similar to Preliminary Screening) and those projects which proceed directly to an Executive Committee Screening (similar to an environmental assessment in the Mackenzie Valley). Similarly, the Comprehensive Study Regulations under the *Canadian Environmental Assessment Act (CEAA)* and the Reviewable Projects Regulation in British Columbia identify which projects are subject to comprehensive study and environmental assessment, respectively.

Table 3-1 presents a summary of the level of assessment certain classes of projects are subject to across various Canadian jurisdictions, including in the Mackenzie Valley. Unless specifically exempted by regulation or legislation, all project classes are subject to a certain level of assessment across all reported jurisdictions. However many jurisdictions apply thresholds restricting a specific project class from being subject to a “higher level” of assessment or review (i.e., a gold mine in British Columbia is considered a reviewable project, only if it produces more than 75,000 tonnes of ore per year). Thresholds and inclusion/exemption legislation are also applied by many jurisdictions to provide a “direct route” to a higher level of assessment, unlike in the Mackenzie Valley and some jurisdictions where developments must first undergo the lowest level of assessment before proceeding to environmental assessment, even if it is evident that the development will proceed to the higher level of assessment.

The requirements of the *MVRMA* are such that the MVEIRB must conduct an environmental assessment for a range of development applications, many of which would not be subject to the same level of review in other jurisdictions.

**Table 3-1 Assessment Inclusions and Exclusions specified in Regulation or Legislation across Various Canadian Jurisdictions**

	Canadian Environmental Assessment Agency	Mackenzie Valley of Northwest Territories	Nunavut	Inuvialuit Settlement Region of Northwest Territories	Yukon	Saskatchewan	Quebec (James Bay and Northern Quebec)	Newfoundland	British Columbia
<b>Mining</b>									
Exploratory drilling	Screening	Screened to determine if assessment required	May be exempt if requires only a Class B permit (e.g., equipment is less than 2.5 t; campsite used for less than 400 man-days)	Screened to determine if review required	Designated Office Assessment, exemptions for some "small scale" exploration programs	Screened to determine if assessment required	Screened to determine if assessment required	Not specified in regulation or legislation however specific project component(s) may trigger registration	Not reviewable unless referred, opted-in or CEAA triggered
Metal Mine	Comprehensive Study (greater than 3,000 tpd)	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Designated Office Assessment for projects under 1500 tpd, Executive Committee Screening above 1,500 tpd	Screened to determine if assessment required	Automatically subject to assessment and review	Must be registered	Reviewable (75,000 tonnes per year or more)
Gold Mine	Comprehensive Study (greater than 600 tpd)	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Executive Committee (greater than 300 tpd)	Screened to determine if assessment required	Automatically subject to assessment and review	Must be registered	Reviewable (75,000 tonnes per year or more)
Uranium mine, mill, or waste management	Comprehensive Study	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Assessment	Screened to determine if assessment required	Automatically subject to assessment and review	Must be registered	Reviewable (75,000 tonnes per year or more)
<b>Hydro-electric</b>									
Generating project	Comprehensive Study (greater than 200 MW)	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Executive Committee (5 MW or more)	Screened to determine if assessment required	Automatically subject to assessment and review	Must be registered (1 MW or more)	Reviewable (50 MW or more)
Transmission Line	Comprehensive Study (345 kV for 75 km or more)	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Executive Committee (138 kV for 50 km or more)	Screened to determine if assessment required	Automatically subject to assessment and review (if more than 75 kV)	Must be registered (if new or more than 500 m from existing ROW)	Reviewable (40 km or more)
Transmission Line	Excluded (not more than 130 kV within existing ROW)	Exempt (not more than 130 kV within existing ROW)	May be exempt if requires only a Class B permit (e.g., equipment is less than 2.5 t; less than 10 t vehicle weight; ROW clearing/grading less than 4 ha)	Screened to determine if review required	Designated Office Assessment	Screened to determine if assessment required	Exempt from assessment and review (if 75 kV or less)		

**Table 3-1 Assessment Inclusions and Exclusions specified in Regulation or Legislation across Various Canadian Jurisdictions (cont'd)**

	Canadian Environmental Assessment Agency	Mackenzie Valley of Northwest Territories	Nunavut	Inuvialuit Settlement Region of Northwest Territories	Yukon	Saskatchewan	Quebec (James Bay and Northern Quebec)	Newfoundland	British Columbia
<b>Oil and Gas (Onshore only)</b>									
Seismic exploration	Screening	Screened to determine if assessment required	May be exempt if requires only a Class B permit (e.g., equipment is less than 2.5 t; less than 10 t vehicle weight; ROW clearing/grading less than 4 ha)	Screened to determine if review required; Exempted if previously authorized and no significant changes to the operation	Designated Office Assessment	Screened to determine if assessment required	Screened to determine if assessment required	Not specified in regulation or legislation however specific project component(s) may trigger registration	Not reviewable unless referred, opted-in or CEAA triggered
Exploratory drilling	Screening	Screened to determine if assessment required	May be exempt if requires only a Class B permit (e.g., equipment is less than 2.5 t; less than 10 t vehicle weight; ROW clearing/grading less than 4 ha)	Screened to determine if review required; Exempted if previously authorized and no significant changes to the operation	Designated Office Assessment	Screened to determine if assessment required	Screened to determine if assessment required	Not specified in regulation or legislation however specific project component(s) may trigger registration	Not reviewable unless referred, opted-in or CEAA triggered
Production of oil or natural gas	Screening	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Designated Office Assessment	Screened to determine if assessment required	Automatically subject to assessment and review	Must be registered	Not reviewable unless referred, opted-in or CEAA triggered
Oil and gas pipeline	Comprehensive Study (75 km or more)	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Executive Committee Screening (75 km or more)	Screened to determine if assessment required	Automatically subject to assessment and review; Exempt from assessment and review (if less than 30 cm diameter and 8 km or less in length)	Must be registered (if more than 500 m from existing ROW)	Reviewable (if length 40 – 60 km or more, depending on diameter)
<b>Transportation</b>									
All weather road	Comprehensive Study (more than 50 km)	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Executive Committee (more than 50 km)	Screened to determine if assessment required	Automatically subject to assessment and review (to a new locality or for new development, or if 25 km or more for forestry operations)	Must be registered (if more than 500 m from existing ROW)	Reviewable (more than 20 km)
Railway line	Comprehensive Study (more than 32 km)	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Executive Committee Screening	Screened to determine if assessment required	Automatically subject to assessment and review	Must be registered (if more than 500 m from existing ROW)	Reviewable (more than 20 km)

**Table 3-1 Assessment Inclusions and Exclusions specified in Regulation or Legislation across Various Canadian Jurisdictions (cont'd)**

	Canadian Environmental Assessment Agency	Mackenzie Valley of Northwest Territories	Nunavut	Inuvialuit Settlement Region of Northwest Territories	Yukon	Saskatchewan	Quebec (James Bay and Northern Quebec)	Newfoundland	British Columbia
<b>Transportation (cont'd)</b>									
Construction of bridges	Screening	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Executive Committee (on specific rivers)	Screened to determine if assessment required	Screened to determine if assessment required	Not specified in regulation or legislation however specific project component(s) may trigger registration	Not reviewable unless referred, opted-in or CEAA triggered
Marine terminal	Comprehensive Study (designed to handle vessels larger than 25,000 DWT)	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Designated Office Assessment	Screened to determine if assessment required	Automatically subject to assessment and review	Not specified in regulation or legislation however specific project component(s) may trigger registration	Reviewable (if disturbs 1,000 m of shoreline or 2 ha of foreshore or more)
Airport	Comprehensive Study	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Executive Committee	Screened to determine if assessment required	Automatically subject to assessment and review	Must be registered	Reviewable (if runway 1,500 m in length or more)
All season runway	Comprehensive Study (1,500 m or more)	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Designated Office Assessment	Screened to determine if assessment required	Screened to determine if assessment required	Not specified in regulation or legislation however specific project component(s) may trigger registration	Reviewable ( 1,500 m or more)
<b>Forestry</b>									
Timber harvesting	Screening	Exempt (less than 1,100 m <sup>3</sup> )	Screened to determine if assessment required	Screened to determine if review required	Executive Committee (20,000 m <sup>3</sup> or more)	Screened to determine if assessment required	Exempt from assessment and review (if included in plans provided for in the <i>Forestry Act</i> )	Forestry that involves application of pesticide, establishment of forest in previously unforested area, or a 5-year operating plan must be registered	Not reviewable unless referred, opted-in or CEAA triggered
<b>Water Projects</b>									
Dam	Comprehensive Study (increases surface area of natural water body by 1,500 ha or 35 %)	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Executive Committee (increases surface area of natural water body by 100 ha)	Screened to determine if assessment required	Automatically subject to assessment and review (if storage reservoir for electricity production)	Must be registered	Reviewable (15 m high or impounds more than 10 million m <sup>3</sup> )
Water diversion	Comprehensive Study (10,000,000 m <sup>3</sup> /year or more)	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Executive Committee (10,000,000 m <sup>3</sup> /year or more)	Screened to determine if assessment required	Screened to determine if assessment required	Must be registered	Reviewable (10,000,000 m <sup>3</sup> /year or more)
Groundwater extraction	Comprehensive Study (200,000 m <sup>3</sup> /year or more)	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Executive Committee (200,000 m <sup>3</sup> /year or more)	Screened to determine if assessment required	Screened to determine if assessment required	Not specified in regulation or legislation however specific project component(s) may trigger registration	Reviewable (75 L/s or more)

**Table 3-1 Assessment Inclusions and Exclusions specified in Regulation or Legislation across Various Canadian Jurisdictions (cont'd)**

	Canadian Environmental Assessment Agency	Mackenzie Valley of Northwest Territories	Nunavut	Inuvialuit Settlement Region of Northwest Territories	Yukon	Saskatchewan	Quebec (James Bay and Northern Quebec)	Newfoundland	British Columbia
<b>Other</b>									
Construction of a hazardous waste facility	Comprehensive Study	Screened to determine if assessment required	Screened to determine if assessment required	Screened to determine if review required	Exempt (if capacity is below 5 t/year) Executive Committee (if capacity 5 t/year or more)	Screened to determine if assessment required	Screened to determine if assessment required	Must be registered	Exempt if it does not use incineration or thermal treatment and is a mobile off-site facility

### 3.1.2 Legislative Requirements of the EA Process

The *MVRMA* specifies the principles to be followed and the requirements an environmental assessment must address. Table 3-2 and Figure 3-1 illustrate the main tasks or phases of the environmental assessment and EIR processes developed by the MVEIRB to meet the requirements of the *MVRMA*. Table 3-3 compares the EIA processes in several jurisdictions across Canada, showing that the requirements for preliminary screening and environmental assessment in the Mackenzie Valley are similar to a number of other jurisdictions in Canada. The information presented in Tables 3-1 and 3-2 illustrates that the *MVRMA* allows the MVEIRB, as is the case in other jurisdictions, considerable latitude to determine how to meet legislated requirements during an environmental assessment.

**Table 3-2 Comparison of MVEIRB Process with *MVRMA* Requirements**

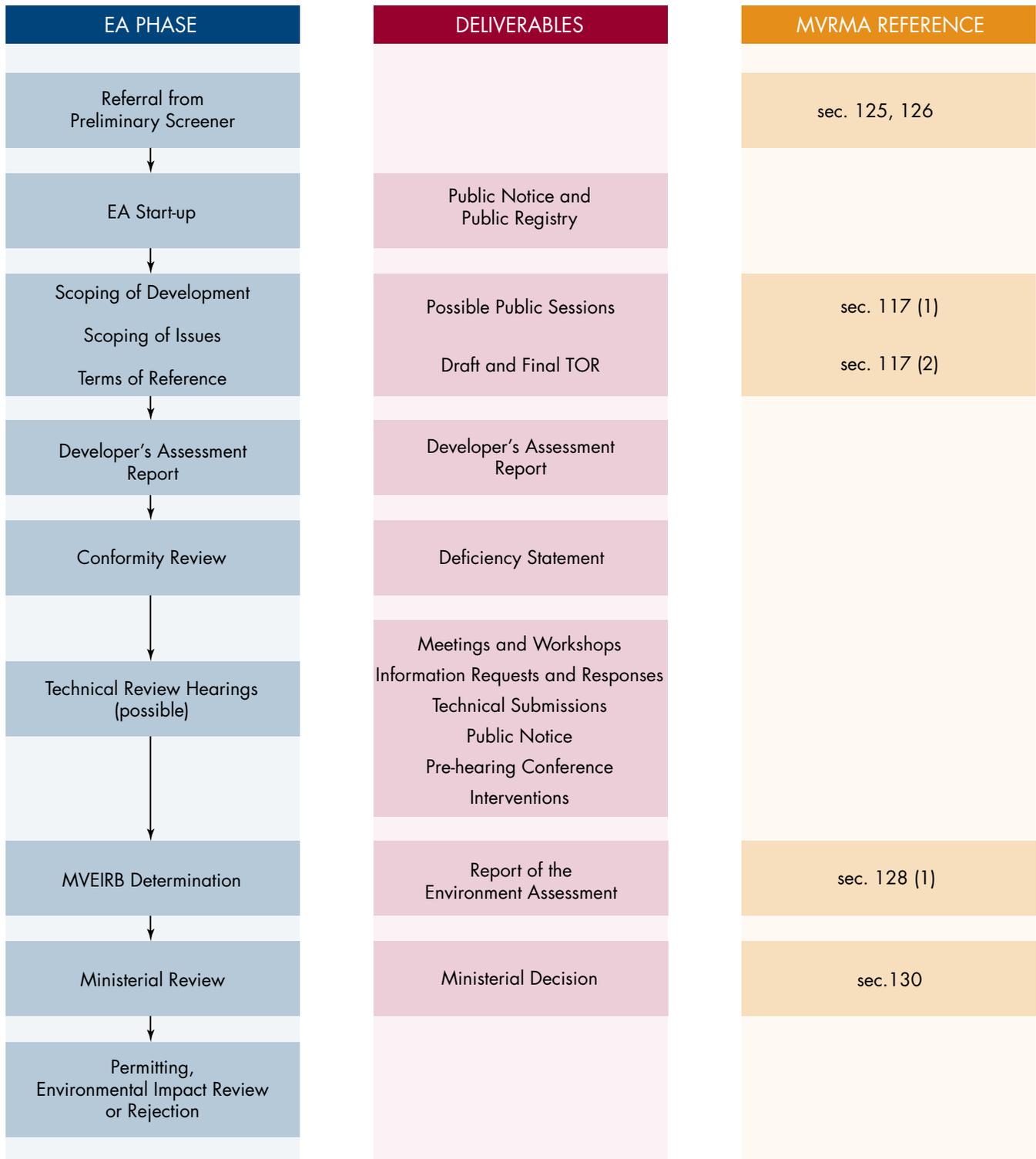
MVEIRB Process Activity/Phase <sup>1</sup>	MVRMA Reference	
	Environmental Assessment	Environmental Impact Review
EA Start - Up	126 (5) Notification of EA to parties	
Scoping the Development	117(1) EA shall include a determination of the scope of the development	
Scoping the Issues		
Terms of Reference and Work Plan	117 (2)	117 (2)(3) 133 (2) Review Panel may issue instructions with respect to Impact Statement
Developer's Assessment Report		134 (1) (b)
Conformity Check		
Technical Review	117(2) Every EA or EIR shall include consideration of: <ul style="list-style-type: none"> <li>• impact on the environment (including accidents and malfunctions)</li> <li>• impact significance</li> <li>• public comment</li> <li>• imposition of mitigation where a significant impact is likely</li> <li>• any other matter, such as need or alternatives as determined by RB or RMs</li> </ul>	117 (3) An EIR shall also consider: <ul style="list-style-type: none"> <li>• purpose</li> <li>• alternatives</li> <li>• follow-up programs</li> <li>• capacity of renewable resources</li> </ul>
Hearings	24 (1) A Board may conduct any hearings that it considers desirable	134 (C) public consultation or hearings
MVEIRB Report of the EA	128 – Significance determination and report	134 (2)
Ministerial Decision	130	135
NOTE: <sup>1</sup> Environmental Impact Assessment Guidelines , March 2004 (Mackenzie Valley Environmental Impact MVEIRB).		

**Table 3-3 Description of Environmental Impact Assessment Processes Specified in Regulation or Legislation across Various Canadian Jurisdictions**

Assessment Level	Jurisdictions								
	CEAA	MVEIRB	Nunavut	Inuvialuit Settlement Region (NWT)	Yukon	Saskatchewan	Quebec (James Bay and Northern Quebec)	Newfoundland	British Columbia
First Level of Assessment	Screening must consider: <ul style="list-style-type: none"> <li>environmental effects of the project</li> <li>environmental effects of accidents or malfunctions</li> <li>cumulative environmental effects</li> <li>significance of environmental effects</li> <li>public comments</li> <li>mitigation measures</li> </ul>	Preliminary Screening must consider: <ul style="list-style-type: none"> <li>impacts on the environment</li> <li>public concern</li> </ul>	Screening must consider (from guide): <ul style="list-style-type: none"> <li>purpose, scope, timing, authorizations and alternatives</li> <li>existing environment</li> <li>public participation</li> <li>potential effects</li> <li>potential cumulative effects</li> <li>mitigation measures and residual impacts</li> </ul>	Screening must consider: <ul style="list-style-type: none"> <li>purpose of the project</li> <li>nature and extent of proposed development</li> <li>rationale for site selection</li> <li>environmental impact</li> </ul>	Designated office Assessment must consider: <ul style="list-style-type: none"> <li>purpose of the project</li> <li>all stages of the project</li> <li>effects of the project</li> <li>cumulative environmental effects</li> <li>alternatives</li> <li>mitigation measures</li> <li>need to protect the rights of Yukon Indians</li> <li>interest of residents of Yukon and Canada</li> </ul>	Screening process should consider (from guidelines): <ul style="list-style-type: none"> <li>project description</li> <li>alternatives</li> <li>existing environment</li> <li>potential impacts</li> <li>mitigation measures</li> <li>decommissioning and reclamation</li> <li>public consultation</li> <li>socio-economic impacts</li> </ul>	Preliminary impact assessment must consider: <ul style="list-style-type: none"> <li>project objectives</li> <li>project nature and extent</li> <li>resources and materials required for the project</li> <li>existing environment and communities</li> <li>alternatives</li> <li>environmental and social impacts</li> <li>cumulative impacts</li> <li>mitigation and remediation measures</li> </ul>	Project registration and review must include: <ul style="list-style-type: none"> <li>nature and purpose of the undertaking (project)</li> <li>rationale for location and design</li> <li>alternatives</li> <li>description of the physical and biological environment and potential impacts</li> <li>potential pollutant sources over project life</li> <li>required approvals</li> <li>schedule</li> <li>funding</li> </ul>	Scope of Assessment is established by the Environmental Assessment Office. Application Information Requirements generally include : <ul style="list-style-type: none"> <li>project nature and extent</li> <li>potential environmental, social and economic effects</li> <li>mitigation measures</li> <li>environmental management plans</li> <li>Aboriginal consultation</li> <li>impact on First nations or treaty rights</li> </ul>
Higher level(s) of Assessment	Comprehensive Study, Review Panel or Mediation must consider: <ul style="list-style-type: none"> <li>environmental effects of the project</li> <li>environmental effects of accidents or malfunctions</li> <li>cumulative environmental effects</li> <li>significance of environmental effects</li> <li>public comments</li> <li>mitigation measures;</li> <li>purpose of the project</li> <li>alternative means</li> <li>need for follow-up programs</li> <li>capacity of renewable resources</li> </ul>	Environmental assessment must consider: <ul style="list-style-type: none"> <li>impact of development</li> <li>impact of malfunctions and accidents</li> <li>cumulative impacts</li> <li>significance of impacts</li> <li>public comments</li> <li>mitigation or remedial measures</li> </ul> Environmental impact review must consider in addition to above: <ul style="list-style-type: none"> <li>purpose of the development</li> <li>alternative means</li> <li>need for follow-up</li> <li>capacity of renewable resources</li> </ul>	Review must consider: <ul style="list-style-type: none"> <li>purpose and need for the project</li> <li>impacts of the project</li> <li>effects of the environment on the project</li> <li>contingency plans and mitigation measures</li> <li>community and regional benefits</li> <li>compensation</li> <li>monitoring programs</li> <li>interest in lands and waters</li> <li>options for implementing the project</li> </ul>	Review Panel of Small Scale Development or Standard Public Review must consider: <ul style="list-style-type: none"> <li>purpose of the project</li> <li>alternative means</li> <li>need for and requirements of monitoring program(s)</li> <li>capacity of affected renewable and non-renewable resources to meet present and future needs</li> <li>environmental effects, including accidents and malfunctions</li> <li>significance of environmental effects</li> <li>public comments</li> <li>proposed mitigation measures</li> </ul>	Executive Committee Screening or panel review must consider: <ul style="list-style-type: none"> <li>purpose of the project</li> <li>all stages of the project</li> <li>effects of the project</li> <li>cumulative environmental effects</li> <li>alternative</li> <li>mitigation measures</li> <li>need to protect the rights of Yukon Indians</li> <li>interest of residents of Yukon and Canada</li> <li>need for effects monitoring</li> <li>capacity of renewable resources</li> </ul>	Environmental impact assessment should consider (from guide): <ul style="list-style-type: none"> <li>project objectives</li> <li>alternatives</li> <li>environmental impacts</li> <li>mitigation and enhancement measures</li> <li>compliance schedule</li> <li>public participation</li> </ul>	Detailed impact assessment must consider: <ul style="list-style-type: none"> <li>project objectives</li> <li>project nature and extent</li> <li>resources and materials required for the project</li> <li>existing environment and communities</li> <li>alternatives</li> <li>environmental and social impacts</li> <li>cumulative impacts</li> <li>mitigation and remediation measures</li> </ul>	Environmental Preview Report Guidelines are issued by the Minister Environmental Impact Statement Guidelines are issued by the Minister	



Fig 3-1 Legislative Links to MVEIRB's Environmental Assessment Process



Like most other jurisdictions, the MVEIRB's environmental assessment process includes a scoping phase in which Terms of Reference for the Environmental Impact Statement or DAR are developed, a conformity check, technical review, Board determination (REA) and Ministerial decision.

As is the case in the Mackenzie Valley, the EIA legislation and process in many other jurisdictions also includes an opportunity for a development to be referred to a higher level assessment. However, most other jurisdictions have regulations which will allow a project to proceed directly to a higher level of EIA without having to go through the first level (e.g., screening), providing for both expediency and increased certainty of process. Additionally, other processes, such as that provided for in the Yukon's *YESAA*, allows for a more expedient referral from Executive Committee Screening (similar to environmental assessment in the Mackenzie Valley) to environmental review (the highest level of assessment). Within the Mackenzie Valley, the legislation requires a finding of likely significant negative adverse effects on the environment or significant public concern during an environmental assessment to allow the MVEIRB to order an EIR. To date the MVEIRB has ordered an EIR for two projects: the Mackenzie Gas Project and the Gacho Kue Diamond Mine Proposal. In both cases the MVEIRB held public hearings to gauge public concern and made their determination within 4 and 6 months respectively after the date of referral to environmental assessment. In the case of the Mackenzie Gas Project, considerable regulatory agency planning, coordination and agreement preceded the environmental assessment process.

A proponent proposing a development requiring a permit, licence or other approval in the Mackenzie Valley faces the risk of being subject to all 3 levels of assessment under the *MVRMA*.

### **3.1.3 Ministerial Approval**

The Minister of INAC, or Designated Regulatory Agency, with Responsible Ministers, is responsible for accepting, rejecting or modifying the MVEIRB's determination and REA. Review of the evidence on the public record illustrates that the length of the Ministerial Decision Phase for environmental assessments conducted by the MVEIRB is variable and can be lengthy, ranging from 75 calendar days to several years, with an average for larger projects in the range of 90–120 days following receipt of the REA. In some cases, Ministerial decisions have taken between 2 years (e.g., New Shoshoni's Drybones Bay Exploration project) to over 4 years (Imperial Oil Ventures Dehcho Geotechnical Investigation).

While ministerial approval of environmental assessment determinations is a common practice across Canadian jurisdictions, many jurisdictions have imposed time limits on this phase. Under the British Columbia EIA process, the Minister has 45 days from receipt of the assessment report to make a decision. Under the proposed *Nunavut Project Planning and Assessment Act (NUPPA)*, the Minister would have 120 days in which to make a decision on the determination provided by the Nunavut Impact Review Board (NIRB). In the Yukon, Decision Bodies receiving the Executive Committee Screening Report have 15 days in which to determine whether to accept or reject the determination. Within the Inuvialuit Settlement Region (ISR), Regulatory Bodies have 30 days within which to accept or reject the determination of the Screening Committee. In Newfoundland and Labrador, the Minister must make his or her decision within 30 days of receipt of a determination of an assessment where no hearings are held or within 60 days for assessments including hearings.

While the length of time taken for a decision from the Minister can be influenced by a variety of factors, some of which are likely outside of the MVEIRB's control, INAC officials indicated that there are two main areas of the REA which are of interest to the Minister: the findings of significance and practicality of measures recommended to mitigate significant impacts; and, the adequacy of Aboriginal consultation. The MVEIRB does have the opportunity to influence the first matter through the content of the REA; however, the MVEIRB has affirmed that although it can encourage adequate Aboriginal consultation, it does not bear the responsibility of the Crown for Aboriginal consultation.

#### **3.1.4 Linkages to Other Components of the *MVRMA***

The *MVRMA* implements the intent and provisions of regional land claim settlements in the Mackenzie Valley, providing for an integrated system of land and water management. Permits and licences issued under the authority of the *MVRMA* cannot be issued until Part 5 of the *MVRMA* has been complied with and any permits or licences issued must contain the conditions accompanying a decision under Part 5 (Sec 62).

The report of the preliminary screening includes a determination of whether the development may be a cause for public concern or significant negative impact on the environment. Accordingly, it would be expected that the preliminary screening report would present specific justification for referral and be a critical reference in determining the scope of the environmental assessment. A review of several preliminary screening reports and discussion with MVEIRB staff indicate that, in most cases, the preliminary screening reports provide little direction for scoping the environmental assessment. The environmental assessment process benefits little from preliminary screening and initiates its own scoping process, with limited reliance on the conclusions of the preliminary screening report. The potential implications are twofold: preliminary screenings may not be conducted with sufficient rigour to justify the determinations (e.g., uncertainty about issues, such as the significance of public concern, may result in more referrals than intended by the legislation); and/or, the lack of specific issue identification in preliminary screenings can contribute to broad scoping, a concern which receives further discussion in Section 3.4. Either of these outcomes can negatively affect timeliness of the assessment process as the MVEIRB will be required to spend considerable effort to identify the issues of concern to scope the assessment, possibly broadening the scope of the assessment beyond the original reason for a referral.

Following release from environmental assessment, land and water boards re-start their permitting and licensing activities. To date, the land and water boards have had little involvement in the environmental assessment process. The land and water boards receive the REA and, as required by the *Act*, are bound to include mitigation measures contained in the REA in the permits and licences they issue. However, such measures are often not written in a form that can be implemented easily through conditions in permits and licences. The land and water boards often then embark on a lengthy regulatory process, potentially involving more hearings (as is the requirement for Class A Water Licence applications), to determine specific approval conditions which are protective of the environment and consistent with the recommendations in the REA. Closer integration of regulatory needs during the environmental

assessment could both shorten the overall approvals process and better link environmental assessment decisions with conditions contained in approvals issued by the land and water boards.

To this end, it was reported that officials from the Wek'èezhii Land and Water Board participated in the scoping process for the NICO project environmental assessment to help develop a TOR that would lead to a REA which better met their needs and the objectives of the *MVRMA*. In Nunavut the NIRB and Nunavut Water Board (NWB) have developed the draft Coordinated Process to improve the link and coordination between the environmental review and water licensing processes to reduce the overall timeline for project approvals. Closer coordination between environmental assessment and permitting and licensing by the land and water boards would not only improve timeliness of the regulatory process as a whole but provide for improved communication and coordination with benefits for protection of the environment.

## **3.2 Process**

### **3.3 Overall Timelines**

The components of the environmental assessment process for which the MVEIRB generally can exercise control over the timeline include:

- start up → issuance of the final Terms of Reference (TOR)
- determination of conformity of the Developer's Assessment Report (DAR) → issuance of the Report of the Environmental Assessment (REA)

The above acknowledges that the MVEIRB does not have control over the length of time the Developer takes to submit the DAR once the final TOR are issued. However it also recognizes that the Board can exercise control over the majority of timelines within the assessment process, including length of time for regulatory agencies, Aboriginal organizations, communities and the public to respond. The MVEIRB could also exert control over the timeline for Developers to respond to information requests following submission of the DAR. Both Alberta and the Yukon impose timelines on the Developer to submit requested information, or, at the least, to provide notice when requested information will be submitted; timelines range from 28 or 41 days in Alberta and 28, 180 or 730 days in the Yukon, depending on the step the review is at or the type of review being conducted. While this cannot guarantee compliance by the developer, it will transfer some responsibility for process timeliness to the developer by instituting delays if deadlines are not met by the developer.

Timeline information for a number of projects available on MVEIRB's public registry was reviewed to summarize the duration of the two time periods within an environmental assessment for which the Review Board generally can control. The results of the review are summarized below and are reported in total calendar days:

- Large Developments (mines, hydroelectric development; 7 projects reviewed):
  - average of 224 days (7.5 months) from referral to issuance of the final TOR

- of the 7 projects reviewed, 4 large project assessments that are complete – average of 385 days (13 months) between submission of the DAR/conformity decision and issuance of the REA
- of the 7 projects reviewed, 4 large project assessments that are complete – average of 610 days (20 months) within the components of the environmental assessment process of which the MVEIRB can exert control.
- Smaller developments (exploratory mineral drilling; 4 projects reviewed):
  - average of 105 days (3.5 months) from referral to issuance of the final TOR; most recent was 49 days (2 months)
  - average of 250 days (8 months) between submission of the DAR/conformity decision and issuance of the REA; most recent was 133 days (4 months)
  - average of 355 days (12 months) within the components of the environmental assessment process of which the MVEIRB can exert control

The reasons for the varying length of assessments are not always apparent from the evidence on the public registry. Analysis by the MVEIRB of six active or recently concluded environmental assessments, illustrated that process delays were encountered in all six assessments. Requests for extension to submission delays were received by the developer, government or other parties in five of the assessments; most requests were issued during the scoping phase or the information request stage of technical review phase. Requests for procedural rulings, resulting in process delays were issued in four of the assessments examined.

Most jurisdictions in Canada have established formal or informal timelines for some or all phases of the EIA process. For example the Prescribed Time Limits Regulation issued under authority of British Columbia's *Environmental Assessment Act* require the British Columbia Environmental Assessment Office (BCEAO) to complete the technical review phase of an environmental assessment and report to the Minister within 180 days of declaring the application or EIS to comply with the TOR.

The Yukon Environmental and Socio-economic Assessment Board (YESAB) has established timelines for its Designated Office Evaluation and Executive Committee Screening processes. The "Rules for Screenings Conducted by the Executive Committee" require the Executive Committee to make its recommendation within 230 days after declaration of the project proposal or EIS being determined adequate. Thresholds established in the Assessable Activities, Exceptions and Executive Committee Projects Regulations, pursuant to *YESAA*, allow for mine developments less than 1500 tpd to be subject to a Designated Office Assessment, which is more expedient than an Executive Committee Screening. As an example, a Designated Office Evaluation of a 400 tpd metal mine required 117 days between submission of the project proposal and the determination of adequacy. Operating permits were issued within 273 days of proposal submission.

The NIRB provides informal timelines for its environmental review process in its *Guide to the NIRB Review Process* (NIRB 2007) noting that actual timelines will depend on the nature of a project. The environmental review process for the Meadowbank Mine in Nunavut, completed in 2006, took just over 33 months (1001 days) between referral to review and issuance of NIRB's determination to the Minister

(Table 3-4). The review included period of over 10 months (318 days) between issuance of the TOR and submission of the proponent’s EIS, as well as delays associated with a change in the project description and the need for additional information (Table 3-4). The proposed planning and assessment legislation in Nunavut, *NUPPA*, proposes formal timelines for screening and for aspects of the environmental review process. Under the proposed legislation, the NIRB will have 45 days after the conclusion of its review to submit its determination to the Minister. The Minister will have a further 120 days in which to deliver his or her decision on the determination.

Alberta Environment has a target of 43 weeks to complete environmental assessments; performance in the last 3 years has averaged 65 weeks.

Newfoundland and Labrador’s environmental assessment process has prescribed time limits for some but not all phases of the assessment process.

Table 3-5 provides a detailed breakdown of the EIA processes and timelines for a selection of mining developments in the three territories and the provinces of Saskatchewan, British Columbia and Newfoundland and Labrador. Projects in British Columbia and Saskatchewan were subject to both provincial and federal EIA processes. Table 3-4 summarizes the detailed information from Table 3-5, presenting timelines for 3 assessment phases: between referral or startup of the assessment to issuance of the final TOR; between issuance of the TOR and determination the EIS or DAR is in conformity; and between positive conformity decision and the environmental assessment determination.

**Table 3-4 Summary of EIA Timelines<sup>a</sup> from Table 3-5**

<b>Project</b>	<b>Jurisdiction</b>	<b>EA start up to issuance of TOR</b>	<b>Issuance of TOR to EIS conformity</b>	<b>EIS conformity to EA determination</b>	<b>Total</b>
Snap Lake Diamond Mine Project	NT	121	368	304	793 (26 mo.)
Pine Point Pilot Project	NT	100	209	296	605 (20 mo.)
Meadowbank Gold Mine Project	NU	79	668	253	1000 (33 mo.)
Carmacks Copper Project	YT	49 <sup>b,c</sup>	258	213	520 (17 mo.)
Jolu Central Mill Gold Project	SK	34 <sup>c</sup>	323	40	397 (13 mo.)
Galore Creek Copper-Silver-Gold Project	BC	744 <sup>c,d</sup>	182c	116	1042 (35 mo.)
Schefferville Iron Ore Mine Project	NL	121	336	30	487 (16 mo.)

**NOTES:**

<sup>a</sup> Timeline days provided as total calendar days; number of months have been rounded up where necessary.

<sup>b</sup> The Yukon does not have a formal scoping process.

<sup>c</sup> Timeline includes public review period after approval/conformity of TOR or EIS.

<sup>d</sup> British Columbia does not have established timelines for the scoping phase.

While no two projects and no two assessment processes are the same, information presented in Tables 3-4 and 3-5 indicates that, for the projects reviewed, the environmental assessment process in the Mackenzie Valley appears longer than in other jurisdictions. With the exception of the Galore Creek project in British Columbia, which had significant proponent caused delay during the scoping phase, the 'EA start up to issuance of TOR' and the 'EIS conformity to EA determination' phases' were longest for those projects assessed in the Mackenzie Valley. The following sections examine the timeliness of each phase of the Review Board's assessment process. A summary of EIA processes and timelines (where they exist) are provided in Appendix A for a number of jurisdictions.

Table 3-5 Case Studies<sup>1</sup>

Item	Mackenzie Valley		Nunavut	Yukon	Saskatchewan	British Columbia	Newfoundland
Project Name	DeBeers Canada Inc. Snap Lake Diamond Mine (MVEIRB EA No. EA01-004)	Tamerlane Ventures Inc. Pine Point Pilot Project (MVEIRB EA No. EA0607-002)	Cumberland Resources Ltd. Meadowbank Gold Project (NIRB EA No. 03MN107)	Western Copper Corporation Carmacks Copper Project (YESAB EA No. 2006-0050)	Golden Band Resources Jolu Central Mill Gold Project (EAB EA No. 2007-108)	NovaGold Canada Inc. Galore Creek Copper-Gold-Silver Project	Labrador Iron Mines Ltd. Schefferville Iron Ore Mine (EA Reg. No. 1379)
Project Assessed	<ul style="list-style-type: none"> <li>3000 tpd underground diamond mine with life of 22 years</li> <li>camp, process plant, paste backfill plant, power generation, bulk fuel storage, support buildings</li> <li>airstrip, site roads, winter access, PK containment, quarry and waste rock disposal</li> </ul>	<ul style="list-style-type: none"> <li>construction and maintenance of underground test mine at Tamerlane's R-190 property</li> <li>construction of freeze wall (frozen earth perimeter) to minimize groundwater seepage into mine workings</li> <li>extraction of 1,000,000 tonnes of lead/zinc ore over 24 to 30 month project life</li> <li>underground and surface crushing of ore (2,800 tpd); includes surface ore stockpile, waste ore and rock stockpiles for cemented paste backfill underground</li> <li>stockpiling of concentrated lead and zinc ore in building</li> <li>transport of concentrated ores to ore transfer facility (temporary storage) via NWT Hwy 5 (transportation corridor) and any upgrades to highway as required</li> <li>temporary storage facility and haul road at Hay River railhead</li> <li>other facilities include construction and operation of a diesel power plant and transmission infrastructure (most of power provided by line from Taltson Hydro), all on-site ancillary infrastructure, hydrocarbon storage and handling facilities, wastewater treatment facilities</li> </ul>	<ul style="list-style-type: none"> <li>3000 tpd open pit gold mine and supporting infrastructure</li> <li>requires draining of some lakes</li> <li>12-14 year mine life</li> <li>fuel storage and laydown area</li> <li>100 km all weather road between Baker Lake and mine, originally winter road</li> </ul>	<ul style="list-style-type: none"> <li>open pit copper mine and solvent extraction and electrowinning (SX/EW) processing facility</li> <li>estimated mine life of eight years, producing about 60 million tonnes of waste rock, and 13.3 million tonnes of copper ore – average production of 14,300 tonnes /year</li> <li>the project will include an open pit, acid heap leach and copper extraction facility, waste rock storage area (WRSA), soil stockpiles, events pond, drainage ditches, sediment control ponds, roads, construction camp, and miscellaneous facilities to support mining operations</li> <li>a crushing plant may also be constructed for ore and fill processing</li> </ul>	<ul style="list-style-type: none"> <li>mining and extraction of up to 910,000 tonnes gold ores from five feeder deposits over four years: two open pit (Komis and EP) and three underground (Bingo, Jolu and Decade)</li> <li>milling (700 tpd) would occur at the re-commissioned centrally located Jolu processing plant and tailings managed at Mallard TMF; these facilities were subject to EIAs through projects in 1988 and 1996 for other companies; facilities would be upgraded or expanded as required</li> <li>second smaller above-ground TMF also to be constructed</li> <li>ore from individual ore bodies trucked to Jolu mill by new and existing haul roads and Hwy 102</li> <li>other project components include ore and waste rock stockpiles, and water management facilities, and re-commissioning of several buildings at the Jolu site</li> </ul>	<ul style="list-style-type: none"> <li>open pit copper/gold/silver project in NW British Columbia with an anticipated production capacity up to 60,000 tonnes per day (480,000 tonnes of concentrate/yr). Expected mine life of 25 yrs</li> <li>indicated and inferred resource includes 5.9 billion pounds of copper, 3.7 million ounces of gold and 40 million ounces of silver</li> <li>project is an open pit mine. Mining will be based on conventional open pit methods (grinding, crushing and flotation to produce a bulk concentrate)</li> <li>facilities required to support operation include: mineral processing plant and tailing impoundment, waste rock disposal areas, material s supply, accommodation, medical and recreational facilities for employees, a landing strip, maintenance, emergency generators, ventilation systems and site offices</li> <li>concentrate would be transported by slurry pipeline to a facility where it will be dewatered – then transported by truck to the Port of Stewart – then likely shipped to smelters in Asia</li> </ul>	<ul style="list-style-type: none"> <li>open pit iron ore mine in western Labrador (near Schefferville, Quebec) at the James (North and South) and Redmond Properties (three sites)</li> <li>estimated combined annual production rate (at the three sites) of 1 to 2 million tonnes and increasing to 3.5 million tonnes in Year 4; estimated daily production of less than 3,000 tpd at each of the three sites</li> <li>railway spur line (approx. 3.5 km long) will be re-established between Silver Yards (north of James property) and existing railway in Schefferville, Quebec</li> <li>iron ore will be mined from previously mined locations, and transported to Silver Yards. Ore will be crushed and washed using a semi-mobile washer and crusher (no mill) to produce lump ore and sinter fine ores. Ores will be transported to the railway in Schefferville via the spur line</li> <li>operations will run 8 months of the year with annual winter shutdowns</li> <li>operation expected to run 3-4 years with current deposit; ongoing exploration to confirm adjacent deposits as satellite projects, providing estimated 20 years of mine life</li> </ul>

Table 3-5 Case Studies (cont'd)<sup>1</sup>

Item	Mackenzie Valley		Nunavut	Yukon	Saskatchewan	British Columbia	Newfoundland
Project Name	DeBeers Canada Inc. Snap Lake Diamond Mine (MVEIRB EA No. EA01-004)	Tamerlane Ventures Inc. Pine Point Pilot Project (MVEIRB EA No. EA0607-002)	Cumberland Resources Ltd. Meadowbank Gold Project (NIRB EA No. 03MN107)	Western Copper Corporation Carmacks Copper Project (YESAB EA No. 2006-0050)	Golden Band Resources Jolu Central Mill Gold Project (EAB EA No. 2007-108)	NovaGold Canada Inc. Galore Creek Copper-Gold-Silver Project	Labrador Iron Mines Ltd. Schefferville Iron Ore Mine (EA Reg. No. 1379)
Assessment Type	Environmental Assessment	Environmental Assessment	Part 5 Environmental Review	Executive Committee Screening	Environmental Assessment	Environmental Assessment	Environmental Assessment
Reason for EA (mandatory, referral from screening, etc)	<ul style="list-style-type: none"> <li>referred to EA due to concern over potential significant impact to environment and public concern</li> </ul>	<ul style="list-style-type: none"> <li>referred to EA due to concern over potential significant adverse impacts on the environment (by Environment Canada)</li> </ul>	<ul style="list-style-type: none"> <li>referred to EA due to concern about ecosystem impacts</li> </ul>	<ul style="list-style-type: none"> <li>project triggers review according to triggers established in Assessable Activities, Exceptions and Executive Committee Projects Regulations</li> </ul>	<ul style="list-style-type: none"> <li>project is considered a "development" under Section 2(d) of the Saskatchewan <i>Environmental Assessment Act</i> and the Proponent is required to conduct an EIA</li> <li>Mallard TMF now has fish in it and use of it triggers requirement to complete a screening-level EA under the <i>Canadian Environmental Assessment Act (CEAA)</i> as well as listing of Mallard TMF under Schedule 2 of <i>Metal Mining Effluent Regulations</i></li> </ul>	<ul style="list-style-type: none"> <li>new mine facility which, during operations, will have a production capacity of greater than 75,000 tonnes per year of mineral ore - <i>BCEAA Reviewable Projects Regulation (BC Reg. 370/02)</i></li> <li>triggers a federal environmental assessment under CEAA because NRCan, DFO, Transport Canada and Environment Canada will be required to issue statutory or regulatory approvals for various aspects of the Project</li> </ul>	<ul style="list-style-type: none"> <li>project required to be registered under NFLD EA Regulations, Part 3</li> <li>Minister determined EIS is required due to potential for significant environmental effects</li> </ul>
Organization conducting EA	<ul style="list-style-type: none"> <li>MVEIRB</li> </ul>	<ul style="list-style-type: none"> <li>MVEIRB</li> </ul>	<ul style="list-style-type: none"> <li>NIRB</li> </ul>	<ul style="list-style-type: none"> <li>Executive Committee (EC) of YESAB</li> </ul>	<ul style="list-style-type: none"> <li>Environmental Assessment Branch (EAB) of Government of Saskatchewan Ministry of Environment</li> <li>CEAA screening-level EA with Fisheries and Oceans Canada as RA (process combined and harmonized)</li> </ul>	<ul style="list-style-type: none"> <li>BC Environmental Assessment Office (EAO)</li> <li>(lead harmonized review process)</li> </ul>	<ul style="list-style-type: none"> <li>Newfoundland and Labrador Department of Environment and Conservation, Environmental Assessment Division (EAD)</li> </ul>
Date applications submitted (if applicable)	<ul style="list-style-type: none"> <li>February 2, 2001 (to MVLWB)</li> </ul>	<ul style="list-style-type: none"> <li>June 1, 2006 (to MVLWB)</li> </ul>	<ul style="list-style-type: none"> <li>March 31, 2003</li> </ul>	<ul style="list-style-type: none"> <li>February 27, 2006 – Project Proposal submitted to YESAB</li> <li>April 28, 2006 – Adequacy Review found supplementary information is required; Proponent afforded 180 days to submit or advise when will be submitted</li> <li>November 16, 2006 – Project Proposal resubmitted</li> <li>January 12, 2007 – Adequacy Review found supplementary information is required; Proponent afforded 180 days to submit or advise when will be submitted</li> <li>February 6, 2007 – Project Proposal resubmitted</li> </ul>	<ul style="list-style-type: none"> <li>July 12, 2007 – Project Proposal submitted to EAB</li> <li>February 19, 2008 – Proponent submitted an amended Project Proposal to EAB; changed the set of deposits that would be mined as part of the Project</li> </ul>	<ul style="list-style-type: none"> <li>February 16, 2004 – Project Description submitted to EAO</li> <li>December 2004 – Project Description submitted to CEAA</li> </ul>	<ul style="list-style-type: none"> <li>May 5, 2008 – undertaking registered with EAD</li> <li>May 5, 2008 – Project Description submitted to CEAA</li> <li>May 7 to June 10, 2008 – Government and public review of Project Registration Document</li> <li>June 2008 – EAD submits all received comments and recommendations to Minister of Environment and Conservation</li> </ul>

Table 3-5 Case Studies (cont'd)<sup>1</sup>

Item	Mackenzie Valley		Nunavut	Yukon	Saskatchewan	British Columbia	Newfoundland
Project Name	DeBeers Canada Inc. Snap Lake Diamond Mine (MVEIRB EA No. EA01-004)	Tamerlane Ventures Inc. Pine Point Pilot Project (MVEIRB EA No. EA0607-002)	Cumberland Resources Ltd. Meadowbank Gold Project (NIRB EA No. 03MN107)	Western Copper Corporation Carmacks Copper Project (YESAB EA No. 2006-0050)	Golden Band Resources Jolu Central Mill Gold Project (EAB EA No. 2007-108)	NovaGold Canada Inc. Galore Creek Copper-Gold-Silver Project	Labrador Iron Mines Ltd. Schefferville Iron Ore Mine (EA Reg. No. 1379)
Date EA Commenced	<ul style="list-style-type: none"> <li>May 23, 2001 (110 days after application submission to MVLWB)</li> </ul>	<ul style="list-style-type: none"> <li>June 28, 2006 (26 days after application submission to MVLWB)</li> </ul>	<ul style="list-style-type: none"> <li>December 3, 2003 (247 days after application submission)</li> </ul>	<ul style="list-style-type: none"> <li>February 13, 2007 (7 days after application submission and deemed complete)</li> </ul>	<ul style="list-style-type: none"> <li>March 29, 2008 – Ministry provides Section 10 public notice that EIA is being conducted and provides draft project-specific guidelines for review (38 days after application re-submission to EAB)</li> <li>June 30, 2008 – CEAA screening-level EA of Mallard TMF (131 days after application re-submission to EAB)</li> </ul>	<ul style="list-style-type: none"> <li>February 25, 2004 – EAO issues order under Section 10 that EA is required (9 days after application submission to EAO)</li> <li>January 11, 2005 – Federal Comprehensive Study commences (up to 42 days after application submission to CEAA)</li> </ul>	<ul style="list-style-type: none"> <li>August 13, 2008 – Minister directs Proponent to prepare an EIS (79 days after project registered)</li> <li>August 25, 2008 – EA Committee appointed to provide scientific and technical advice to the Minister and prepare draft guidelines (TOR) (12 days after Minister's decision)</li> <li>March 15, 2009 (approx.) – DFO and other federal departments determine there is no trigger for federal EA (up to 294 days after CEAA Project Description submitted)</li> </ul>
Date Terms of Reference for EIS issued?	<ul style="list-style-type: none"> <li>September 20, 2001 (121 days after EA commenced)</li> </ul>	<ul style="list-style-type: none"> <li>October 5, 2006 (100 days after EA commenced)</li> </ul>	<ul style="list-style-type: none"> <li>February 20, 2004 (79 days after EA commenced)</li> </ul>	<ul style="list-style-type: none"> <li>Preliminary Statement of Scope issued February 16, 2007 (3 days after EA commenced)</li> <li>comment Period February 16 to March 19, 2007 (30 days); period extended to April 3, 2007 (45 days) (49 days after EA commenced)</li> </ul>	<ul style="list-style-type: none"> <li>March 29, 2008 (provincial) (0 days after EA commenced)</li> <li>Public review of draft guidelines from April 2 to May 2, 2008 (34 days after EA commenced)</li> </ul>	<ul style="list-style-type: none"> <li>December 1, 2005 – Proponent submits Draft TOR (644 days after EA commenced)</li> <li>March 10, 2006 – draft TOR accepted by EAO and are issued as the Approved TOR for the Project (99 days after draft TOR submitted)</li> </ul>	<ul style="list-style-type: none"> <li>October 10, 2008 – Draft Guidelines (TOR) issued for public review and comment (58 days after Minister's decision)</li> <li>October 29 to December 7, 2008 – Public review of Draft Guidelines (40 days)</li> <li>December 12, 2008 – Final Guidelines issued (121 days after Minister's decision)</li> </ul>
Who prepared draft and final EIS?	<ul style="list-style-type: none"> <li>Proponent</li> </ul>	<ul style="list-style-type: none"> <li>Proponent</li> </ul>	<ul style="list-style-type: none"> <li>Proponent</li> </ul>	<ul style="list-style-type: none"> <li>Executive Committee of YESAB</li> </ul>	<ul style="list-style-type: none"> <li>Proponent prepared EIS for EAB</li> <li>DFO prepared screening-level EA under CEAA</li> </ul>	<ul style="list-style-type: none"> <li>Proponent</li> </ul>	<ul style="list-style-type: none"> <li>Proponent</li> </ul>
Date EIS filed	<ul style="list-style-type: none"> <li>February 26, 2002 (159 days after TOR issued)</li> </ul>	<ul style="list-style-type: none"> <li>Jan 4, 2007 (91 days after TOR issued)</li> <li>Resubmitted May 2, 2007 (214 days after TOR issued; 120 days after initial EIS declared to not conform)</li> </ul>	<ul style="list-style-type: none"> <li>January 4, 2005 (318 days after TOR issued)</li> </ul>	<ul style="list-style-type: none"> <li>December 17, 2007 (draft) (257 days after TOR comment period)</li> </ul>	<ul style="list-style-type: none"> <li>October 8, 2008 – Proponent submits draft EIS to EAB (159 days after TOR comment period)</li> <li>October 8, 2008 – Proponent submits Fish Habitat Compensation Plan to DFO</li> </ul>	<ul style="list-style-type: none"> <li>June 23, 2006 – Application for Environmental Assessment Certificate submitted to EAO (105 days after approved TOR issued)</li> </ul>	<ul style="list-style-type: none"> <li>December 21, 2008 – Proponent submits EIS to EAD (9 days after Final Guidelines (TOR) issued)</li> <li>August 25, 2009 – Proponent submits revised EIS to EAD (165 days after initial EIS deemed insufficient)</li> </ul>

Table 3-5 Case Studies (cont'd)<sup>1</sup>

Item	Mackenzie Valley		Nunavut	Yukon	Saskatchewan	British Columbia	Newfoundland
Project Name	DeBeers Canada Inc. Snap Lake Diamond Mine (MVEIRB EA No. EA01-004)	Tamerlane Ventures Inc. Pine Point Pilot Project (MVEIRB EA No. EA0607-002)	Cumberland Resources Ltd. Meadowbank Gold Project (NIRB EA No. 03MN107)	Western Copper Corporation Carmacks Copper Project (YESAB EA No. 2006-0050)	Golden Band Resources Jolu Central Mill Gold Project (EAB EA No. 2007-108)	NovaGold Canada Inc. Galore Creek Copper-Gold-Silver Project	Labrador Iron Mines Ltd. Schefferville Iron Ore Mine (EA Reg. No. 1379)
<p>Technical Review</p> <p>Processes used for technical review</p> <p>Amendments / changes to technical review process once started</p> <p>Start and finish dates of technical review</p>	<ul style="list-style-type: none"> <li>April 29, 2002 – Conformity decision by Board, deficiencies identified but review will proceed (62 days after EIS submitted)</li> <li>September 23, 2002 – EIS in conformity decision by Board (574 days after EIS submitted)</li> <li>4 rounds of Information requests, concludes October 18, 2002 (25 days after EIS conformity decision)</li> <li>Technical meetings November 2002</li> <li>Intervener reports filed February 14, 2003 (119 days after conclusion of information requests)</li> <li>Prehearing Conference March 26, 2003 (40 days after intervener reports filed)</li> </ul>	<ul style="list-style-type: none"> <li>January 22, 2007 – EIS declared to not conform to EIS Guidelines (17 days after initial EIS submitted)</li> <li>May 2, 2007 – EIS accepted (0 days after EIS resubmitted)</li> </ul>	<ul style="list-style-type: none"> <li>December 20, 2005 – EIS declared to conform to EIS guidelines (350 days after EIS submitted)</li> <li>Community meetings</li> <li>Technical Meetings</li> <li>Pre-hearing Conference</li> </ul>	<ul style="list-style-type: none"> <li>April 25, 2007 – EC required additional information from Proponent to continue with screening – allow 2 yrs from date of request to provide additional info (22 days after comment period)</li> <li>October 22, 2007 – EC advises Proponent that additional information provided is sufficient (181 days after request for additional information)</li> <li>Draft Screening Report and Recommendations issued December 17, 2007 (56 days after additional information deemed sufficient)</li> <li>Public Review Period December 17, 2007 – January 16, 2008 (30 days); period extended to February 6, 2008 (51 days)</li> <li>February 27, 2008 – EC requires supplementary information to conclude screening (21 days after review period); Proponent afforded 180 days to submit or advise when will be submitted</li> <li>EC requested expert information from 2 of the reviewers</li> <li>3 consultants provide expert opinion (Technical Review) on different topics</li> <li>May 13, 2008 – EC advises Proponent that supplementary information provided is sufficient (75 days after request for supplementary information)</li> <li>EC period to develop recommendations from May 12 to July 8, 2008 (58 days); period extended to July 18, 2008 (68 days)</li> </ul>	<ul style="list-style-type: none"> <li>November 2008 – EAB provided Proponent with compilation of technical review comments on the EIS and requested Proponent respond (up to 53 days after EIS submission)</li> <li>December 1, 2008 – EAB provides technical review comments to CEA Agency (54 days after EIS submission)</li> <li>January 2009 – Proponent provided responses to technical review comments (up to 92 days after EAB submits comments to Proponent)</li> <li>March 2, 2009 – Proponent submits revised EIS to EAB (up to 62 days after submission of responses)</li> <li>March 2009 – EAB notified Proponent the EIS was considered technically acceptable</li> <li>March 21, 2009 – Section 11 Notice given; public notified of EIS and invitation for comments (19 days after submission of revised EIS)</li> <li>March 26 to April 28, 2009 – Public review period of EIS and technical review comments (34 days)</li> <li>March to December 2009 – federal consultation with First Nations</li> <li>August 5, 2009 – Proponent submits TMF Alternatives Assessment to Environment Canada</li> <li>August 13, 2009 – Environment Canada deems TMF Alternatives Assessment acceptable (8 days after submission of TMF assessment)</li> </ul>	<ul style="list-style-type: none"> <li>EAO 180 day Review Period for Application June 26 to December 22, 2006; extended to January 3, 2007 (192 days)</li> <li>60 day Public Comment Period July 10 to September 8, 2006</li> <li>Several US organizations permitted opportunity to provide comment on the Application for Environmental Assessment Certificate (Alaskan Dept. of Natural Resources, US EPA, US Dept. of Commerce, US Forest Service)</li> <li>February 2007 – Assessment Report/Comprehensive Study Report (AR/CSR) issued; prepared by EAO, NRCan, DFO and Environment Canada</li> </ul>	<ul style="list-style-type: none"> <li>December 24, 2008 to February 11, 2009 – Government and public review of EIS (50 days)</li> <li>February / March 2009 – EA Committee submits comments and recommendations to Minister</li> <li>March 13, 2009 – Minister determines additional information is required to supplement the EIS (82 days after EIS submission)</li> <li>August to October 2009 (approx.) – EA Committee reviews revised EIS and provides recommendations to Minister</li> <li>November 13, 2009 – Minister determines EIS is satisfactory (80 days after submission of revised EIS)</li> </ul>

Table 3-5 Case Studies (cont'd)<sup>1</sup>

Item	Mackenzie Valley		Nunavut	Yukon	Saskatchewan	British Columbia	Newfoundland
Project Name	DeBeers Canada Inc. Snap Lake Diamond Mine (MVEIRB EA No. EA01-004)	Tamerlane Ventures Inc. Pine Point Pilot Project (MVEIRB EA No. EA0607-002)	Cumberland Resources Ltd. Meadowbank Gold Project (NIRB EA No. 03MN107)	Western Copper Corporation Carmacks Copper Project (YESAB EA No. 2006-0050)	Golden Band Resources Jolu Central Mill Gold Project (EAB EA No. 2007-108)	NovaGold Canada Inc. Galore Creek Copper-Gold-Silver Project	Labrador Iron Mines Ltd. Schefferville Iron Ore Mine (EA Reg. No. 1379)
Technical Review Processes used for technical review Amendments / changes to technical review process once started Start and finish dates of technical review (continued)					<ul style="list-style-type: none"> <li>November 23, 2009 – DFO accepts Proponent's Fish Habitat Compensation Plan (411 days after submission of Plan to DFO)</li> </ul>		
Hearings Where held How long were hearings	<ul style="list-style-type: none"> <li>In Yellowknife and nearby communities</li> <li>April 28 to May 2, 2003 (5 days long; began 426 days after submission of EIS)</li> </ul>	<ul style="list-style-type: none"> <li>Oct 16, 2007 (1 day long; began 167 days after resubmission of EIS)</li> </ul>	<ul style="list-style-type: none"> <li>March 27 to 31, 2006 (5 days long; began 446 days after submission of EIS)</li> </ul>	<ul style="list-style-type: none"> <li>No hearings</li> </ul>	<ul style="list-style-type: none"> <li>No hearings</li> </ul>	<ul style="list-style-type: none"> <li>No hearings</li> </ul>	<ul style="list-style-type: none"> <li>No hearings</li> </ul>
EA determination Date of determination Determination What does Determination Report contain	<ul style="list-style-type: none"> <li>July 24, 2003 (793 days after EA commenced)</li> <li>Approval with conditions</li> <li>Background, process, parties</li> <li>Reasons for decisions, mitigations,</li> </ul>	<ul style="list-style-type: none"> <li>February 22, 2008 (605 days after EA commenced)</li> <li>Approval with conditions</li> <li>Background, process, parties</li> <li>Reasons for decisions, mitigations,</li> </ul>	<ul style="list-style-type: none"> <li>August 30, 2006 (1000 days after EA commenced)</li> <li>Approval with conditions</li> </ul>	<ul style="list-style-type: none"> <li>July 18, 2008 – EC issues Project Screening Report and Recommendations; approved subject to terms and conditions (520 days after EA commenced)</li> </ul>	<ul style="list-style-type: none"> <li>April/May 2009 – EAB submits EIS, technical and public review comments and any recommendations to Minister (up to 397 days after EA commenced)</li> <li>February 17, 2010 – DFO completes screening-level EA (598 days after screening commenced)</li> <li>April 7 to May 7, 2010 – 30 day public review and consultation period for federal screening-level EA</li> </ul>	<ul style="list-style-type: none"> <li>January 2, 2007 – EAO completes recommendations and reasons for recommendations (1042 days after EA commenced)</li> </ul>	<ul style="list-style-type: none"> <li>November 14 to December 13, 2009 (approx.) – Minister prepares recommendation to Lieutenant Governor in Council</li> </ul>

Table 3-5 Case Studies (cont'd)<sup>1</sup>

Item	Mackenzie Valley		Nunavut	Yukon	Saskatchewan	British Columbia	Newfoundland
Project Name	DeBeers Canada Inc. Snap Lake Diamond Mine (MVEIRB EA No. EA01-004)	Tamerlane Ventures Inc. Pine Point Pilot Project (MVEIRB EA No. EA0607-002)	Cumberland Resources Ltd. Meadowbank Gold Project (NIRB EA No. 03MN107)	Western Copper Corporation Carmacks Copper Project (YESAB EA No. 2006-0050)	Golden Band Resources Jolu Central Mill Gold Project (EAB EA No. 2007-108)	NovaGold Canada Inc. Galore Creek Copper-Gold-Silver Project	Labrador Iron Mines Ltd. Schefferville Iron Ore Mine (EA Reg. No. 1379)
Ministerial / Government Decision By whom Date	<ul style="list-style-type: none"> <li>Minister of Indian and Northern Affairs</li> <li>October 10, 2003 (78 days after EA determination)</li> </ul>	<ul style="list-style-type: none"> <li>Minister of Indian and Northern Affairs</li> <li>May 13, 2008 (80 days after EA determination)</li> </ul>	<ul style="list-style-type: none"> <li>Minister of Indian and Northern Affairs</li> <li>November 17, 2006 (79 days after EA determination)</li> </ul>	<ul style="list-style-type: none"> <li>September 12, 2008 – Deputy Minister of EC Office (as authorized by territorial minister under YESA s.7) submits decision (56 days after EA determination)</li> <li>October 15, 2008 – NRCan submits decision document (89 days after EA determination)</li> </ul>	<ul style="list-style-type: none"> <li>May 25, 2009 – Saskatchewan Minister of Environment gives approval to Proponent to proceed (up to 27 days after public review of EIS)</li> <li>June 4, 2010 – DFO approves screening-level EA and determines, taking mitigation measures and public comments into account, Project not likely to cause significant adverse environmental effects (107 days after completion of screening-level EA)</li> </ul>	<ul style="list-style-type: none"> <li>February 16, 2007 – B.C. Minister of Environment and Minister of Energy, Mines and Petroleum Resources gives approves and issues Environmental Assessment Certificate (45 days after issuance of EAO recommendations)</li> <li>June 7, 2007 – EA Certificate amended: Proponent to enter into an indemnity to save harmless the Crown to any and all claims</li> <li>August 31, 2007 – EA Certificate amended: Proponent enter into a partnership with other company to form Galore Creek Mining Company</li> <li>June 4, 2007 – Federal EA decision posted to CEAA registry; Project approved (up to 124 days after AR/CSR issued)</li> </ul>	<ul style="list-style-type: none"> <li>February 12, 2010 – Lieutenant Governor in Council releases Project from further environmental assessment, subject to terms and conditions (up to 61 days after issuance of Minister's recommendations)</li> </ul>
Next Step	<ul style="list-style-type: none"> <li>Permitting</li> </ul>	<ul style="list-style-type: none"> <li>Permitting</li> </ul>	<ul style="list-style-type: none"> <li>Project Certificate and Permits</li> </ul>	<ul style="list-style-type: none"> <li>Permitting</li> </ul>	<ul style="list-style-type: none"> <li>Permitting and listing of Mallard TMF under Schedule 2 of MMR – notice filed by DFO on February 3, 2011</li> </ul>	<ul style="list-style-type: none"> <li>Permitting; initiated concurrently with the EAO review process</li> </ul>	<ul style="list-style-type: none"> <li>Permitting and licensing</li> <li>Submission and approval of Environmental Protection and Mine Development plans</li> </ul>
Date permits issued	<ul style="list-style-type: none"> <li>May 31, 2004 (233 days after Ministerial decision)</li> </ul>	<ul style="list-style-type: none"> <li>July 28, 2008 – Type A Land Use Permit issued (76 days after Ministerial decision)</li> <li>December 12, 2008 – Type A Water License issued (213 days after Ministerial decision)</li> </ul>	<ul style="list-style-type: none"> <li>December 30, 2006 – NIRB Project Certificate issued (43 days after Ministerial decision)</li> <li>June 9, 2008 – Type A Water License issued (569 days after Ministerial decision)</li> </ul>	<ul style="list-style-type: none"> <li>April 15, 2009 – Territorial Quartz Mining License issued (182 days after NRCan decision)</li> <li>May 10, 2010 – Type A Water License denied (572 days after NRCan decision)</li> <li>June 18, 2010 – Proponent filed petition to appeal water license decision</li> </ul>	<ul style="list-style-type: none"> <li>August 24, 2009 – All required provincial permits received (91 days after Ministerial decision)</li> </ul>	<ul style="list-style-type: none"> <li>April 2007 – All required provincial permits received (up to 73 days after EA Certificate issued)</li> <li>July 17, 2007 – All federal authorizations received (43 days after federal EA decision)</li> </ul>	<ul style="list-style-type: none"> <li>July 7, 2010 – Environmental Protection Plan is approved</li> <li>July 28, 2010 – Mine Development Plan approved</li> <li>September 14, 2010 – All required provincial permits received (214 days after Project released)</li> </ul>
Total days in EA	<ul style="list-style-type: none"> <li>May 23, 2001 to October 10, 2003</li> </ul>	<ul style="list-style-type: none"> <li>June 28, 2006 to May 13, 2008 = 685 days</li> </ul>	<ul style="list-style-type: none"> <li>December 3, 2003 to November 17, 2006 = 1079 days</li> </ul>	<ul style="list-style-type: none"> <li>February 13, 2007 to October 15, 2008 = 609 days</li> </ul>	<ul style="list-style-type: none"> <li>Provincial: March 29, 2008 to May 25, 2009 = 422 days</li> <li>Federal: June 30, 2008 to June 4, 2010 = 705 days</li> </ul>	<ul style="list-style-type: none"> <li>Provincial: February 25, 2004 to February 16, 2007 = 1086 days</li> <li>Federal: January 11, 2005 to June 4, 2007 = 875 days</li> </ul>	<ul style="list-style-type: none"> <li>August 13, 2008 to February 12, 2010 = 548 days</li> </ul>

**Table 3-5 Case Studies (cont'd)<sup>1</sup>**

Item	Mackenzie Valley		Nunavut	Yukon	Saskatchewan	British Columbia	Newfoundland
<b>Project Name</b>	<b>DeBeers Canada Inc. Snap Lake Diamond Mine (MVEIRB EA No. EA01-004)</b>	<b>Tamerlane Ventures Inc. Pine Point Pilot Project (MVEIRB EA No. EA0607-002)</b>	<b>Cumberland Resources Ltd. Meadowbank Gold Project (NIRB EA No. 03MN107)</b>	<b>Western Copper Corporation Carmacks Copper Project (YESAB EA No. 2006-0050)</b>	<b>Golden Band Resources Jolu Central Mill Gold Project (EAB EA No. 2007-108)</b>	<b>NovaGold Canada Inc. Galore Creek Copper-Gold-Silver Project</b>	<b>Labrador Iron Mines Ltd. Schefferville Iron Ore Mine (EA Reg. No. 1379)</b>
Total days in EA and permitting	<ul style="list-style-type: none"> <li>May 23, 2001 to May 31, 2004 = 1104 days</li> </ul>	<ul style="list-style-type: none"> <li>June 28, 2006 to December 12, 2008 = 898 days</li> </ul>	<ul style="list-style-type: none"> <li>December 3, 2003 to June 9, 2008 = 1649 days</li> </ul>	<ul style="list-style-type: none"> <li>February 13, 2007 to present = &gt;1567 days (ongoing for water license)</li> </ul>	<ul style="list-style-type: none"> <li>Provincial: March 29, 2008 to August 24, 2009 = 513 days</li> <li>Federal: June 30, 2008 to present = &gt;1060 days (ongoing for Mallard TMF)</li> </ul>	<ul style="list-style-type: none"> <li>Provincial: February 25, 2004 to April 2007 = 1160 days</li> <li>Federal: January 11, 2005 to July 17, 2007 = 918 days</li> </ul>	<ul style="list-style-type: none"> <li>August 13, 2008 to September 14, 2010 = 762 days</li> </ul>

NOTE:

<sup>1</sup> Timelines provided as total calendar days.



### **3.4 Scoping**

Environmental assessment is a process to identify and evaluate the environmental implications of a development and take those effects into consideration during planning decisions to promote sustainable development. Often a proposed development may raise many issues among stakeholders and, as there is usually not unlimited capacity to study all of the issues, there is a need to focus resources on the assessment of those issues of greatest concern. Scoping is a process which allows the assessment to focus on the biophysical and socio-economic environmental components of greatest concern which may be affected by the proposed development. It involves confirming the project to be assessed and the issues or factors and scope of those factors to be considered in the assessment (Barnes et al. 2010). Scoping is a critical activity undertaken at the outset of an environmental assessment which influences the efficiency and effectiveness of the entire assessment process. The *MVRMA* requires the MVEIRB to determine the scope of the project to be assessed. Effective assessment also requires the scope of the assessment to be determined. Together, the scope of the project and scope of the assessment are usually documented in a Terms of Reference (TOR) which directs the preparation of the developer's DAR, or EIS and the factors to be considered in the technical review. As such, scoping is critical to ensuring an environmental assessment which is efficient and focuses on the matters of concern in relation to the proposed project.

The MVEIRB's scoping process is inclusive, allowing stakeholders in the environmental assessment several opportunities for input. Initially MVEIRB staff review relevant documentation to identify the potential issues to be included in the assessment. Documentation reviewed typically includes, the preliminary screening report and supporting information, past assessments of similar projects, projects in similar areas and the public record of the assessment. The public is provided an opportunity to present their questions and concerns about the proposed development, commonly through public forums hosted by MVEIRB staff and attended by the developer in the communities identified to be affected by the proposed development. In some instances (e.g., Gacho Kue Project) formal scoping hearings were held by the MVEIRB. Staff analyzes the results of the scoping activities and summarizes the issues and concerns raised by the proposed development for review by the MVEIRB. A draft TOR confirming both the Scope of the Project and the Scope of the Assessment is prepared and upon approval of the MVEIRB is circulated to the parties for comment. Comments are received and analyzed, revisions made as determined appropriate and a final TOR is presented to the Review Board for approval. Once approved, the final TOR is issued and distributed to direct the remainder of the environmental assessment process.

As noted previously, for the 11 projects reviewed, the time from start-up to issuance of the final TOR has ranged between 98 and 400 days for large projects and between 49 and 186 days for smaller projects. On average, for the 11 projects reviewed, the start-up, scoping and TOR phase has occupied between 30 and 37% of the total Board controlled period of the assessment. The most recent example from assessments before the MVEIRB, a mine project with a remote hydrometallurgical facility, required approximately 230 days between environmental assessment start-up and issuance of the TOR.

Table 3-6 outlines the length of time between start-up of the environmental assessment and issuance of the final TOR for a range of “large” and “small” projects subject to assessment between 2005 and 2010.

**Table 3-6 Timelines between EA Start-up and Issuance of TOR for Selected Projects 2005-2010**

Large Projects					
Year	Proponent	Project	EA Start-up	Final TOR Issuance	No. Days
2005	DeBeers	Gahcho Kue	22-Dec-05	22-Feb-06	63
2006	Tamerlane	Pine Point	28-Jun-06	5-Oct-06	100
2007	Deze Energy	Taltson Hydroelec.	17-Oct-07	28-Mar-08	163
2008	Tyhee	YK Gold Project	2-Sep-08	25-May-09	266
2008	CanZinc	Prairie Creek Mine	11-Aug-08	26-Jun-09	320
2008	INAC-CARD	Giant Mine Remed.	7-Apr-08	12-May-09	401
2009	Fortune Minerals	NICO Project	2-Mar-09	30-Nov-09	213
2010	Avalon	Thor Lake Project	25-Jun-10	14- Feb 2011	234
Small Projects					
Year	Proponent	Project	EA Start-up	Final TOR Issuance	No. Days
2005	Sidon	Defeat Lk Diamond Expl.	8-Sep-05	27-Sep-05	20
2005	Paramount	2-D Geophysical	24-Nov-05	6-Apr-06	134
2007	Selwyn Resources	Howard's Pass Mineral Expl.	18-Jun-07	25-Jan-08	222
2007	Bayswater	Crab & El Lks Mineral Expl.	28-Aug-07	30-Apr-08	246
2007	Uravan	N Boomerang Lk U Expl.	22-Aug-07	8-Jan-08	140
2007	Uravan	S Boomerang Lk U Expl.	15-Aug-07	6-Jan-08	145
2010	TNR Gold Corp	Moose Mineral Expl.	23-Jul-10	18-Aug-10	27

Review of timelines presented in Table 3-6 indicates that there has been consistency in the length of time taken to prepare the TOR by the Review Board between 2005 and 2010; however, TOR (Work plan) for a recent assessment (TNR Gold Corporation’s Moose Mineral exploration project) was completed in only 27 days.

A review of the TORs for a selection of larger projects subject to environmental assessment by the MVEIRB illustrates consistency among the content of the TOR, especially in recent years. In an effort to prioritize issues and focus additional attention on the most important issues, the TORs for more recent projects (e.g., Deze Energy, Fortune Minerals, and Avalon) have included “Key Lines of Enquiry”, or topics for which the developer is to provide special emphasis in their DAR. TORs for smaller projects (e.g., mineral exploration) examined during this review were less comprehensive and more variable in content, appearing to limit the scope of the assessment to issues identified during the Preliminary Screening. Focusing the assessment on issues of greatest concern was evident in the final work plan for the TNR Gold Corp assessment, which limited the scope of the assessment to those matters identified in the Preliminary Screening Report: possible impact on traditional land use and archaeological and heritage sites.

While some other jurisdictions (e.g., Nunavut) have a long scoping process to prepare the TOR, the MVEIRB's scoping phase can generally be considered as long or longer compared to other jurisdictions examined. Several other jurisdictions examined have a more streamlined process for issuance of the TOR. Alberta Environment requires proponents to submit a project description document and "Proposed Terms of Reference" for the environmental assessment of their project. The documents are made available for public comment and the final TOR is issued by the Alberta Environment Director of Environmental Assessment. Alberta Environment has published standard TOR for a series of common projects and provides proponents with a template from which to prepare their proposed TOR.

After a project has been confirmed reviewable under the *Environmental Assessment Act* of British Columbia, the BCEAO issues an Order specifying the scope, procedures and methods for the environmental assessment. Under the Order, the proponent is required to prepare a draft TOR for the application (EIS) which is subject to review by stakeholders and approval by the EAO. Scoping and finalization of the TOR constitute the Pre-application Phase of the environmental assessment, and while no formal timelines exist, review of mining projects assessed by the BCEAO illustrated a pre-application phase ranging between 4 and 8 months (120 to 240 calendar days) duration for two projects and over two years (744 days) for the Galore Creek project. It should be noted that the pre-application and scoping phase of the projects examined required the preparation of a scope of the assessment and TOR which addressed the requirements of both the provincial legislation and CEAA. TORs issued in British Columbia now include a draft Table of Contents for the EIS.

The YESAB has published a Standard Outline for a project proposal (EIS) which serves as a guide for proponents to prepare their project proposal or EIS. The lack of a formal TOR developed through a scoping process was noted as a cause of uncertainty and possible delay during the Executive Committee's determination of adequacy on a recent project proposal (Donnithorne, pers. comm.).

The Environmental Assessment Regulations issued under authority of Newfoundland and Labrador's *Environmental Protection Act* require the Assessment Committee to release draft guidelines for the preparation of the EIS within 120 days of referral to assessment; the public has a further 40 days upon which to comment before the guidelines are finalized.

While the reasons for the lengthy scoping phase in the Mackenzie Valley may rest with a variety of parties, the MVEIRB does have opportunity to exercise more control and affect the timelines of this critical phase. Several important observations about scoping by the MVEIRB and practices from other jurisdictions are highlighted for consideration.

The preliminary screening report, which contains the reason for referral of a development to environmental assessment, is of little to no value in determining the scope of the assessment. The reports typically contain little specific information which can be used to inform the scope of the assessment.

The project description available at the start-up phase is often insufficient to confirm the scope of the project to be assessed. The project description required for an environmental assessment usually needs to provide greater detail and address a broader range of items than that required for preliminary screening. Additionally, MVEIRB staff noted that, in some cases, the project description evolves through the scoping phase, delaying confirmation of the scope of the project and ultimately, the scope of the

assessment. The submission of applications before a project has been fully defined may be a strategy by developers to trigger the assessment early in hopes that it can be completed sooner; however, uncertainty about the project to be assessed usually causes delays in process.

Many jurisdictions provide substantial guidance for developers and other participants in the scoping phase. As noted above, the project description necessary to determine the scope of the project usually requires more detail than that considered during preliminary screening. While the Environmental Impact Assessment Guidelines (MVEIRB 2004) document the need for a detailed project description for scoping, the detailed information requirements are not presented. Alberta Environment provides a Guide to Preparation of a Project Summary Table (a type of project description) and a range of other guidance documents related to preparation of the proposed TOR and participation in the review of the TOR. The British Columbia EAO has published the Application Information Requirements Template which, among other items, identifies the information to be provided in the developer's project description. The Canadian Environmental Assessment Agency has prepared the *Guide for Submissions under the Canadian Environmental Assessment Act* which specifies the information required in a project description.

There are many opportunities for stakeholder involvement in scoping conducted by the MVEIRB. Parties are initially provided an opportunity to raise concerns with the project during the preliminary screening of the development proposal. They are then provided an opportunity for comment during scoping and again upon review of the draft TOR. It is acknowledged that the *MVRMA* provides for the concerns of Aboriginal people and the general public to be taken into account during environmental assessment; however, the extensive public involvement opportunities have implications for process timeliness.

Finally, it is acknowledged that effective and efficient scoping is challenging. In the report "A Review of Project Scope and Environmental Assessment Scope for Energy and Mining Projects across Canada", Stantec Consulting Ltd. (2009) acknowledges that process uncertainty and predictability in environmental assessment is a major concern of stakeholders across Canada and determined that the scoping phase is a major contributor to uncertainty. The authors refer to a tendency by agencies responsible for scoping decisions to undertake "broad scoping" where requirements are often unclear or non-specific or ask for more information than may be reasonable or necessary. During scoping, and indeed all phases of the assessment, the MVEIRB is required to balance the interests and concerns of a wide variety of stakeholders (Aboriginal Groups, government agencies, regulators, developer, NGOs, etc) in a fair, equitable and transparent process. There is limited guidance and resources available to critically evaluate the range of issues and concerns raised during scoping and determine which should be the focus of the environmental assessment. As a result, agencies conducting scoping processes often defer to broad scoping which can result in an unfocused and unpredictable assessment which is both lengthy and stretches the capacity of stakeholders. A scoping process which fails to identify and focus the issues has the potential to increase the length and unpredictability of all subsequent phases as issues of scope arise and require resolution.

Evidence examined during this review illustrated increased focusing or prioritizing of issues for examination, as presented in the TOR for specific environmental assessments. For example, the Work Plan for the TNR Gold Corp assessment acknowledged that existing regulatory instruments had the

capability to mitigate environmental effects of the development and, accordingly, the assessment would focus only on the two items raised during preliminary screening. In the most recent environmental assessments for larger projects, the TOR have contained Key Lines of Enquiry or “issue(s) requiring increased attention, because of high impact potential and concerns raised in scoping sessions” (MVEIRB 2011). Such focusing is a key element of good scoping and effective environmental assessment. However, the full benefit of such focusing appears not to be realized as the TOR still require the developer to address all of the issues contained in TORs previously issued without key lines of enquiry “because every issue identified in this Terms of Reference requires sufficient analysis to demonstrate whether the development is likely to be the cause of or a contributor to significant adverse impacts.” (MVEIRB 2011). While providing some of the benefits of increased focusing, this approach still bears the costs on efficiency and capacity inherent with broad scoping. Effective scoping focuses the assessment on evaluating the potential effects of project actions with valued components of the environment which are poorly understood and/or do not have established mitigations. Participants in scoping sessions need to be challenged to focus the assessment on the potential effects which are likely to result from the project, whose significance is not well understood and for which there is no established or proven mitigation. Improved scoping can improve the timeliness of the environmental assessment process by reducing the time and resources required and by improving process clarity and avoiding the need for rulings on scope in future phases of the assessment.

### **3.4.1 Developer’s Assessment Report**

The developer is required to submit a Developer’s Assessment Report (DAR) to address the requirements contained in the TOR. For environmental assessments of smaller projects, developers may not be required to submit a DAR but are required to submit information in response to the TOR or Work plan. When required, submission of the DAR is entirely the responsibility of the developer and the MVEIRB is unable to control when a developer will submit its DAR or equivalent submission. For example, the initial work plans for the Pine Point Pilot Project and Taltson Hydro-electric Expansion Project environmental assessments anticipated a period of 90 and 60 days, respectively, for submission of the DAR following issuance of the final TOR. Evidence indicates that the DARs for each project were not submitted until over 200 and 300 days, respectively, after issuance of TORs. The review of the public registry for the large project assessments illustrates a range of between 5 and 12 months (150 to 365 days) between issuance of the final TOR and submission of the DAR by the developer.

In other jurisdictions, the submission of an adequate DAR or EIS essentially triggers the formal EIA process or technical review phase; no formal timelines for the period between issuance of the TOR and submission of the DAR or EIS are established.

The MVEIRB cannot control the timeliness of the submission of the DAR by the developer. Establishing a schedule based on anticipated dates out of the MVEIRB’s control invariably leads to the need to amend the schedule and leaves the perception of a delayed and/or lengthy process. Submission of the DAR is a phase of the environmental assessment for which the MVEIRB cannot be held accountable and therefore

should not take responsibility for establishing a schedule which could negatively affect the schedule for the entire assessment.

### **3.4.2 Conformity Check**

The MVEIRB, as is done in other jurisdictions, conducts a review of whether or not the DAR conforms to the TOR. A review of evidence on the public record for the large projects reviewed by the MVEIRB indicates that this process is done expeditiously and commonly within 30 days or less of receipt of the DAR. Consistent with the Environmental Impact Assessment Guidelines (MVEIRB 2004), the MVEIRB's conformity process determines whether:

- the DAR is in conformity and the technical review can commence
- the DAR does not conform; however, the technical review can commence with the developer required to address deficiencies within a specific time period; or
- the DAR does not conform and as the information deficiencies are determined to be pivotal, the assessment is put on hold until they are satisfied

The duration of the MVEIRB's conformity check is similar to that of other jurisdictions. The Prescribed Time Limits Regulation issued under the British Columbia *Environmental Assessment Act* requires a conformity decision within 30 days of submission of the application. The "Rules for Screenings Conducted by the Executive Committee" (YESAB 2010) require a conformity decision to be made within 60 days of submission of the Project Proposal (EIS). Established timelines for conformity review do not exist in Nunavut; however, the NIRBs Guide 5 estimates a conformity decision being provided within 15 days upon receipt of the proponents EIS. Review of NIRB's public record indicates that its most recent conformity review (Baffinland Iron Ore Mines) took approximately 25 days. Newfoundland requires conformity decision within 70 days of receipt of the EIS

Our review indicates that the MVEIRB's timeline for completing the conformity check is similar, if not more expedient than other jurisdictions. However, most other jurisdictions do not commence the technical review phase until conformity has been achieved. Including the period for responding to deficiencies in the DAR in the technical review phase rather than during the conformity phase may be a contributor to a technical review phase which is longer than many jurisdictions

### **3.4.3 Technical Review Phase**

Activities typically undertaken during the technical review of large assessments can include review of the developer supplied information, issuance of Information Requests, technical meetings amongst stakeholders, pre-hearing conference, public hearings and in some cases technical workshops. The technical review phase commonly concludes with Public Hearings presided upon by the MVEIRB and at which the parties provide formal interventions and have the opportunity to question each other. The technical review process for smaller assessments involves the review of developer supplied information and usually involves a public hearing. The technical review phase of the large environmental assessments reviewed during this assignment has varied between 6–14 months in duration; however, this estimate is approximate only as information available on the public registry makes it difficult to determine specific timelines. Technical review phases for the assessment of smaller projects have varied considerably, but are usually shorter than for the larger projects. The most recent assessment of a small project (TNR Gold Corp) had a technical review phase of approximately 40 days. Formal timelines have been established in many jurisdictions for the Technical Review Phase. While the process varies somewhat from the MVEIRB's environmental assessment process, the technical review phase of the Executive Committee Screening in the Yukon is established at 171 days, with opportunity for extension if certain conditions arise. In British Columbia, the technical review phase (application review phase) including preparation of the Report of the Environmental Assessment is set at 180 days by regulation. In Newfoundland, where the EIS is deemed adequate and no further studies are required, interveners have 50 days from the date of submission of the EIS to provide comment. Public hearings may be ordered at the discretion of the Minister and must be completed within 100–190 days after the EIS has been declared in conformity with the guidelines.

Upon review of the evidence on the public registry and comparison with experience and requirements from other jurisdictions, it can be concluded that while the processes are not directly comparable, the technical review phase for environmental assessments completed by the MVEIRB are typically longer than is the case in other jurisdictions. The length of the technical review phase is influenced by a number of factors including, but not limited to, how well the assessment has been scoped, whether or not conformity is achieved prior to commencement of technical review, the complexity of the issues under consideration, proponent responsiveness and management of the process. Several of these factors can be controlled by the MVEIRB either during the technical review phase or through effective scoping.

### **3.4.4 Report of the Environmental Assessment**

Upon conclusion of the technical review phase and closure of the public record, the MVEIRB prepares its Report of the Environmental Assessment (REA) which contains its determination according to section 128 of the *MVRMA*, any proposed measures or suggestions to mitigate environmental effects and supporting justification. MVEIRB staff has a report template and begin drafting the report during the technical review phase; however, the report is primarily written after a debriefing with the MVEIRB following the public hearing. The REA may go through several iterations of Board review before being finalized. Evidence examined during this review indicated that for the 4 completed large project assessments, the REA was

issued by the MVEIRB between 90 and 210 days after the public hearing. The lengthiest period was for the REA for the Deze Energy proposal where the public record remained open for approximately 120 days after the public hearing and the REA was issued approximately 90 days after its closure.

In Newfoundland and Labrador, the Assessment Committee, which is typically composed of representatives from each federal and provincial government department that has an interest in the project, is required to submit its report and determination to the Minister within 50 days of receipt of the EIS; their determination may conclude the EIS is satisfactory and the project be allowed to proceed, or that the EIS is deficient.

Under the Rules for Screenings by the Executive Committee in the Yukon, a draft report of the assessment is to be prepared and circulated to stakeholders within 120 days of declaration the project proposal is in conformity. Following a 30 day public review period, the Executive Committee has 60 days within which to submit its final Screening Report to the Decision Bodies. The Executive Committee is composed of three individuals (a Chairperson and two YESAB members) appointed by the Council for Yukon Indians and the Minister of INAC after consultation; members live throughout the Yukon.

The proposed *NUPPA* would require the NIRB to submit its report of the environmental review to the Minister within 45 days of conclusion of the review. The NIRB is composed of up to nine members, including a Chairperson, appointed by federal and territorial governments based on federal, territorial or Inuit nominations; members live throughout Nunavut. In British Columbia, the draft report of the environmental assessment is released for public comment and finalized before being sent to the Minister. The report is completed within the 180 day Application Review Stage, following confirmation of the applications conformity with the TOR.

### **3.4.5 Ministerial Decision**

Reports of the environmental assessment are sent to the Minister of Indian and Northern Affairs or Designated Regulatory Agency who, along with any responsible Ministers, will decide whether to accept, reject or modify the MVEIRB's recommendations. Review of the evidence on the public record illustrates that the length of the Ministerial Decision Phase is variable and can be lengthy, ranging from 75 days to over four years, with an average for larger projects in the range of 90–120 days following receipt of the REA.

Under the British Columbia environmental assessment process, the Minister has 45 days from receipt of the assessment report to make a decision. Under the proposed legislation in Nunavut, *NUPPA*, The Minister would have 120 days in which to make a decision on the determination provided by the NIRB. In the Yukon, Decision Bodies receiving the Executive Committee Screening Report have 15 days in which to determine whether to accept or reject the determination. Within the ISR, Regulatory Bodies have 30 days within which to accept or reject the determination of the Screening Committee. In Newfoundland and Labrador, the Minister must make his or her decision within 30 days upon receipt of a determination of an assessment where no hearings are held or within 60 days for assessments including hearings.

The length of time taken for Ministerial Decisions on the MVEIRB's determination is likely influenced by a variety of factors, many of which may be outside of the MVEIRB's control. However, INAC officials indicated that there are two main areas which the Minister considers in the REA: the practicality of any measures recommended to mitigate potential significant adverse environmental effects and whether Aboriginal consultation is adequate. The MVEIRB does have the opportunity to influence the first matter through the content of the REA; however, the MVEIRB has affirmed that it does not have the responsibility of the Crown for Aboriginal Consultation and will only document, not conduct, Aboriginal Rights Consultation undertaken in relation to a development subject to environmental assessment.

### **3.5 Operations**

This section focuses on the operational concerns of how the MVEIRB's current environmental assessment process is implemented. Successful completion of the MVEIRB's responsibilities under the *MVRMA* depends largely on the MVEIRB and staff, but also involves technical support from government agencies (Section 22 of the *MVRMA*) and participation by interveners.

#### **3.5.1 MVEIRB**

##### **3.5.1.1 Roles**

The MVEIRB is ultimately responsible for the conduct and determination of the environmental assessment. The Board is supported by Environmental Assessment Officers (EAO) and administrative staff in carrying out its responsibilities. The MVEIRB has delegated some of the responsibilities for carrying out the environmental assessment process to the EAOs while retaining others. According to evidence gathered during this review, the Board exercises authority for approval of the following:

- scoping procedures to be undertaken
- draft and final TOR
- assessment strategy and work plan
- setting and modification of timelines and deadlines for submissions
- conformity
- Information Requests
- hearing dates and times
- closure of public record
- Report of Environmental Assessment

It is understood that the MVEIRB's desire is to maintain responsibility for key procedural decisions and avoid having the staff being the focus of any displeasure expressed by parties on certain decisions. While this is honorable and not uncommon for Boards administering public processes, MVEIRB approval has implications for a timely process. Achieving a decision of the MVEIRB on a matter involves a number of

procedures including the preparation and review of briefing materials by EAOs and senior staff, presentation of the material at a scheduled Board Meeting, Board review and decision, and communication of the decision by the EAOs. This process is not unreasonable but can become cumbersome and detrimental to timeliness and the overall conduct for the EA. An example of where the Board approval process is unwieldy is when an amendment to the work plan or agreed upon date for an activity is requested. Participants may ask for a week extension to a deadline, however, it may take three weeks for a Review Board decision to be made and communicated, which is long after the extended deadline has passed. Some of the current decision making roles of the Board could be delegated to the EAOs (with appropriate guidance) for expedience. This could include initiation of scoping procedures, conformity decisions and approval of Information Requests.

### **3.5.1.2 Capacity**

EAOs are called upon to perform a wide range of responsibilities, including administering the environmental assessment process and providing technical advice throughout the process. They are faced with managing the participation and expectations of a range of parties and providing the Board with the best technical advice on issues of project and assessment scope, effects analysis and mitigation measures. They face the challenges of managing a variety of complex and competing interests and technical issues related to a large range of projects. EAOs are assisted to some degree by technical resources of government agencies, and in some cases contracted experts, however, ultimately their analysis and recommendations are what the MVEIRB must rely on in making its determinations. EAOs require a broad range of skills to complete their responsibilities effectively and need to be able to keep up with the evolving best practices of EIA. Training, guidance and supporting resources need to be made available to EAOs to keep abreast with best practice and ensure they are giving the MVEIRB the best possible support.

The need for ongoing training and capacity development among the EAOs and MVEIRB is critical to delivering quality and timely environmental assessments.

### **3.5.2 Parties**

The MVEIRB depends on government agencies to provide relevant technical expertise throughout all phases of the environmental assessment. While input from the government agencies is essential to meeting the requirements of the environmental assessment, this input can also affect timeliness of the assessment. Government agencies and other parties can be known to introduce interests or concerns into the scoping process which are not directly related to the development being assessed or cannot be addressed in the environmental assessment process. Such interests may be difficult to challenge and avoid and can lead to broad scoping and the attendant effects on timeliness. Additionally, government agencies can experience capacity issues at times which can lead to inefficiencies and requests for extension.

One of the prime objectives of the Comprehensive Claims Settlements from which the *MVRMA* originated was providing Aboriginal people with greater control over lands and resources and decisions affecting

their well being. The *MVRMA* has created a system which provides for Aboriginal and public involvement in decision making about land and resource use in the Northwest Territories. The EIA process administered by the MVEIRB is very conducive to Aboriginal and public involvement by holding meetings and hearings in affected communities, requiring translation of certain documents and proceedings into Aboriginal languages, providing time and opportunity for participation throughout the process and by taking serious consideration of concerns raised during proceedings. Capacity to participate in environmental assessment proceedings is increasing, but still remains limited in many communities. Many Aboriginal groups have limited resources and must rely on funds from government programs or other sources to fund their participation in environmental assessments, including the hiring of technical expertise. Requests for extension of deadlines during proceedings often come from Aboriginal organizations, likely as a result of insufficient capacity. The *MVRMA* (S114 c) directs the MVEIRB to ensure that the concerns of Aboriginal people are taken into account during environmental assessment. The capacity of Aboriginal peoples to participate in the environmental assessment process has a direct effect on process timeliness and will need to be addressed during any consideration of options to improve timeliness.

The MVEIRBs environmental assessment process can be considered inclusive, offering multiple opportunities for public involvement. This review has not examined the costs and benefits of an inclusive process, other than from the perspective of overall timeliness. While fewer opportunities for public involvement may improve timeliness, it could generate negative consequences for other aspects of the assessment. While not reducing opportunity for public involvement, the Review Board should consider increased management of public involvement by setting and adhering to established processes and deadlines as is done by agencies in other jurisdictions.

### **3.6 Summary**

The review of evidence and process documentation from the Mackenzie Valley and several other jurisdictions in Canada suggests that, on average, the MVEIRB's environmental assessment process is one of the lengthier processes in the country. While there is similarity amongst processes across jurisdictions, the different requirements or emphasis of each process and the varying level of information available on the public record in each jurisdiction prevent a precise comparison of the timeliness of processes. The examination of specific phases of the assessment processes does, however, indicate that many assessment activities of similar purpose take longer in the Mackenzie Valley than in other jurisdictions. Additionally, most other jurisdictions in Canada have implemented formal timelines for EIA, either by regulation or in "Rules" issued by the responsible agency.

The legal framework for environmental assessment, process delivery and operational constraints all affect the timeliness of the environmental assessment process currently delivered by the MVEIRB.

The *MVRMA* establishes three levels of environmental assessment in the Mackenzie Valley and all but the most insignificant developments are potentially subject to all three levels. A development must first undergo preliminary screening and cannot proceed directly to a higher level of assessment, as is facilitated by regulation in other jurisdictions, without a determination from the preceding level of

assessment. This presents the risk of a lengthy EIA process for proponents and prevents the formal initiation of assessment tasks (e.g., scoping) until a determination for environmental assessment or EIR has been accepted. During preliminary screening, the test for referral of a development to environmental assessment is the potential that the development might be a cause of significant adverse impact on the environment or might be a cause of public concern. This “low-level” trigger has resulted in a number of smaller developments being referred for environmental assessment. The majority of projects referred to the MVEIRB for environmental assessment are referred because they might be a cause of public concern. Interestingly, the EIA process established in the Yukon only allows for consideration of public concern as a reason for referral during the second level of assessment, Executive Committee Screenings. Evidence on the MVEIRB’s public record indicates that over 50% of the projects referred for environmental assessment would not have been subject to the same level of assessment in other jurisdictions. The result is that the MVEIRB must conduct environmental assessments on a wide range and scale of projects, many of which would not be subject to the same level of assessment in other jurisdictions. This requires the MVEIRB to implement an environmental assessment process which is suitable for both smaller routine and often limited duration developments and the larger more complex developments which operate for decades.

The MVEIRB’s environmental assessment process is documented in its Environmental Impact Assessment Guidelines (MVEIRB 2004). The guidelines document general activities and outcomes for each phase of the environmental assessment. Unlike most other jurisdictions, formal timelines for different phases of the assessment have not been established.

The scoping process is arguably the most important phase of an environmental assessment as it confirms the extent of the development to be assessed and the factors related to the potential effects of the development that will be assessed. Scoping is undertaken to focus the assessment on the most critical issues and concerns as the parties to an assessment do not have unlimited resources to study everything. It is a difficult and challenging task whereby the MVEIRB is called upon to weigh the concerns of a variety of parties in determining what the assessment needs to address. Limited guidance, capacity and evolving project descriptions often further challenge this process. The duration of the scoping phase of the MVEIRB’s assessment has been inconsistent and in some cases lengthy. Terms of Reference and work plans developed for recent assessments are more focused than in the past; however, there is still a tendency for broad scoping which does not fully define the issues under consideration and/or requests more information than reasonable or necessary. Both of these outcomes can negatively affect the timeliness of subsequent process phases, often contributing to schedule amendments with associated implications for process certainty and credibility. Good scoping provides a solid foundation for an efficient and effective environmental assessment. Interestingly, most other jurisdictions have not set formal timelines for the scoping phase, except for the public review of draft TOR. Many of the other jurisdictions have also developed guidance for scoping and development of TOR.

The MVEIRB’s conformity review process is efficient and typically completed within a similar timeframe as in other jurisdictions. However, where assessment agencies in other jurisdictions do not allow the technical review phase to commence until the DAR or EIS conforms to the guidelines, the MVEIRB allows

the technical review phase to commence before conformity is achieved. This can provide for a lengthier technical review phase.

The duration of the technical review phase of environmental assessments conducted by the MVEIRB is, in most instances, longer than in other jurisdictions reviewed during this study. Jurisdictions which have established formal timelines have limited this phase to 180 days or less. The length of the technical review phase in the Mackenzie Valley is influenced by a number of factors including, but not limited to; the need to accommodate Aboriginal and public involvement; how well the assessment has been scoped, whether or not conformity is achieved prior to commencement of technical review, the complexity of the issues under consideration, proponent responsiveness and overall management of the process. Many of these factors can be controlled by the MVEIRB either during the technical review phase or through effective scoping at the outset of the process.

Upon conclusion of the environmental assessment the MVEIRB must prepare its determination, supporting rationale and recommended mitigation measures for submission to the Federal Minister. The MVEIRB's report is commonly released within 90 days of completion of the public hearing or closure of the public record. In other jurisdictions the assessment report must be issued within 45-120 days of completion of the assessment and, in British Columbia, within the 180 day technical review phase. Several jurisdictions release a draft REA for comment before issuing their final report. Release of a draft REA may provide for a more efficient Ministerial Decision phase.

The length of time for Ministerial Decisions on the REA is variable and typically lengthy. For the larger projects assessed by the MVEIRB, the Ministerial Decision was issued within 90-120 days after receipt of the REA; however, in some cases Ministerial Decisions have taken more than four years. Prescribed decision periods in other jurisdictions typically range between 30-60 days after receipt of the REA. There are undoubtedly a number of factors affecting the duration of this phase; the MVEIRB can influence the length of this phase by preparing an REA which contains a well supported analysis and determination and mitigation measures which are practical to implement. The MVEIRB has determined that another primary concern of the Minister in reviewing the REA, Aboriginal rights consultation, is outside of their responsibility for conducting the assessment.

Capacity and internal processes of the parties is also an important factor in implementing a timely EIA process. Decisions of the MVEIRB are required throughout the process. Delegating responsibility of some decisions to staff (with appropriate guidance) has the potential to improve process timeliness. EAOs are faced with managing the participation and expectations of a range of parties in the process and providing the Board with the best technical advice on issues of project and assessment scope, effects analysis and mitigation measures. This requires a broad range of skills and regular professional development. Training, guidance and supporting resources need to be made available to EAOs and the Board to ensure that best practices, including timeliness in environmental assessment are being delivered.

The MVEIRB administers a process which respects the origins and objectives of the *MVRMA* to provide Aboriginal people and the public opportunities to participate in resource management decision making processes. The inclusive and accommodating environmental assessment process provides many opportunities for involvement, each of which have implications for the timeliness of the process.

In summary, the environmental assessment process in the Mackenzie Valley is one of the longer processes in the country. The absence of formal timelines and risk of triggering multiple levels of assessment create considerable process uncertainty, which, combined with a lengthy process contribute to considerable risk for developers. Initiatives to improve the timeliness of the environmental process are presented in the following chapter.

## **4 IMPROVEMENT INITIATIVES**

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The review of the environmental assessment process in the Mackenzie Valley has identified a number of issues and bottlenecks affecting implementation of a timely process. Many of these issues identified can be addressed by the MVEIRB within its own authority, others require cooperation with government or other Boards established under the *MVRMA*, while some require legislative change. Table 4-1 summarizes the issues affecting a timely environmental assessment process identified during this review and categorizes them according to the MVEIRB's authority to resolve them. The improvement initiatives can be grouped into the following categories:

- Initiatives Within the Review Board's Authority
  - Improved Scoping
  - Different Scale Environmental Assessments
  - Increased Procedural Guidance
  - Rules Prescribing Timelines
  - Process for Efficient Referral to EIR
  - Reassignment of Roles in an Environmental Assessment
  - Capacity Development
- Initiatives Requiring Cooperation
  - Improved Preliminary Screening
  - Ministerial Decisions
  - Coordination with Permitting and Licencing
- Initiatives Beyond the Review Board's Authority
  - Legislative Amendments
  - Policy

The following sections discuss these initiatives.

**Table 4-1 Options to Improved Timeliness**

Issue	Improvement Initiatives		
	Within MVEIRB Authority	Requires Cooperation	Beyond RB Authority
Lengthy Process	<ul style="list-style-type: none"> <li>rules establishing time limits for phases and/or specific activities</li> <li>increased guidance materials</li> </ul>	<ul style="list-style-type: none"> <li>involvement of Land and Water Boards in environmental assessment</li> <li>efficient Ministerial Review</li> </ul>	<ul style="list-style-type: none"> <li>regulations specifying time limits for specific activities</li> </ul>
Wide range of projects subject to environmental assessment	<ul style="list-style-type: none"> <li>implement different scale process for expedient assessment and detailed assessment based on reason for referral, project class or other criteria</li> </ul>	<ul style="list-style-type: none"> <li>more rigorous preliminary screening may reduce number of projects referred</li> <li>improved definition of public concern</li> </ul>	<ul style="list-style-type: none"> <li>regulations specifying inclusion and exclusion of developments</li> <li>policy guidance for projects in unsettled claim areas</li> </ul>
EIR referral process	<ul style="list-style-type: none"> <li>expedited process for referral to EIR</li> </ul>		<ul style="list-style-type: none"> <li>amend legislation to allow for expedited referral to EIR</li> </ul>
Lengthy Scoping process and tendency to Broad Scoping	<ul style="list-style-type: none"> <li>guidance documents for scoping, draft TOR, etc</li> <li>capacity development and training</li> <li>increase staff authority for process</li> </ul>	<ul style="list-style-type: none"> <li>effective preliminary screening</li> </ul>	<ul style="list-style-type: none"> <li>improved policy guidance</li> </ul>
Predictability and Uncertainty	<ul style="list-style-type: none"> <li>rules establishing time limits for phases and/or specific activities</li> <li>update guidelines and process to provide greater certainty</li> </ul>		<ul style="list-style-type: none"> <li>regulations specifying inclusion and exclusion of developments</li> </ul>
Ministerial Decision Period	<ul style="list-style-type: none"> <li>improve understanding of Ministerial concerns and needs</li> </ul>	<ul style="list-style-type: none"> <li>resolve Aboriginal Rights consultation requirements and responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>regulations specifying Ministerial response time</li> </ul>
Coordination with MVRMA Regulatory Process		<ul style="list-style-type: none"> <li>closer involvement of Land and Water Boards in environmental assessment process to facilitate efficient permitting process</li> </ul>	
Process Efficiency - Roles	<ul style="list-style-type: none"> <li>delegation of additional responsibility to EAO</li> </ul>		
Capacity	<ul style="list-style-type: none"> <li>increased training and guidance to MVEIRB and parties</li> </ul>		<ul style="list-style-type: none"> <li>intervener funding</li> </ul>

#### **4.1 Initiatives within the Review Board’s Authority**

While the legislative framework prevents the MVEIRB from resolving the structural issues which negatively affect process timeliness and certainty, the legislation does provide the MVEIRB with authority to develop an environmental assessment process which is responsive and timely, establish formal

timelines and take actions, such as the provision of additional guidance, to facilitate a timely process. Improvement initiatives recommended below are intended to improve timeliness and will also provide greater process certainty, a critical measure of an efficient environmental assessment process.

While the recommended initiatives can be pursued independently, it is recommended that most be implemented in a priority sequence to provide for the greatest benefit while eliminating or reducing the need to amend previously implemented initiatives because of changes introduced by subsequent improvement initiatives. It is proposed that the Improved Scoping initiative be pursued initially as this initiative will provide benefit to both current and future processes. Any further process changes should be pursued in advance of issuing improved procedural guidance and establishment of rules prescribing timelines. Implementation of the process for efficient referral to EIR would follow, unless this recommendation becomes redundant by procedural changes. Finally, initiatives to improve capacity and reassign roles can be initiated at any time.

#### **4.1.1 Improved Scoping**

***RECOMMENDATION:***

*Implement a best practice scoping process for environmental assessment in the Mackenzie Valley.*

Analysis of the scoping phase for environmental assessments in the Mackenzie Valley has concluded that the process is both lengthy and variable in duration (often taking longer than 6 months) and can result in broad TOR with resulting implications for timeliness of subsequent assessment phases. While it is critical to invest sufficient time and resources to establish the appropriate scope of the assessment and facilitate a common understanding of expectations for all involved, the Review Board can implement an improved scoping process to ensure both a timely and effective assessment. Scoping is an inherently challenging task in which the Review Board must manage the concerns of often competing interests to develop a TOR which focuses on potential effects resulting from the development under consideration. The intent of this improvement initiative, summarized in Table 4-2, is to improve the scoping of environmental assessments to establish the TOR which define the issues and the scope of those issues to be assessed, providing for an efficient environmental assessment and avoiding the need to consider scope issues in subsequent assessment phases. While the Review Board is ultimately responsible for determining the scope of the assessment, this initiative is intended to include all parties in the process to develop a common understanding of information needs, scoping methods and tools and effective process outcomes. The result would be a best practice scoping process for environmental assessment in the Mackenzie Valley, accommodating all ranges of developments referred for assessment. This initiative would involve further analysis of past scoping experiences to confirm reasons for length and variability of process and outcomes, interviews with parties of past scoping events to identify interests and concerns, evaluation of best practices from other jurisdictions and capacity building/training to develop the best practice for scoping environmental assessments in the Mackenzie Valley. Options to be considered to improve scoping would include, but not be limited to, provision of increased guidance materials (e.g., detailed development description requirements, scoping tools, etc), capacity development and training

among the MVEIRB and the parties, transfer of responsibility for producing draft TOR to the developer and establishment of time limits.

**Table 4-2 Issues and Improvement Initiatives – Scoping**

<b>Evaluation of Improvement Initiative</b>	
<b>Item</b>	<b>Analysis</b>
Does the measure improve timeliness?	Scoping is a critical phase of environmental assessment which influences the effectiveness and timeliness of remaining assessment phases. Time spent to properly scope the development and the assessment will provide for an efficient and focused process which avoids the need to revisit the scope during subsequent phases and results in an assessment which addresses the most pertinent questions.
Legal Risk	Scoping is a challenging process with limited guidance and a requirement to make discretionary decisions which address a variety of often competing interests. Improving the guidance available and training to participants will help provide the confidence that will allow for more focused scoping and can reduce the risk of legal challenge.
Quality/best practice	Scoping is recognized as a key phase of environmental assessment which focuses resources on what matters most. Several jurisdictions have provided guidance on scoping and the development of TOR. Some jurisdictions require the developer to lead the scoping and prepare draft or proposed TOR for public comment. Improving scoping practices will lead to improvement in quality and efficiency of the EIA process in the Mackenzie Valley.
Equitable	Training and guidance implemented under this initiative is intended to provide for an improved understanding among all parties of the factors that should and should not be considered in an environmental assessment. Increased focusing during scoping will result in some concerns of the parties not being included in TOR. Establishing the scoping best practice outside of a specific assessment will help parties to understand why certain issues would not be included in an environmental assessment. Standard practice and increased guidance should provide all parties with a common understanding of the scoping process, responsibilities and outcomes. An improved process does not have to be inequitable.
Transparency	This initiative will be completed outside of any specific assessment and will involve all parties to an assessment. It will result in a standard and predictable process.
Capacity	Development of this initiative will increase capacity amongst all parties and should, in most cases, reduce capacity constraints during specific assessments as the scope of assessments becomes more focused.
Ease of Implementation	Good scoping is recognized as a challenge across Canada. The EIA process in the Mackenzie Valley is the only vehicle for some groups to achieve a say in development and therefore focusing the assessment on matters which are truly related to potential concerns or effects of a specific development application may be met with some resistance. This initiative will require additional analysis at the outset to better understand the factors influencing the reasons for a lengthy process and tendency for broad scoping. Engagement of the parties in defining a best scoping practice for the Mackenzie Valley will be important in successfully implementing this initiative.
Financial	There will be costs for research and development of the best practice and engagement and training of the parties. Implementation should lead to cost savings as the scoping process and the entire EIA process becomes more efficient.

#### 4.1.2 Different Scale Environmental Assessments

**RECOMMENDATION:**

*Develop an expedited environmental assessment process for “smaller” projects and refer “larger” projects to EIR during a common scoping phase.*

The MVRMA allows for any project requiring a permit, licence or authorization to be subject to environmental assessment and, potentially EIR. Experience has demonstrated that the MVEIRB is required to conduct assessments on a wide variety and scale of projects. The MVEIRB has modified their standard process to accommodate different scales and types of projects. The Review Board has also commented that some of their environmental assessments resemble EIRs. This improvement initiative, summarized in Table 4-3, proposes to apply two levels of EIA for those projects referred to environmental assessment to provide for a timely assessment process, avoid the potential for referral to EIR following environmental assessment and increase process certainty. All projects referred for environmental assessment would be subject to a standard scoping process which would result in the development of TOR. Prior to the issuance of the TOR, the Review Board would determine if the development is likely to have a significant adverse impact on the environment or is likely to be a cause of significant public concern. Should a positive determination be made the development would be referred to EIR, if a positive determination is not made the development would continue to be subject to environmental assessment, albeit an expedited process compared with the current lengthy processes for larger assessments. It would become evident during scoping which process would be followed and the TOR would be suitable for the process recommended by the Review Board, so referral to EIR should not result in significant procedural delays. As such there would be no need to revisit scope after a determination is made. This procedure would require the development of generic guidance or referral criteria to establish the parameters of the types of projects that would be subject to environmental assessment or EIR and would also require the development of a new expedited environmental assessment process. While further analysis is warranted about the types of projects that would be considered for environmental assessment it is reasonable that it would be the smaller scale limited duration developments with well understood effects which are often referred for a single issue (e.g. public concern). Larger scale, longer duration projects with increased potential for adverse effects (commonly referred for potential adverse environmental effects or for potential adverse effects and public concern) would typically be referred to EIR. The trigger for implementation of the different processes could either be fixed (e.g., reason for referral or class of project) or discretionary based on review of the development proposal against a set of pre-determined criteria such as: expected effects, availability of standard mitigative measures, number of issues identified in referral, potential number of issues in which assessment could rule on significance, etc). The intent of this initiative would be to implement an expedited environmental assessment process while providing for more thorough effects assessment in an EIR, eliminating the risk of a proposal being subject to both processes.

Alternatively, this initiative could be implemented through a two level environmental assessment process rather than through environmental assessment or EIR.

**Table 4-3 Issues and Improvement Initiatives – Scales of Environmental Assessments**

Evaluation of Improvement Initiative	
Item	Analysis
Does the measure improve timeliness?	This measure has the potential to improve overall timeliness as it will provide for a more predictable process allowing for a more expedient process for those routine projects which have few issues and that the MVEIRB can address in a short time frame. It will also prevent the risk of a development proposal being subject to both environmental assessment and EIR.
Legal Risk?	The MVEIRB has made a referral to EIR during the scoping phase of an environmental assessment previously. The referral withstood legal challenge. If a referral process is designed to meet legal obligations and address the interests of the parties, the improved certainty it will provide should reduce the risk of challenge. The expedited environmental assessment process would need to accommodate requirements of the MVRMA as such processes currently do.
Quality/best practice	This initiative respects the provisions of the <i>MVRMA</i> and does not add a “work around” to the existing system. Its implementation will allow the <i>MVEIRB</i> to be more efficient in delivering its assessment process at a scale appropriate to the development. Legislation and/or regulations in other jurisdictions provide for direct entry of most projects into one of two assessment levels, implementation of this initiative will require definition of clear entry criteria or triggers, process description and could allow for the developer to request the lengthier more detailed process. Each process would be designed to meet the legal requirements of the <i>MVRMA</i> and best practices relevant to each level of assessment.
Equitable	Changing current practice and making it likely that more projects would be subject to EIR is likely to raise concern about process equity for different classes of projects. It will be important to communicate that EIR would be the current detailed environmental assessment and that the new environmental assessment would be an expedited version of the current approach. This approach would also prevent the possibility that a development proposal could be subject to both environmental assessment and EIR.  Each process would need to be developed to provide for all parties to have fair and equal access to participate.
Transparency	This initiative would be developed outside of any specific assessment and would result in a transparent process established in advance of any specific assessment. Parties with an interest in EIA would have the opportunity to help define the triggers for assessment tracks. This would lead to improved process certainty.
Capacity	Development of the processes would involve the parties, causing additional demands on capacity during development. Once processes are established there should be a net benefit to capacity as processes would be more predictable and efficient.
Ease of Implementation	Implementation of this initiative will require: <ul style="list-style-type: none"> <li>• additional analysis and engagement of the parties to develop the triggers or criteria for referral to EIR</li> <li>• process design and testing for the new environmental assessment process</li> <li>• creation/updating of guidance materials</li> </ul>
Financial	There will be costs to develop the initiative and update guidance. Resources may need to be provided to the parties to participate in process development. However, once implemented it is expected that this initiative will result in cost savings to all parties resulting from process efficiency and certainty.

**4.1.3 Increased Procedural Guidance**

**RECOMMENDATION:**

*The MVEIRB should develop additional and more specific procedural guidance for all phases of the environmental assessment.*

This improvement initiative, summarized in Table 4-4, involves the updating of existing guidance and development of additional specific guidance to provide more detailed direction to parties in the assessment. Improved guidance would also allow developers to better prepare for assessments prior to referral to environmental assessment. Additional guidance could be provided in a number of areas including: Project Description Requirements, Scoping practices, preparation of Terms of Reference, etc. Improved detailed guidance can improve timeliness by outlining the specific requirements of a task or submission (e.g. contents of a detailed project description) and preventing the need for further iterations. This initiative could be accomplished either by updating the current EIA Guidelines or issuing topic specific guidance. Guideline development would be prioritized and completed over an established period.

**Table 4-4 Issues and Improvement Initiatives – Procedural Guidance**

<b>Evaluation of Improvement Initiative</b>	
<b>Item</b>	<b>Analysis</b>
Does the measure improve timeliness?	Increased guidance provides proponents and the parties with a better understanding of process and expectations for their submissions and participation. This should reduce the need for process iterations and contribute to a timelier assessment.
Legal Risk	S120 of the <i>Act</i> allows the MVEIRB to establish guidelines after consultation with First Nations, the Tlicho Government and federal and territorial Ministers. Practical and considered guidance which is consistent with the processes established by the MVEIRB to meet the requirements of the <i>MVRMA</i> should have neutral or positive effect on mitigating legal risk.
Quality/best practice	Many other jurisdictions have more specific guidance than that available from the MVEIRB. Increased guidance will support best practice by: <ul style="list-style-type: none"> <li>• allowing for existing guidelines to be updated and expanded accommodating best practice for the environmental assessment in the Mackenzie Valley</li> <li>• provide for process clarity and efficiency</li> <li>• improve process certainty</li> <li>• allow for the MVEIRB to provide improved direction in meeting its legislative requirements</li> </ul>
Equitable	The provision of increased guidance will provide a common understanding of process and requirements prior to the initiation of a specific environmental assessment. This will provide for a common reference point amongst all parties and should reduce the need for discretionary decisions by the MVEIRB which can be perceived as inequitable.
Transparency	Increased guidance will benefit transparency as procedures and requirements are established prior to specific assessments.
Capacity	The provision of increased guidance should have a positive effect on capacity as it would improve efficiency by improving understanding and reducing process iterations and procedural modifications during specific assessments.

**Table 4-4 Issues and Improvement Initiatives – Procedural Guidance (cont'd)**

Evaluation of Improvement Initiative	
Item	Analysis
Ease of Implementation	Procedural updates and modifications will need to be completed prior to the development of increased guidance. Examples of guidance documents are available from other jurisdictions. Draft guidance documents would need to be developed for review and comment by the parties identified above. MVEIRB approval is required for any guidance developed.
Financial	The development of increased guidance materials will require resources to engage internal staff, external consultants or both. Resources will need to be made available to engage the parties. Costs will be associated with production and updating of documents. Provision of increased guidance should be a net cost saving for the MVEIRB and other parties as process certainty is improved.

**4.1.4 Rules Prescribing Timelines**

**RECOMMENDATION:**

*Implement Rules prescribing time limits for those activities of the EIA process the Review Board has authority over.*

This initiative, summarized in Table 4-5, would involve the development of Rules prescribing time limits for those activities in the EIA process which the MVEIRB can reasonably manage (e.g., responses to draft terms of reference, conformity, technical review, report of the environmental assessment, formal submissions). The potential contribution to timeliness resulting from the establishment of formal Rules is largely dependent on the time limits established; however, this initiative also provides the significant benefit of improving process certainty. There are many examples of timelines from a number of jurisdictions that can provide guidance to the MVEIRB in establishing reasonable time limits. Parties to the environmental assessment should be provided with opportunities to provide input to the setting of time limits. Recommended procedural improvements should be completed before establishing the Rules.

**Table 4-5 Issues and Improvement Initiatives – Timelines**

Evaluation of Improvement Initiative	
Item	Analysis
Does the measure improve timeliness?	This measure would establish timelines for a standard assessment process which would be in place prior to commencement of a specific assessment. The timelines would provide greater process certainty and provide the opportunity to improve the timeliness of most phases of the process.
Legal Risk	S 30 of the <i>MVRMA</i> provides the MVEIRB with authority to make Rules prescribing time limits. The establishment of formal time limits does not prevent the MVEIRB from meeting its responsibilities for environmental assessment under the <i>Act</i> . The time limits established need to provide sufficient time for careful consideration of environmental effects and the concerns of Aboriginal people and the public to be considered.

**Table 4-5 Issues and Improvement Initiatives – Timelines (cont’d)**

<b>Evaluation of Improvement Initiative</b>	
<b>Item</b>	<b>Analysis</b>
Quality/best practice	Most EIA processes in Canada have formal time limits established through Rules and/or regulation. Time limits exhibit some general consistency but vary between jurisdictions and, for some activities, include options for extension. The time limits established need to balance the need to meet the legislative requirements with process efficiency and certainty.
Equitable	The MVEIRB and all parties to an assessment would be required to adhere to the same time limits.
Transparency	Establishing formal time limits outside of any project specific assessment which are applicable to all parties provides for a transparent and unbiased process.
Capacity	The MVEIRB and other parties will be expected to meet formal time limits. Aboriginal groups and governments have often requested extensions to deadlines in current assessments. Establishing “hard” time limits may require the parties to develop additional capacity; however, increased guidance, process improvements and additional experience should result in efficiencies by all parties over time.
Ease of Implementation	The development of Rules needs to respect the principles of the <i>MVRMA</i> and; therefore, needs to involve Aboriginal groups and parties with an interest in environmental assessment. A consultative process would be required to introduce the initiative and gather support, understand constraints and opportunities and provide opportunity for comment. Rules which the parties do not accept will be difficult to implement, potentially decreasing timeliness and increasing uncertainty. The final Rules will require approval of the MVEIRB.
Financial	There will be a cost associated with the development of Rules as staff or external expertise will be required to develop the Rules and supporting information. Funds may need to be made available to engage the parties and for legal review. Initially, prescribed time limits may require additional expenditures by parties to address capacity shortfalls; however, if accompanied by process improvements this initiative should lead to more efficient and less costly environmental assessments.

**4.1.5 Process for Efficient Referral to EIR**

**RECOMMENDATION:**

*Establish a process to allow for a significance determination during scoping to allow for an efficient referral to EIR. Commendation.*

This improvement initiative is unnecessary if the improvement initiative to implement two levels of assessment (Section 4.1.2) is implemented.

The *MVRMA* establishes the EIR as the highest level of environmental assessment. Section 117 (2) of the *Act* establishes the factors which an environmental assessment and EIR must address; S 117 (3) identifies additional factors which must be included in an EIR. In essence, an EIR is similar to an environmental assessment but must include consideration of additional matters such as purpose, alternatives, follow-up programs and the capacity of renewable resources. The MVEIRB must make a

determination of significant adverse impact or significant public concern before recommending an EIR be conducted.

This improvement initiative, summarized in Table 4-6, would provide the MVEIRB with an expedient method for referral of a project to EIR without having to go through a lengthy environmental assessment. A procedure and associated guidance would be developed to allow the MVEIRB to make a determination on significance during the scoping phase. Similar to the two level assessment initiative, a set of screening or referral criteria would need to be established to test the potential for significance and provide justification for referral to EIR. The scoping process could continue with the resulting TOR presented to the Review Panel for adoption.

The “environmental assessment track process” under *CEAA* was established to enable responsible authorities to request a project requiring a Comprehensive Study be referred to a panel review or mediation during the scoping process. The intent was to avoid the potential for a project being referred to a panel review following completion of the Comprehensive Study. Between 2003 and 2009 five projects subject to Comprehensive Study were referred to panel review following the submission of the Draft Scoping Report (*CEAA* 2010a). The *CEAA* also allows responsible authorities to request referral of any project to mediation or panel review without undertaking the process identified above.

**Table 4-6 Issues and Improvement Initiatives – Referral to EIR**

<b>Evaluation of Improvement Initiative</b>	
<b>Item</b>	<b>Analysis</b>
Does the measure improve timeliness?	Two previous referrals to EIR have taken 4 and 6 months. This measure would establish conditions for referral to allow for a more expedient referral process and provide for the results of the scoping in the environmental assessment to establish the TOR for the EIR. This measure would also be intended to eliminate the potential for a project to be referred to EIR following completion of an environmental assessment.
Legal Risk	The process must allow for a determination of significance according to S 128 of the Act which can stand up to legal challenge. As such it will require a rigorous and defensible scoping approach based on best practice and precedent. The process therefore will need to adequately consider public concern and/or impacts to the environment, without the need for a lengthy environmental assessment.
Quality/best practice	Many EIA systems in Canada provide for a higher level of review (e.g., Panel Review under <i>CEAA</i> , environmental review under <i>YESSA</i> ) which can either be initiated directly by the Minister or through referral from another level of assessment.  An EIR is a more detailed level of assessment and provides for the consideration of a larger number of factors than an environmental assessment. This initiative attempts to eliminate the possibility of a development being subject to two lengthy EIA processes by the MVEIRB. Implementing this measure would focus on determining the most appropriate level of assessment and avoiding duplication of process.
Equitable	This measure presents the risk of a developer being subject to a higher level of assessment than justified if the determination process is not rigorous enough.
Transparency	The process would be established with the intent of reducing duplication and resulting effects on a timely assessment. All of the parties would have an opportunity to participate in process development and implementation.

**Table 4-6 Issues and Improvement Initiatives – Referral to EIR (cont'd)**

Evaluation of Improvement Initiative	
Item	Analysis
Capacity	This measure is aimed at reducing duplication and therefore, should reduce demands on capacity of all parties.
Ease of Implementation	This measure will require the establishment of criteria, triggers or a test that could be applied during scoping to make the determination. The procedure will also need to address a mechanism for transferring the results of the scoping exercise to the establishment of TOR for the EIR. Engagement of the parties will be required during process development. Scenario testing and legal review of the process will be necessary.
Financial	This initiative will result in development costs by the MVEIRB and costs associated with engagement of the parties and for legal review. A process to reduce potential duplication should, ultimately, reduce costs for all parties during implementation.

**4.1.6 Reassignment of Roles in an Environmental Assessment**

**RECOMMENDATION:**

*Delegate more authority during environmental assessments to the EAOs.*

The MVEIRB delivers a “Board Driven” EIA process which requires the MVEIRB to make decisions at most stages where the public is potentially affected. This initiative, summarized in Table 4-7, proposes to transfer responsibility for some decisions from the MVEIRB to EAOs to improve timeliness. Such decisions could include: determining scoping process, conformity, Information Requests and amendments to timelines in work plans.

**Table 4-7 Issues and Improvement Initiatives – Roles**

Evaluation of Improvement Initiative	
Item	Analysis
Does the measure improve timeliness?	Achieving MVEIRB approval for process activities is reported to take up to 3 weeks in some cases. Assigning responsibility for some decisions to the EAOs would contribute to a timelier process.
Legal Risk	With guidance and oversight, this initiative should not result in increased legal risk.
Quality/best practice	Many EIA processes allow process administrators to determine when specific activities are adequate or complete and communicate this to the parties of an assessment. The MVEIRB would need to ensure sufficient guidance and a review process is in place.
Equitable	NA
Transparency	Decisions of EAOs would follow established procedures as is the case with the current approach. Decisions would be placed on the public registry as is currently the case.
Capacity	The EAOs currently advise the MVEIRB on matters requiring a decision so additional capacity concerns among staff are unlikely. Provision of decision making authority to EAOs for some matters would allow for timelier decisions which may provide for additional time for technical review or other activities.

**Table 4-7 Issues and Improvement Initiatives – Roles (cont'd)**

Evaluation of Improvement Initiative	
Item	Analysis
Ease of Implementation	This initiative can be implemented with a change to policy or procedure by the MVEIRB. Development of procedural guidance may be required.
Financial	Providing more authority to EAOs would reduce the effort spent preparing for and presenting the matter to the MVEIRB. While possibly insignificant, reducing the number of decisions made by the MVEIRB may reduce costs of briefings and meetings.

#### **4.1.7 Capacity Development**

**RECOMMENDATION:**  
*Develop and implement plans for ongoing technical training for Review Board members and staff.*

The MVEIRB and EAOs are required to administer a public process and make recommendations on a variety of technical matters for a wide range of projects. This requires a broad range of skills in the evolving discipline of EIA. Developing and maintaining a broad and current skill set among Review Board members and staff is essential to delivering a timely and effective EIA process. The Board and staff need to have technical training in a number of areas including, but not limited to: the role of environmental assessment; biophysical, cultural and socio- economic assessment methods; scoping processes, technical writing and conflict resolution.

#### **4.2 Initiatives Requiring Cooperation**

A number of Improvement Initiatives to develop a more timely environmental assessment process and land and water regulation process as a whole require the cooperation of other Boards or agencies for successful implementation.

##### **4.2.1 Improved Preliminary Screening**

**RECOMMENDATION:**  
*Improve the Preliminary Screening process to provide increased identification of issues to be addressed in the environmental assessment and develop a mechanism to enable a project to be referred directly to environmental assessment without a full preliminary screening process.*

Improvements to preliminary screening could provide for a more timely environmental assessment process. There are two initiatives which could be undertaken to improve the timeliness of an environmental assessment and the regulatory process as a whole. Currently, preliminary screening reports provide very little useful guidance to the scoping of an environmental assessment, despite containing a determination. A preliminary screening report which provides greater detail on the reasons for referral would benefit the scoping process by identifying the issues of concern upon which the

environmental assessment would focus. In some cases this could help in focusing the assessment on the issues of greatest concern and result in a more timely environmental assessment.

Secondly, some developers expect their projects to be subject to environmental assessment but must go through the preliminary screening phase to receive a referral. The MVEIRB could work with the Land and Water Boards to develop an administrative arrangement which would provide for an expedited determination and referral for those projects which are reasonably expected to be subject to environmental assessment. Such a process might also include an opportunity for the developer to request expedited referral to environmental assessment.

#### **4.2.2 Ministerial Decisions**

**RECOMMENDATION:**

*Confirm the interests and requirements of the Minister in REAs and resolve the issue of responsibility for Aboriginal consultation.*

The MVEIRB cannot control the time taken for the Minister to make a decision on a determination but it does have an ability to influence some matters affecting the Minister's Decision. The Minister must be satisfied that Aboriginal rights have been accommodated during consideration of the development. Currently, there is some uncertainty about responsibility for Aboriginal Rights consultation within an EIA process with the result that the REA may not provide the information necessary to determine adequacy of consultation. Additionally, the difficulty of implementing some conditions recommended to mitigate findings of significance through existing regulatory instruments can cause delays in approval or the need to modify or revisit recommendations. Increased dialogue and collaboration between the MVEIRB and INAC could lead to REAs which allow for a more efficient Ministerial approval process and contribute to a timelier environmental assessment.

#### **4.2.3 Coordination with Permitting and Licencing**

**RECOMMENDATION:**

*Land and Water Boards should participate in environmental assessments to provide for decisions which are more efficient and effective to implement during permitting and licencing.*

Concerns over the length of the approval process in the Mackenzie Valley often do not distinguish between environmental assessment and permitting or licencing. Projects requiring a number of approvals (i.e., land use permit, water license) may be subject to a lengthy permitting and licensing process following release from environmental assessment and, if a Type A Water Licence is required, further public hearings. This review determined that while the permitting and licencing process needs to incorporate decisions made during an environmental assessment (S 62 of *MVRMA*), there is little involvement by land and water boards in the environmental assessment and, consequently, the REA prepared by the MVEIRB often lacks the specific direction to prepare licence parameters. Accordingly, the permitting and licencing processes must conduct further review to develop the terms and conditions

necessary for land use permits and water licences. Increased involvement of land and water boards in the environmental assessment could result in an outcome which is more efficient for permitting and licencing, reducing the overall timeline for development approval.

### **4.3 Initiatives Beyond the Review Board's Authority**

There are a number of improvement initiatives beyond the MVEIRB's control which would assist with a timely and predictable process.

#### **4.3.1 Legislative Amendments**

***RECOMMENDATION:***

*Implement amendments to the MVRMA to allow for:*

- *Exemption and inclusion of project classes to specific assessment levels*
- *Prescribe time limits for phases of the EIA*

The *MVRMA* has established a process whereby all but the most insignificant developments are faced with a risk of being subject to 3 levels of environmental assessment. There are no provisions for direct referral of classes or types of projects to a specific level of assessment, as such each project must begin with preliminary screening and risk referral to environmental assessment and EIR. Additionally, the test for referral of a development to environmental assessment is whether or not the project might be a cause of public concern or might be a cause of significant adverse impact. The legislation has resulted in the MVEIRB conducting environmental assessments on projects with known and mitigable effects which would not be subject to the same level of assessment in most other jurisdictions in Canada. The following legislative changes would help to improve the timeliness of environmental efficiency and the MVEIRB's operations:

- amend the Exemption List Regulations to specify which projects are subject to preliminary screening, which projects proceed directly to environmental assessment and possibly EIR
- prescribe time limits for specific activities in an environmental assessment and EIR, such as public comment periods, conformity, Reports of an Environmental Assessment and Ministerial Decisions

#### **4.3.2 Policy**

***RECOMMENDATION:***

*Implement policies which support efficient EIAs, including completion of land use plans and establishment of an intervener funding program.*

Some projects are referred to environmental assessment due to public concern, not necessarily because of the type of project but rather because they are located in sensitive areas. Completion of land use plans would provide guidance to developers and regulators about what activities are permissible in specific

locations. Approved land use plans would eliminate the referral of some projects to environmental assessment.

The lack of an established intervener funding program inhibits the effective participation of Aboriginal peoples and the public in environmental assessments. Funding is required to develop capacity and in many cases to hire outside expertise to participate in environmental assessments. A more reliable and predictable intervener funding program would help provide Aboriginal people and the public with the capacity to participate in a timelier environmental assessment process.



## **5 CONCLUSIONS AND RECOMMENDATIONS**

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Past reviews of the land and water regulatory regime in the Mackenzie Valley has noted the system to be lengthy and unpredictable (Senes 2005, McCrank 2008). Improving timeliness of the environmental assessment process and contributing to the quality of the overall regulatory system are goals of the MVEIRB. At the request of the Review Board, Stantec Consulting Ltd. conducted a review of the environmental assessment process in the Mackenzie Valley to identify bottlenecks and issues affecting timeliness and propose solutions for achieving the goal of a timely environmental assessment process.

While EIA processes across Canada are not directly comparable and the assessments reviewed during this study each have unique attributes, the environmental assessment process in the Mackenzie Valley has been determined to be one of the lengthier processes in Canada. The legislation governing environmental assessments presents several challenges for implementing a timely process. Unlike other jurisdictions, almost every development requiring a permit, licence or authorization requires a preliminary screening that could result in referral to environmental assessment. This results in the Review Board having to assess a wide range of projects of different scale and complexity, most of which would not be subject to the same level of assessment in other jurisdictions. In response, the Review Board has adjusted its process on a case by case basis to provide a timelier assessment for these “smaller” developments. While improving timeliness, the implementation of a development-specific process increases uncertainty among proponents and parties to the assessment. Additionally, there have been no formal time limits established for the EIA process. Schedules are set and amended on an assessment specific basis, often resulting in lengthy assessment processes. The main factors affecting the timeliness of the environmental assessment process identified during this study are summarized as follows:

- the requirement for a development to complete a lower level of assessment and receive a determination before proceeding to a higher level of assessment
- the need for more than a single standard process given the range of developments to be assessed
- the limited effectiveness of preliminary screening for scoping of an environmental assessment
- the limited linkage between environmental assessment and permitting and licensing, resulting in a lengthy regulatory process
- a scoping process with a tendency to “broad scoping” with effects on timeliness of subsequent phases of the environmental assessment
- a Ministerial Decision phase which is variable and unpredictable in duration
- the responsibilities of the Review Board and staff
- the capacity of the parties to participate

The review has also identified possible solutions or improvement initiatives that could help to improve timeliness. Some initiatives, such as legislative change, are beyond the authority of the Review Board,

others such as improving the linkage between environmental assessment and licensing requires the cooperation of other groups. However, there are a number of improvement initiatives the Review Board can consider implementing to achieve its goal of a timely environmental assessment process. Many of these recommendations will also help to improve process predictability and certainty, an important tenet of a good regulatory system. Recommended improvement initiatives within the Review Board's authority include:

- develop best practice for scoping environmental assessments in the Mackenzie Valley which recognizes the interests of the parties and allows a timely environmental assessment
- develop a two level environmental assessment process – a simpler more expedient process for developments requiring limited analysis and a second process which provides for increased technical review
- develop increased guidance material for all parties- this would include updated process guidelines and more specific guidance on topics such as requirements for a project description, the scoping process, draft TOR and formal submissions
- establish time limits for those phases of the environmental assessment process that the Review Board can control – formal submissions, conformity, technical review, report of the environmental assessment, public comment periods
- develop a process for efficient referral of a development to EIR during the scoping phase of the environmental assessment
- delegate more responsibility to the EAOs in implementing the environmental assessment process
- undertake capacity development initiatives for the Review Board and staff

## **5.1 Implementation Considerations**

The MVEIRB has implemented the environmental assessment process in a collaborative manner with many stakeholders. Initiatives of the MVEIRB and specific activities in assessments provide numerous opportunities for Aboriginal and public involvement. Past improvement initiatives (e.g., practitioner's workshops) have also provided a range of stakeholders the opportunity to contribute to process improvement. This collaborative approach can be challenging as the MVEIRB tries to accommodate a range of interests; however, the Review Board will need to involve (and is required by legislation for some initiatives) the stakeholders in implementing the improvement initiatives if they are to be accepted and practical. Many parties may not see the benefit of initiatives to improve timeliness as they may feel constrained under the current system. It will be important to communicate that the initiatives proposed are not only intended to improve timeliness but should also benefit certainty, quality and capacity. Over time, implementation of most of these measures should also reduce demands on capacity. Implementation of the improvement initiatives will take time, especially those which involve process change.

Some of the initiatives (e.g., delegation of responsibility and capacity development) can be implemented relatively easily and at any time, while others will require additional analysis, development and engagement of the stakeholders. Initiatives may need to be prioritized and procedural changes should be implemented prior to updating guidance and establishing formal time limits. Development of many initiatives will likely require additional financial support to the MVEIRB to enable the initiative to be completed in a reasonable time period. Once the MVEIRB has decided which, if any, improvement initiatives will be implemented the initiatives need to be introduced to stakeholders to begin the development process. This could occur at a practitioner's workshop or similar event, allowing participants an opportunity to comment and become involved in the initiative.



## **6 REFERENCES**

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## **6.3 Personal Communications**

## **7 CLOSURE**

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This draft report has been prepared for the exclusive use of the Mackenzie Valley Environmental Impact MVEIRB and may not be distributed without the prior consent of the MVEIRB and Stantec Consulting Ltd.

Respectfully Submitted,

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# **APPENDIX A**

## **Summary of Environmental Assessment Processes and Timelines in Other Jurisdictions**

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## Environmental Assessment Process and Timelines

### ALBERTA

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	AENV	Minister	Regul.	Review	Public	
1	Determine whether Project is a mandatory or exempt activity from Part 2, Division 1 of <i>EPEA</i> ( <i>EPEA</i> Environmental Assessment (Mandatory and Exempted Activities) Regulation 111/1993); activities not specifically listed in the Regulation are called discretionary	✓						-
2	If Project is exempt, submit applications for other approvals, registrations, notices, etc, if required (e.g., to ERCB, AUC, or NRCB, under <i>EPEA</i> or <i>Waters Act</i> ) Regulatory Board can refer exempted Project to EA Director for consideration if deemed necessary – continue to Step 3b							
3	If the Project is a mandatory or discretionary activity, submit notice of proposed Project to Director of Environmental Assessment for review. Notice can include letter to Director and Disclosure Document or Project Summary Table (discretionary only)	✓						-
a	If mandatory, Director of EA reviews proposed Project information and confirms need for EIA and other AENV approvals (i.e., under <i>EPEA</i> or <i>Waters Act</i> ); verifies requirement for cooperative EA with CEAA Directs Proponent to prepare and submit EIA		✓					-
b	If discretionary, Director of EA reviews proposed Project information and determines need for EIA		✓					-
i	<ul style="list-style-type: none"> <li>Proponent can volunteer to complete EIA if felt EIA will be required anyway (discretionary review lengthy)</li> </ul>	✓						-
ii	<ul style="list-style-type: none"> <li>If Disclosure Document or Project Summary Table not submitted, Director requests Project Summary Table</li> </ul>	✓	✓					-
iii	<ul style="list-style-type: none"> <li>If additional information required, Director requests Disclosure Document</li> </ul>	✓	✓					-
iv	<ul style="list-style-type: none"> <li>If discretionary is deemed exempt from EIA, Project proceeds through regulatory approval process (if required)</li> </ul>		✓					-
v	<ul style="list-style-type: none"> <li>If discretionary is deemed to warrant further investigation under the EA process, Proponent notified</li> </ul>		✓					-
vi	<ul style="list-style-type: none"> <li>Public notified of decision to screen the Project</li> </ul>	✓	✓					-
vii	<ul style="list-style-type: none"> <li>Public comment period (by interested parties directly affected by proposed Project); submission of written SOC following public</li> </ul>					✓	✓	30*

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	AENV	Minister	Regul.	Review	Public	
	notification							
viii	• Director determines need for EIA, submission of EIA report and other AENV approvals; releases Screening Decision report		✓					-
ix	• Director notifies Proponent of decision; directs Proponent to prepare and submit EIA, or continue through regulatory approval process (EIA not required)		✓					-
x	• Director notifies all concerned parties of screening decision		✓					-
-	(Note: Minister may order Proponent to prepare EIA provided the Director has not ordered one and the Project is not exempted by Regulation)			✓				-
4	To begin the EA Process, submit: First Nations Consultation Plan (if Guidelines apply) Project Summary Table and Location map Draft TOR as per <i>Standardized Terms of Reference</i> TOR advertising information and draft Public Notice of draft TOR	✓						-
5	Director to approve advertising of Public Notice (e.g., which newspaper) Public notification of submission of draft TOR	✓	✓					-
6	Public comment period on draft TOR; length of comment period determined by Director					✓	✓	-
7	Final TOR issued after due consideration to comments received		✓					-
8	Public notification of issuance of final TOR		✓					-
9	Submission of EIA report and other applications, if warranted, as an Integrated Application (e.g., to ERCB, AUC, or NRCB, under <i>EPEA</i> or <i>Waters Act</i> )	✓						-
10	Director to approve advertising of Public Notice Public notification of submission of EIA report and Integrated Application	✓	✓					10*
11	Review of EIA report and Integrated Application package		✓		✓	✓	✓	98
a	Project Kick-off meeting between Proponent and Review Team to review Integrated Application package (optional)	✓						-
b	Technical Review of EIA and Integrated Application					✓		(84)
c	Preparation and submission of Major Deficiencies Report (if any) to EA Coordinator					✓		-
d	Submission of Major Deficiencies Report to Proponent; Proponent		✓					-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	AENV	Minister	Regul.	Review	Public	
	may request pause in EIA report review until information can be gathered							
e	Submission of SOCs to AENV Approvals Director						✓	-
f	Submission of SOCs to EA Coordinator once determined from directly affected parties		✓					-
g	Submission of SOCs to Review Team or incorporation in SIRs		✓					-
h	Compilation of draft SIRs		✓					(14)
12	Finalization and distribution of final SIRs							25
a	Review and finalization of draft SIRs; submission of SIRs to Regulatory Board		✓					(18)
b	Review and finalization of SIRs; submission of SIRs to Proponent				✓			(7)
13	Preparation and submission of SIR responses	✓						41
14	Technical review of Proponent's SIR responses		✓		✓	✓		53
a	Technical review of Proponent's SIR responses				✓	✓		(41)
b	Submission of draft SIRs to EA Coordinator (2 <sup>nd</sup> round, if necessary)					✓		-
c	Clarification meeting with Proponent, if necessary		✓					-
d	Compilation of draft SIRs		✓					-
15	Finalization and distribution of final SIRs (2 <sup>nd</sup> round)							10
a	Review and finalization of draft SIRs; submission of SIRs to Regulatory Board		✓					(6)
b	Review and finalization of SIRs; submission of SIRs to Proponent				✓			(4)
16	Preparation and submission of SIR responses (2 <sup>nd</sup> round)	✓						28
17	Technical review of Proponent's SIR responses (2 <sup>nd</sup> round)		✓		✓	✓		35
a	Technical review of Proponent's SIR responses (2 <sup>nd</sup> round)				✓	✓		(35)
b	Completeness recommendations to EA Coordinator					✓		-
18	Determination of EIA completeness		✓					14
a	EA Coordinator prepare and present EIA Completeness Memo to EA Director		✓					(7)
b	EA Director/AENV prepare and submit EIA Completeness Letter to Regulatory Board		✓					(7)
19	Notification that the EIA report is deemed complete		✓					-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	AENV	Minister	Regul.	Review	Public	
a	Advise ERCB or AUC where approval from ERCB or AUC is required		✓					-
b	Advise NRCB where Project is reviewable under the <i>NRCBA</i> , <u>OR</u>		✓					-
c	In any other case, submit to Minister: EIA report, other information and recommendations		✓					-
i	<ul style="list-style-type: none"> <li>Minister may approve Project and advise Proponent they can apply for appropriate approvals, etc</li> </ul>			✓				-
ii	<ul style="list-style-type: none"> <li>Minister may make recommendations to any one (Proponent, Government, etc) in respect to the Project</li> </ul>			✓				-
iii	<ul style="list-style-type: none"> <li>Minister may, at any time, reject Project and order that no approvals, registrations, etc be issued for Project; notify Proponent</li> </ul>			✓				-
iv	<ul style="list-style-type: none"> <li>Minister may refer Project to Lieutenant Governor in Council to make a decision</li> </ul>			✓				-
20	Once EIA is deemed complete, Regulatory Boards proceed with approvals process; use EIA to help make decision about whether Project is in public interest and grant approval, registration, etc				✓			-
21	AENV Approvals Team may solicit advice of Review Team on approval requirements of Project; typically following EIA review or after public interest decision by Regulatory Board		✓					-

**NOTE:**

<sup>1</sup> EIA = Environmental Impact Assessment

*EPEA* = *Environmental Protection and Enhancement Act*

CEAA = Canadian Environmental Assessment Agency

TOR = Terms of Reference

SOC = Statement of Concern

SIR = Supplemental Information Request

ERCB = Energy Resources Conservation Board

AUC = Alberta Utilities Commission

NRCB = Natural Resources Conservation Board

*NRCBA* = *Natural Resources Conservation Board Act*

<sup>2</sup> Prop. = Proponent

AENV = Alberta Environment; can be EA Coordinator or EA Director

Review = EIA Review Team: comprised EA Coordinator, Specialist Review Teams (i.e., Water, Terrestrial, Socio-Ec., etc) of regulatory board, provincial, federal and/or third-party contractors, AENV Approvals Review Team (review *EPEA* and *Water Act* approval applications), and Coordination Group (comprised of regulatory and planning agencies).

<sup>3</sup> Standard EIA review schedule is 43.3 weeks; EA Coordinator sets schedule and due dates based on standard timeline  
Timelines have been converted to days, and rounded up, where necessary

Timelines marked with \* implies timeline is legislated or regulated  
Timelines marked in brackets () implies timeline fits within larger task timeline



## Environmental Assessment Process and Timelines

### BRITISH COLUMBIA

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	EAO	RM	WG	FN	Public	
Pre-application Stage								
1	Contact EAO or review Projects Regulation to determine whether Project is a reviewable project Note: Minister of Environment can designate a proposed Project as reviewable (determine the project may have significant adverse effects and it is in the public interest to undergo EA) <u>OR</u> Proponent can request an EA for a non-reviewable project and EAO Executive Director agrees ("opt-in")	✓						-
2	If Project is not reviewable, submit applications for other approvals and permits to applicable agencies	✓						-
3	If Project is reviewable or Proponent opting-in, preparation and submission of Project Description to EAO (refer to provincial 'Guidelines for Preparing a Project Description' and federal 'Project Description Guide: British Columbia'); Project Description should meet provincial and federal requirements, if necessary	✓						-
4	Review of Project Description and confirmation of reviewable Project		✓					-
a	Order issued under Section 10 of the <i>EAA</i> formally specifying whether the reviewable project requires an EA		✓					-
i	• Determination referred to Minister of Environment		✓					
ii	• EA waived		✓					-
iii	• EA required		✓					-
iv	• Verification of requirement for cooperative EA with CEAA		✓					
B	Section 10 Order and Project Description posted to <i>e-PIC</i> online registry; government agencies, First Nations and local governments notified		✓					ASAP
5	Working Group formed; comprised of representatives from CEAA (if necessary), federal, provincial and local government agencies and First Nations		✓					-
6	Order issued under Section 11 of the <i>EAA</i> to outline scope, procedures and methods of the EA. Consists of two parts: Project description, EA history and required consultation; and, schedule (scope, procedure and methods by which the EA must be conducted)		✓					-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	EAO	RM	WG	FN	Public	
	First draft of Section 11 Order issued to proponent and First Nations							
a	Minister of Environment may determine scope, procedures and methods of EA if Project referred by EAO in Step 4a(i)			✓				-
i	<ul style="list-style-type: none"> <li>Minister may determine an EA is conducted by a commission, hearing panel or any other method appropriate</li> </ul>			✓				-
ii	<ul style="list-style-type: none"> <li>Minister may delegate powers to determine scope, procedures and methods of EA to EAO, commission or hearing panel member, or another person as appropriate</li> </ul>			✓				-
7	Review Period of Section 11 Order	✓			✓			-
a	Submission of comments, input, etc to EAO	✓			✓			-
8	Finalization of Section 11 Order; posted to <i>e-PIC</i> online registry		✓					-
9	Consultation with First Nations specified in Section 11 Order (ongoing)	✓						-
10	Preparation and submission of Draft Application Information Requirements (AIR) document (formerly TOR) issued	✓						-
a	Submission of Draft AIR to Working Group, First Nations and the Public; posting of Draft AIR to <i>e-PIC</i> online registry		✓					-
b	Review Period of Draft AIR, includes EAO-lead open house in community(ies) near Project location				✓	✓	✓	30 – 45
c	Submission of comments, input, etc to EAO				✓	✓	✓	-
11	Tracking of and responses to issues and comments submitted (required to keep detailed 'Issues Tracking Table'); table submitted with responses	✓						-
12	Final AIR approved and issued after consideration of comments received and Proponent's response		✓					-
13	Completion of studies and compiling of information outlined in Final AIR	✓						-
14	Preparation and submission of EA Certificate application as per Final AIR; must include 'Table of Commitments' and all consultation activities	✓						Up to 1095*
a	Time period tracked by Proponent; if cannot submit EA Certificate application within three years of Final AIR issuance, must contact EAO to specify plan to address delays and submission date	✓						-
15	Screening of the EA Certification application to determine completeness		✓		✓	✓		30*
a	Evaluation of adequacy of Public and First Nations consultation activities (concurrently)		✓					-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	EAO	RM	WG	FN	Public	
b	Submission of comments, input, etc to EAO				✓	✓		-
16	Completeness determination of EA Certificate application		✓					-
a	Determined incomplete; Proponent notified of deficiencies (return to Step 14 with deficiency revisions to EA Certificate application)		✓					-
b	Determine complete and accepted; Proponent notified and EA Certificate application posted to <i>e-PIC</i> online registry		✓					-
i	<ul style="list-style-type: none"> <li>Potential request for additional copies of EA Certificate application to be distributed to Review participants, Working Group, First Nations, local libraries, etc</li> </ul>		✓					-
ii	<ul style="list-style-type: none"> <li>Application for Concurrent Review (if applicable); deadline for concurrent review determined by EAO or within 7 days after EA Certificate application accepted</li> </ul>	✓						?
Application Stage								
17	Review of accepted EA Certificate application		✓		✓	✓	✓	180*
a	Public review of EA Certification application, includes EAO-lead open house (one or more) in same community(ies) as Step 10b Submission of comments, input, etc				✓	✓	✓	(45 – 60)
b	Tracking of and responses to issues and comments submitted (required to keep detailed 'Issues Tracking Table'); table submitted with responses; required after closure of Public comment period (Step 17a)	✓			✓	✓	✓	-
c	Review period can be suspended if Proponent requests it or EAO requires additional time; EAO can extend Review to a maximum of three years (1095 days)		✓					(14 – 21)
18	Preparation and issuance of Draft Assessment Report		✓					-
a	Review of Draft Assessment Report Submission of comments, input, etc	✓			✓	✓		21
b	Submission of First Nations Consultation document, only if a First Nation does not agree with the EAO's consultation conclusions					✓		-
19	Final Assessment Report issued after consideration of comments received		✓					-
20	Final Assessment Report, recommendations and reasons, First Nations Consultation document (if applicable) and Draft EA Certificate (if applicable) issued to Responsible Ministers		✓					-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	EAO	RM	WG	FN	Public	
	Draft EA Certificate contains schedules, all commitments made by Proponent, reporting requirements and deadlines							
21	Review of Final Assessment Report, all accompanying documentation and any other matters determined relevant to the public interest Key factor in review is whether Province has satisfied legal duty to consult with, and to the extent appropriate, accommodate First Nations			✓				45*
22	EA Decision issued to EAO			✓				
a	Issue EA Certificate with any conditions considered necessary			✓				
i	• Proponent must substantially start the Project within five years	✓						1825
b	Refuse to issue EA Certificate			✓				
c	Request further study or assessment			✓				
23	Notify Proponent, government agencies and First Nations of RMs decision		✓					
a	Posts RMs decision, EAO reasons and recommendations, and EA Certificate (if applicable) to <i>e-PIC</i> online registry							
Post-Certification								
24	Post-EA meeting with Proponent and applicable permitting agencies to review EA Certificate conditions, commitments, permitting requirements, etc (if necessary)		✓					
25	If Concurrent Review applied for, permitting agencies must							60*
a	Issue the approval							
b	Refuse to issue the approval, including reasons							
b	Specify a date when the Proponent may expect a decision							
Compliance and Enforcement								
26	EAO obtains information on compliance with the EA Certificate		✓					
a	Preparation and submission of periodic compliance reports to EAO	✓						
b	EAO notified of compliance issues by other relevant regulatory agencies							
c	EAO notified of compliance issues by Public, First Nations, stakeholders, and local governments					✓	✓	
d	Completion of inspections, where appropriate		✓					
27	EAO deals with non-compliance by		✓					

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	EAO	RM	WG	FN	Public	
a	Contacting EA Certificate holder to achieve compliance through education and discussion		✓					
b	Issue formal warning letter to EA Certificate holder		✓					
c	Recommend to Minister of Environment to order the EA Certificate holder to cease and desist		✓					
d	Recommend to Minister of Environment to suspend or cancel an EA Certificate		✓					
EA Certificate Extension								
28	Proponent can apply for a one-time extension to EA Certificate if Project is not/won't be substantially started within five years; must apply at least 90 days before EA Certificate expires	✓						
a	Extension of EA Certificate granted or denied		✓					

**NOTE:**

<sup>1</sup> EAO = Environmental Assessment Office

EAA = *Environmental Assessment Act*

Projects Regulation = Reviewable Projects Regulation

CEAA = Canadian Environmental Assessment Agency

AIR = Application Information Requirements

TOR = Terms of Reference

Time Regulation = Prescribed Time Limits Regulation

Consultation Regulation = Public Consultation Policy Regulation

Approval Regulation = Concurrent Approval Regulation

<sup>2</sup> Prop. = Proponent

EAO = Environmental Assessment Office

RM = Responsible Ministers

WG = Working Group

FN = First Nation

<sup>3</sup> Typical EA takes between 16 to 20 months (487 to 609 days) to complete

Timelines marked with \* implies timeline is legislated or regulated

Timelines marked in brackets () implies timeline fits within larger task timeline



## Environmental Assessment Process and Timelines

### CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	RA(s)	FA(s)	Agency	Minister	Public	
1	Determine whether the <i>CEAA</i> applies and potential type of EA Review the Inclusion List and Exclusion List Regulations Review Comprehensive Study List Regulations Verify if there is a federal Responsible Authority ( <i>CEAA</i> Section 5(1)) Determine if there is a trigger as per Section 5(1) of <i>CEAA</i> and Law List Regulations	✓						-
2	Prepare and submit Project Description to appropriate provincial EA body <u>OR</u> federal agency, meeting <i>CEAA</i> and provincial requirements	✓						-
3	Review of Project Description (many of these steps below occur concurrently)			✓				90**
a	Confirmation of complete Project Description Possibly post on CEA Registry 90-day review period for Comprehensive Study determination has begun**			✓				-
b	Confirmation of application of <i>CEAA</i>			✓				-
c	Self-identification of RA(s) based on Project Description and trigger(s)			✓				-
d	Determine Scope of Project (possibly) and prepare Scoping Document (possibly, may help determining type of EA required)		✓					-
e	Determination of type of EA required: <ul style="list-style-type: none"> <li>• Screening (continue Section A and Step 5)</li> <li>• Class Screening (continue Section A.1 and Step 8)</li> <li>• Comprehensive Study (via Comprehensive Study List Regulations) (continue Section B and Step 13)</li> <li>• Mediation</li> <li>• Review Panel</li> </ul>		✓	✓				-
f	Determination of other RAs as required by Federal Coordination Regulations		✓		✓			-
g	Determine if there is other jurisdictional interest in Project (i.e., provincial; cooperative EA process)		✓					-
h	Identification of Federal Environmental Assessment Coordinator (FEAC) <ul style="list-style-type: none"> <li>• RA if sole RA or accepted by RA if nominated by other RAs or</li> </ul>		✓		✓			-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	RA(s)	FA(s)	Agency	Minister	Public	
	appointed by Agency • Agency if cooperative EA or Comprehensive Study required, or agreed to by Agency and RAs							
i	Establish and maintain Project file and ensure required records are included on the CEA Registry (ongoing)		✓					
4	Notify Proponent and Agency of/who is RA(s) and type of EA required		✓					-
A. Screening								
5	Notice of commencement of Screening posted on CEA Registry							14
6	Determine Scope of Project and/or EA – includes scoping of Project and assessment; submission of EA Scope to Proponent (if not completed in Step3d)		✓					-
4	Preparation and submission of <i>CEAA</i> Screening document as per Section 16(1) of <i>CEAA</i>	✓						-
6	Review of Screening document		✓	✓				-
a	Determine whether Public review is warranted		✓					-
b	Public Review Period, if warranted						✓	-
c	Submission of comments, input, etc			✓			✓	-
7	Decision on <i>CEAA</i> Screening of Project to (timeline depends on posting of all required records to CEA Registry):		✓					(15*)
a	Permit Project to be carried out (not likely to cause significant adverse environmental effects)		✓					-
i	• Determination whether Follow-up program is appropriate or required		✓					-
ii	• If appropriate or required, design or delegate design of the Follow-up program and ensure implementation		✓					-
b	Not permit Project to be carried out (likely to cause significant adverse environmental effects)		✓					-
c	Refer Project to Minister of Environment for decision to refer Project to Mediator or a Review Panel		✓					-
A.1. Class Screening								
8	Determine if Project fits within a Replacement Class Screening (Project-environment interactions well-understood and not likely to vary from project to project) <u>OR</u> Model Class Screening (Project-environment interactions well-understood but likely to vary from project to project)		✓					-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	RA(s)	FA(s)	Agency	Minister	Public	
	Both Replacement Class Screening Reports (RCSRs) and Model Class Screening Reports (MCSRs) are developed by RAs for identified classes of projects and approved by Agency							
a	If RCSR appropriate (Project meets approved design standards and mitigation measures), permit Project to proceed and ensure standards and mitigation measures are implemented		✓					-
b	If MCSR appropriate, prepare or direct preparation of Class Screening Project Report (CSPR), with site-specific information, based on the form and process included in the Agency-approved MCSR		✓					-
10	Submission of CSPR, if prepared by Proponent	✓						-
11	Review of CSPR		✓	✓				-
a	Submission of comments, input, etc			✓				-
12	Approve CSPR		✓					-
a	Ensure implementation of site-specific or project-specific design standards and mitigation measures		✓					-
b	Design, or delegate design of, a Follow-up program and monitoring measures		✓					-
<b>B. Comprehensive Study</b>								<b>365**</b>
-	(Note: RA can be FEAC for a Comprehensive Study if agreed upon by RAs and Agency; for this Section, Agency is assumed to be FEAC)							-
13	Notice of commencement of Comprehensive Study (CS) on CEA Registry along with any other earlier documents relevant to CS		✓					14
14	Determination by FEAC on whether to establish a Project Committee established; comprised of RAs, FAs and parties from other jurisdictions, where appropriate				✓			-
15	If multiple RAs, determine which RA will be responsible for fulfilling CEA Registry obligations		✓					-
16	Prepare Draft CS Work Plan with timelines and Public Participation Plan				✓			-
a	Review of CS Work Plan and Public Participation Plan			✓	✓			-
b	Submission of comments, input, etc			✓	✓			-
17	Finalize CS Work Plan and Public Participation Plan		✓		✓			-
a	Post Final CS Work Plan and Public Participation Plan on CEA Registry (must be completed within 10 days after Step 13)		✓					10*

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	RA(s)	FA(s)	Agency	Minister	Public	
18	Determine Draft Scope of the Project and/or of CS, considering input from Project Committee, FAs and other jurisdictions (where applicable and if not completed in Step 3d)		✓					-
19	Prepare Draft Scoping Document to outline Scope of Project and CS		✓					-
a	Review of Draft Scoping Document			✓	✓			-
b	Submission of comments, input, etc			✓	✓			-
c	Integrate comments and revise Draft Scoping Document		✓					-
d	Review of revised Draft Scoping Document			✓	✓			-
20	Finalize Scoping Document		✓					-
a	Post Final Scoping Document on CEA Registry		✓					-
B	Public review of Scoping Document						✓	21 – 42
c	Submission of comments, input, etc						✓	-
21	Where necessary, amend Scoping Document based on comments received during Public review		✓					-
22	Preparation of Draft Track Report to Minister of the Environment regarding scope of Project, scope of CS, public concerns, potential for adverse effects, and ability of CS to address issues Track Report includes recommendation to Minister whether to continue EA through CS or to refer Project to Mediation or Review Panel		✓					-
a	Review of Draft Track Report			✓	✓			-
b	Submission of comments, input, etc		✓					-
c	Integrate comments and revise Draft Track Report		✓	✓	✓			-
d	Review of revised Draft Track Report			✓	✓			-
23	Finalize Track Report		✓					-
a	Provide Letter of Concurrence on Final Track Report		✓					-
b	Translate Final Track Report into both official languages		✓					-
c	Submit Final Track Report to Minister of the Environment and provide a copy to the Agency President		✓					-
24	Review of Final Track Report and preparation and submission of memorandum to Minister with recommendation to continue Project through CS or refer to Mediation or Review Panel				✓			-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	RA(s)	FA(s)	Agency	Minister	Public	
25	Minister decides and notifies RA that:					✓		-
a	EA should continue through CS; Project cannot be subsequently referred to Mediation or Review Panel (continue Step 26 and onward)					✓		-
b	Project referred to Mediation or Review Panel (stop at Step 26)					✓		-
26	Proponent and Project Committee notified of Minister's decision (if applicable) and Minister's decision posted to CEA Registry; need for other notification (e.g., news release, etc) also determined				✓			-
a	Final Track Report posted on CEA Registry				✓			-
27	Prepare Draft Guidelines (TOR) for the CS based on Scoping Document and other relevant documents, etc		✓					-
a	Review of Draft Guidelines			✓	✓			-
b	Submission of comments, input, etc			✓	✓			-
c	Integrate comments and revise Draft Guidelines		✓					-
d	Review of revised Draft Guidelines							-
28	Finalize Guidelines for CS		✓					-
a	Provide Final Guidelines to Proponent and/or delegated third-party (i.e., consultant) for preparation of CSR		✓					-
b	Post Final Guidelines on CEA Registry		✓					-
29	Completion of studies and compiling of information outlined in Final Guidelines, includes Public review and participation (365-day timeline is paused during this step)	✓						-
a	Review and approval of Public Participant funding (if necessary)				✓			-
b	Attendance of Public participation events, if appropriate		✓					-
c	Review and address public concerns as appropriate	✓						-
d	Post public notices and other documentation to CEA Registry	✓						-
30	Preparation and submission of Draft CSR	✓						-
a	Review of Draft CSR to verify conformity with CEAA, Final Guidelines, Work Plan and timelines		✓	✓				-
c	Submission of comments, input, etc			✓				-
31	Provision of comments and information requests to Proponent				✓			-
32	Response to comments and information requests	✓						-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	RA(s)	FA(s)	Agency	Minister	Public	
a	Review of Proponent responses		✓					-
33	Provision of additional comments and information requests to Proponent (return to Step 32)							
34	Determine if CSR:							-
a	Is acceptable and obtain sign-off on CSR by all RAs		✓		✓			-
i	<ul style="list-style-type: none"> <li>Translate Final CSR into both official languages, if not already completed</li> </ul>							-
ii	<ul style="list-style-type: none"> <li>Provide copies of Final CSR (both languages) to Minister and Agency with cover letter</li> </ul>		✓					-
b	Is not acceptable and prepare new CSR using previous one and any other information available, while ensuring requirements of the CEEA are met	✓						-
i	<ul style="list-style-type: none"> <li>Distribute new CSR to Project Committee and/or FAs for review</li> </ul>				✓			-
ii	<ul style="list-style-type: none"> <li>Submission of comments, input, etc</li> </ul>			✓				-
iii	<ul style="list-style-type: none"> <li>Integrate comments received and revise new CSR</li> </ul>		✓					-
iv	<ul style="list-style-type: none"> <li>Finalize new CSR and obtain sign-off on new CSR by all RAs and FAs (when required)</li> </ul>							-
v	<ul style="list-style-type: none"> <li>Translate Final new CSR into both official languages, if not already completed</li> </ul>							-
vi	<ul style="list-style-type: none"> <li>Provide copies of Final new CSR (both languages) to Minister and Agency with cover letter</li> </ul>							-
35	Prepare, arrange for, and provide notice of Public review of Final CSR				✓			-
a	Post Final CSR on CEA Registry and provide notice through other appropriate means (e.g., newspaper)				✓			-
b	Public review of Final CSR						✓	-
c	Submission of comments, input, etc						✓	-
36	Receive and track comments relating to Final CSR received by deadline of Public review period				✓			-
a	Submit letter to respondents to acknowledge receipt of comments				✓			-
b	Distribute public comments to RAs and other jurisdictions, if applicable and prepare consolidated summary of comments for RAs				✓			-
37	Review and consideration of public comments		✓	✓	✓			-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	RA(s)	FA(s)	Agency	Minister	Public	
a	Determine if any new issues raised can be addressed through addition of mitigation measures (continue Step 38) or if CSR requires revision and/or additional study (continue Step 38 and 39 and return to Step 31)		✓					-
38	Determine if a Public response is required based on issues and concerns raised during Public review; prepare and issue response if necessary		✓					-
39	Advise Agency how public comments will or will not be addressed		✓					-
40	Prepare and translate summary of public comments and RA response; post on CEA Registry				✓			-
41	Prepare recommendations to the Minister on EA Decision Statement, based on CSR conclusions, public comments, RA's response to comments, and Agency's analysis				✓			-
a	Submit Agency recommendations to the Minister; provide copies of CSR if not already provided				✓			-
42	Review of Agency recommendations, CSR, public comments/concerns and RA response					✓		-
43	Decision on EA and preparation of EA Decision Statement; Minister determines:					✓		-
a	Additional information or actions are required to address public concerns; information or additional actions requested from RA, FA or Proponent (return to Step37)					✓		-
b	Project is likely to cause significant adverse environmental effects					✓		-
c	Project is not likely to cause significant adverse environmental effects					✓		-
d	Any mitigation measures or a Follow-up program that the Minister considers appropriate					✓		-
44	EA Decision Statement issued and Project is referred back to RA for a decision on RA's own course of action (timeline depends on posting of all required records to CEA Registry)					✓		(30*)
45	Communicate EA Decision Statement with RAs, FAs and Proponent; post on CEA Registry				✓			-
46	RAs review EA Decision Statement and any public comments, and determine (agree on):		✓					-
a	If Minister's opinion that Project will likely have significant adverse effects, RAs shall seek approval from Governor in Council before		✓					-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	RA(s)	FA(s)	Agency	Minister	Public	
	permitting							
b	If Minister's opinion that Project will not likely have significant adverse effects, RAs determine their opinion whether Project is likely to cause significant adverse effects		✓					-
i	• If not likely, RAs can permit Project to proceed in whole or in part (as per their RA power or duty) (continue to Step 47)		✓					-
ii	• If likely, RAs determine whether adverse effects are justified in the circumstances and: - Not exercise any power or duty to permit Project to proceed (if not justified) - Permit Project to proceed (if justified) (continue Step 47)		✓					-
47	Finalize Follow-up Program design		✓					-
a	Confirm scope and components of Follow-up program, monitoring requirements, implementation responsibilities, and establishment of Follow-up program Committee where appropriate		✓					-
48	Implement mitigation measures, or ensure their implementation		✓					-
49	Implement Follow-up program, or ensure its implementation		✓					-

**NOTE:**

<sup>1</sup> CEAA = Canadian Environmental Assessment Act

Agency = Canadian Environmental Assessment Agency

RA = Responsible Authority

Process/Tasks marked with \*\* refer to steps undertaken by Agency only if they are the RA for Comprehensive Study

<sup>2</sup> Prop. = Proponent

RA(s) = Responsible Authority(ies) (federal)

FA(s) = Federal Authority(ies); may include Project Committee in the case of a Comprehensive Study

Agency = Canadian Environmental Assessment Agency

<sup>3</sup> Typical EA takes between 16 to 20 months (487 to 609 days) to complete

Timelines marked with \* implies timeline is legislated or regulated

Timelines marked in brackets ( ) implies task cannot be completed until (days) after inclusion of specific documents on CEA Registry

Timelines marked with \*\* refer to proposed 'Establishing Timelines for Comprehensive Studies Regulations' (August 2010); these timelines would only apply to Comprehensive Studies for which the Agency is the RA

## Environmental Assessment Process and Timelines

### INUVIALUIT SETTLEMENT REGION

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>							Timeline (days) <sup>3</sup>
		Prop.	EISC	EIRB	HTCs	IBs	RBs	Public	
1	Determine if Project is subject to screening by EISC or exempted (see EISC Operating Guidelines Section 2 [Scope and Mandate] and Appendix C [Exemptions]); contact EISC for questions/clarifications	✓							-
a	Contact EISC and submit brief description to state why Project is exempt	✓							-
b	Verify Project is exempt and notify Proponent; mention at next EISC meeting as information item		✓						-
2	If Project is exempt, submit applications for other approvals, permits, etc, if required (e.g., IRC, ILA, ARI, etc)	✓							-
a	Permitting agencies and other organizations (e.g., IGC, HTCs, etc) can request exempted Project (or any Project) to EISC for screening if deemed necessary								-
i	<ul style="list-style-type: none"> <li>Contact Proponent to advise screening of Project has been requested</li> </ul>		✓						-
3	If Project is not exempt, prepare and submit Project Description to EISC, copying affected HTC(s). Consultation with affected parties (community(ies) and government) is recommended before submission of Project Description to EISC. Project Descriptions must be in the format outlined in Section 4.4 of EISC Operating Guidelines. Project Description should be received at least 30 days prior to next EISC meeting to be considered there.	✓							-
a	HTC may request additional time to review Project Description; ask for delay in EISC screening				✓				-
b	Proponent can request to complete a presentation to EISC on Project Description in covering letter	✓							-
Environmental Impact Screening									
4	Notify Proponent, applicable Regulatory Bodies, Inuvialuit Bodies and any other organizations with an interest, as necessary, of receipt of submission and date/location of screening		✓						-
5	Review of Project Description		✓		✓	✓	✓		-
a	Submission of comments, concerns, input, etc, before specified date of next EISC meeting				✓	✓	✓		-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>							Timeline (days) <sup>3</sup>
		Prop.	EISC	EIRB	HTCs	IBs	RBs	Public	
6	Review of Project Description and received comments/concerns/input at specified EISC meeting		✓						-
a	If granted, present briefs and presentations on Project at EISC meeting	✓			✓	✓	✓		-
7	EISC determine:		✓						-
a	Project is exempt from Screening; notify Proponent, RBs, IBs and HTCs of decision		✓						-
b	Project will be screened by EISC; notify Proponent, RBs, IBs and HTCs of decision and form Screening Panel		✓						-
8	Screening Panel reviews Project Description (privately) and determines:		SP						-
a	No significant negative impact of Project, or no significant negative impact with specified terms and conditions recommended; notify Proponent, RBs, IBs and HTCs Project can proceed		SP						-
b	Significant negative impact of Project; notify Proponent, RBs, IBs, HTCs and EIRB of decision and refer Project to EIRB (continue to Step 9)		SP						-
c	Project Description is deficient; notify Proponent, RBs, IBs and HTCs Project cannot proceed (return to Step 3)		SP						-
9	Forward letter of referral, copy of Project Description with any supplements, and copy of minutes of Screening Panel decision to EIRB		✓						-
a	Determine whether Project will proceed under EIRB Public Review or under CEAA			✓					-
10	Proponent contacted and preliminary meeting with EIRB arranged; copy of EIRB Operating Procedures also forwarded; schedule for the preparation of materials developed	✓		✓					-
Environmental Impact Review									
11	Public notice of Project referral			✓					ASAP
a	Registration of individuals and organizations (within specified time limit in Public Notice) to become Registered Participants in review				✓	✓	✓	✓	-
12	Hiring/contracting of any Technical Advisors, as required, for potential Review Panel			✓					-
13	Meeting to determine review path of referred Project (must be completed within 30 days of Step 9); EIRB determine			✓					30
a	Project will be reviewed under Small Scale Developments (SSD)			✓					-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>							Timeline (days) <sup>3</sup>
		Prop.	EISC	EIRB	HTCs	IBs	RBs	Public	
	Procedures (continue to Step 15)								
b	Project will be reviewed under Standard Public Review (SPR) Procedures (continue to Step 25)			✓					-
14	Notify Proponent, RBs, IBs and HTCs of review procedures decision			✓					-
<b>Small Scale Development Procedure</b>									
15	Assist Proponent to develop TOR for EIS of Project through SSD			✓					-
16	Submit EIS	✓							-
17	Review EIS and determine:			✓					-
a	EIS acceptable for use during the SSD procedures (continue to Step 18)			✓					-
b	EIS not acceptable for use during the SSD procedures			✓					-
i	<ul style="list-style-type: none"> <li>Notify Proponent and determine if Proponent can revise and re-submit SSD (return to Step 16)</li> </ul>			✓					-
ii	<ul style="list-style-type: none"> <li>Proponent may elect to withdraw proposal and submit new Project Description to EISC (return to Step 3)</li> </ul>	✓							-
18	Review Panel selected by EIRB Chair			✓					-
19	Preparation Period								≥30
a	Review of EIS by Review Panel, Technical Advisors, Registered Participants, and RBs				✓	✓	✓	✓	-
b	Submission of questions, comments, concerns, input, etc to Proponent through the EIRB				✓	✓	✓	✓	-
c	Submission of received comments, concerns, etc to Proponent			✓					-
d	Response to questions, comments, concerns, etc, to EIRB	✓							-
20	Following the Preparation Period, the Review Panel decides to:			RP					-
a	Hold a Public meeting to summarize the information before it and come to a decision (continue to Step 22)			RP					-
b	Appoint an EIRB Investigator to hold a Public meeting to investigate one or more outstanding issues (continue to Step 21)			RP					-
c	Not hold a Public meeting and come to a decision based on the information before it (continue to Step 22)			RP					-
21	EIRB Investigator reports findings to Review Panel; Review Panel decides to hold additional Public meeting or not, and come to a decision			RP					-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>							Timeline (days) <sup>3</sup>
		Prop.	EISC	EIRB	HTCs	IBs	RBs	Public	
22	Decision of Review Panel to:			RP					-
a	Allow Project to proceed, recommending any terms and conditions (if necessary), and providing an estimate of potential liability of the Proponent based on a worst-case scenario			RP					-
b	Subject Project to further assessment/review, possibly specifying additional information required			RP					-
c	Not allow Project to proceed			RP					-
23	Notify Proponent, Regulatory Bodies, Registered Participants and RBs of decision			✓					-
24	Review of Review Panel's decision and any recommended terms and conditions, decision to:						✓		-
a	Accept Review Panel's decision and recommendations						✓		-
b	Reject or modify Review Panel's decision and recommendations (must occur within 30 days of Step 23), contact EIRB						✓		30
<b>Standard Public Review Procedure</b>									
25	Preparation and submission of outline of EIS (TOR) to EIRB	✓							-
26	Review of EIS outline			✓	✓	✓	✓	✓	-
a	Submission of questions, comments, concerns, input, etc to EIRB			✓	✓	✓	✓	✓	-
27	Determination whether a Scoping session should be held, if sufficient comments/concerns warrant it			✓					-
a	Scoping session may be held publicly, by exchange of written comments, or both								-
28	Summarize and submit received comments, input, etc, and Scoping session results (if held) to Proponent			✓					-
a	Revision and submission of EIS outline	✓							-
29	Approval of EIS outline			✓					-
30	Preparation and submission of Draft EIS to EIRB	✓							-
31	Review of Draft EIS; review time period set by EIRB			✓	✓	✓	✓	✓	-
a	Submission of questions, comments, concerns, input, etc to Proponent through EIRB			✓	✓	✓	✓	✓	-
b	Submission of received comments, concerns, etc to Proponent			✓					-
32	Revision of Draft EIS in response to questions, comments, concerns,	✓							-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>							Timeline (days) <sup>3</sup>
		Prop.	EISC	EIRB	HTCs	IBs	RBs	Public	
	etc, received								
33	Submission of Revised Draft EIS to EIRB	✓							-
34	Review of Revised Draft EIS and determination whether Revised Draft EIS is:			✓					-
a	Acceptable for the purposes of Public Review and finalization of the EIS (continue to Step 35)			✓					-
b	Not acceptable for the purposes of Public Review			✓					-
i	<ul style="list-style-type: none"> <li>Issue of Deficiency Statement providing direction to Proponent on re-submission of EIS</li> </ul>			✓					-
ii	<ul style="list-style-type: none"> <li>Withdrawal of Project from consideration by EIRB <u>OR</u> re-submission of EIS under revised schedule after consultation with Registered Participants and RBs (return to Step 33)</li> </ul>	✓							-
35	Review Panel selected by EIRB Chair			✓					-
36	Preliminary Agenda and Schedule developed			✓					-
37	If necessary, notification of a Pre-Hearing Conference to Proponent, Registered Participants and RBs (see Variation in Procedures below) Pre-Hearing Conference convened by EIRB Chair or staff and not involve Review Panel			RP					-
38	Issue Hearing Order following Pre-Hearing Conference (if held) to notify all of dates/locations of Public Hearing, schedule, rules, etc			✓					-
39	Preparation Period before Public Hearing	✓		✓	✓	✓	✓	✓	≥60
a	Submission of questions, comments, concerns, input, etc to Proponent within time limits set by Hearing Order			RP					-
b	Submission of questions, comments, concerns, input, etc to Proponent through the EIRB within time limits set by Hearing Order				✓	✓	✓	✓	-
c	Submission of received comments, concerns, etc to Proponent within time limits set by Hearing Order			✓					-
d	Response to questions, comments, concerns, etc, to EIRB within time limits set by Hearing Order	✓							-
e	Decision to commence Public Hearing as scheduled or extend Preparation Period (continue to Step 40 or return to Step 39)			RP					-
40	Public Hearing, as per format in Section 14.2 of EIRB Operating Procedures			RP					-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>							Timeline (days) <sup>3</sup>
		Prop.	EISC	EIRB	HTCs	IBs	RBs	Public	
41	Decision of Review Panel to:			RP					-
a	Allow Project to proceed, recommending any terms and conditions (if necessary), and providing an estimate of potential liability of the Proponent based on a worst-case scenario			RP					-
b	Subject Project to further assessment/review, possibly specifying additional information required			RP					-
c	Not allow Project to proceed			RP					-
42	Notify Proponent, Regulatory Bodies, Registered Participants and RBs of decision with reasons, and issuance of press release			RP					-
43	Review of Review Panel's decision and any recommended terms and conditions, decision to:						✓		-
a	Accept Review Panel's decision and recommendations						✓		-
b	Reject or modify Review Panel's decision and recommendations (must occur within 30 days of Step 42), contact EIRB						✓		30
<b>Variation of Procedures</b>									
-	Apply to have procedures varied for a specific Project, or EIRB or Review Panel may choose to vary procedures	✓		✓	✓	✓	✓	✓	-
-	If have application, EIRB provide notice and allow Proponent and Registered Participants to comment	✓			✓	✓	✓	✓	-
-	Variations may include: <ul style="list-style-type: none"> <li>Abridging or extending time requirements</li> <li>Modifying or eliminating scoping process</li> <li>Completion of a general assessment of a class of development (EIRB's own motion)</li> <li>Holding of a workshop to assist Proponent and others to achieve consensus on some or all issues before Review Panel</li> <li>Elimination of Pre-Hearing Conference (discretion of EIRB)</li> <li>Appointment of EIRB Investigator to investigate relevant issues and report to Review Panel (motion by EIRB Chair)</li> </ul>								-

**NOTE:**

- <sup>1</sup> IRC = Inuvialuit Regional Council  
ILA = Inuvialuit Land Administration  
ARI = Aurora Research Institute  
IGC = Inuvialuit Game Council  
HTCs = Hunters and Trappers Committees

<sup>2</sup> Prop. = Proponent

EISC = Environmental Impact Screening Committee

SP = Screening Panel

EIRB = Environmental Impact Review Board

RP = Review Panel

IBs = Inuvialuit Bodies (applicable ones)

RBs = Regulatory Bodies (applicable ones)

<sup>3</sup> Timelines marked with \* implies timeline is legislated or regulated



## Environmental Assessment Process and Timelines

### NEWFOUNDLAND AND LABRADOR

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	EAD	AC	Minister	Cabinet	EAB	
1	Determine whether Project is an <i>undertaking</i> (as per definitions in Section 2(mm) of the <i>EPA</i> ) and/or is listed as a Designated Undertaking or Exception in Part III of the EAR	✓						
2	Preparation and submission of Registration Document to EAD with fee	✓						
3	Notification in EA Bulletin of receipt of registration				✓			7*
4	Review of Registration Document		✓					45
a	Determine if Registration Document is sufficient for review <ul style="list-style-type: none"> <li>If insufficient, submit information requests (timeline may be longer)</li> </ul>		✓					
b	If requested, submission of additional information	✓						
c	Review of additional information and determine if sufficient		✓					
d	Governmental and Public review of Registration Document and submission of comments, concerns, input, etc		✓				✓	(35)*
e	Submission of all comments and EAD recommendations to Minister		✓					
f	Consideration of comments received and notification to Proponent of decision				✓			
i	<ul style="list-style-type: none"> <li>Project may be released and proceed as described with any terms and conditions and required licenses, etc</li> </ul>				✓			
ii	<ul style="list-style-type: none"> <li>Project requires an Environmental Preview Report (EPR)</li> </ul>				✓			
iii	<ul style="list-style-type: none"> <li>Project requires an Environmental Impact Statement (EIS)</li> </ul>				✓			
iv	<ul style="list-style-type: none"> <li>Project is rejected</li> </ul>				✓			
	Note: The Minister (subject to approval by Cabinet) may exempt a Project or Proponent from EA, subject to terms and conditions				✓			
5	Notification in EA Bulletin of Minister's decision on Project				✓			10*
6	Appointment of Assessment Committee if EPR or EIS ordered (chaired by a member of EAD) Continue to Step 7 if EPR ordered (Note: Proponent can elect to proceed to EIS)							

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	EAD	AC	Minister	Cabinet	EAB	
	Continue to Step 13 if EIS ordered or elected							
<b>Environmental Preview Report</b>								
7	Preparation of EPR Guidelines Issuance of EPR Guidelines to Proponent and Public			✓	✓			60*
8	Preparation and submission of EPR (EPR is based on the issued Guidelines and focuses only on the main unanswered questions in the registration; typically rely on existing information and no original fieldwork is required)	✓						
9	Notification in EA Bulletin of receipt of EPR and publication of EPR				✓			7*
10	Review of EPR (45 day Ministerial timeline begins when EPR deemed sufficient)			✓				45*
a	Governmental and Public review of EPR and submission of comments, concerns, input, etc						✓	(35)*
b	Review of comments received and preparation of recommendations to Minister			✓				
i	<ul style="list-style-type: none"> <li>Project may be released and proceed as described with any terms and conditions and required licenses, etc (continue to Step 12)</li> </ul>			✓				
ii	<ul style="list-style-type: none"> <li>Project EPR is deficient (continue to Step 11)</li> </ul>			✓				
iii	<ul style="list-style-type: none"> <li>Project requires an EIS (continue to Step 12)</li> </ul>			✓				
11	If EPR deemed insufficient, Minister may order the Proponent to one or more of: conduct further work, amend EPR and revise and submit another or amendment to original EPR				✓			
a	If requested, submission of additional information	✓						
b	Review of revised EPR with additional information and preparation of recommendations to Minister			✓				
c	Review of recommendations and preparation and submission of decision to Proponent				✓			
i	<ul style="list-style-type: none"> <li>Project may be released and proceed as described with any terms and conditions and required licenses, etc</li> </ul>				✓			
ii	<ul style="list-style-type: none"> <li>Project EPR is deficient (return to Step 11)</li> </ul>				✓			
iii	<ul style="list-style-type: none"> <li>Project requires an EIS (continue to Step 12)</li> </ul>				✓			
12	Notification in EA Bulletin of Minister's decision on EPR				✓			10*
<b>Environmental Impact Statement</b>								

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>	
		Prop.	EAD	AC	Minister	Cabinet	EAB		Parties
13	Preparation of Draft EIS Guidelines Issuance of Draft EIS Guidelines to Proponent and Public			✓					120*
a	Review of EIS Guidelines and submission of comments, concerns, input, etc							✓	40*
b	Review of comments received and preparation of recommended revisions/amendments to Draft EIS Guidelines			✓					
c	Submission of any comments received and recommendations to Minister			✓					
d	Approval or approval with amendments to Draft EIS Guidelines				✓				
14	Issuance of Final EIS Guidelines to Proponent and Public				✓				10*
15	Preparation and submission of EIS (EIS is based on the issued Guidelines and focuses on key issues relating to the effects of the Project on environment; original research, including Public consultation, is often required)	✓							
16	Notification in EA Bulletin of receipt of EIS and publication of EIS				✓				7*
17	Review of EIS (70 day Ministerial timeline begins when EIS deemed sufficient)			✓					70*
a	Governmental and Public review of EIS and submission of comments, concerns, input, etc							✓	(50)*
b	Governmental and Public review of Component Study(ies) and submission of comments, concerns, input, etc							✓	
c	Review of comments received and preparation of recommendations to Minister			✓					
i	<ul style="list-style-type: none"> <li>Project may be released and proceed as described with any terms and conditions and required licenses, etc (continue to Step 19)</li> </ul>			✓					
ii	<ul style="list-style-type: none"> <li>Project EIS is deficient (continue to Step 18)</li> </ul>			✓					
18	If EIS deemed insufficient, Minister may order the Proponent conduct further work, amend EIS or revise and submit another EIS or amendment to original EIS				✓				
a	If requested, submission of additional information	✓							
b	Review of revised EIS with additional information and preparation of recommendations to Minister			✓					

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	EAD	AC	Minister	Cabinet	EAB	
c	Review of recommendations and preparation and submission of decision to Proponent				✓			
i	<ul style="list-style-type: none"> <li>Project EIS complies with Guidelines and EPA and no further work is required</li> </ul>				✓			
ii	<ul style="list-style-type: none"> <li>Project EIS is deficient (return to Step 18)</li> </ul>				✓			
19	Notification in EA Bulletin of Minister's decision on EIS				✓			10*
20	Preparation and recommendation to Lieutenant Governor in Council (Cabinet) whether:				✓			30*
a	Project may be released and proceed as described with any terms and conditions and required licenses, etc				✓			
b	Project should not be permitted to proceed				✓			
c	Project requires a Component Study(ies) (describe and provide data on specific components of the environment as required by the EIS Guidelines)				✓			
d	Project requires public hearings and appointment of EA Board due to strong public interest				✓			
21	Review of Ministerial decision and preparation and submission of EIS decision back to Minister (Allow Project, Reject Project, Request additional information [Component Studies or Public Hearings])					✓		
22	Notification of Cabinet decision in the <i>Canada Gazette</i> Continue to Step 23 if Component Study ordered Continue to Step 28 if public hearings ordered				✓			10*
<b>Component Studies</b>								
23	If Component Study(ies) ordered, preparation and submission of Component Study(ies)	✓						
24	Notification of in EA Bulletin of receipt of Component Study and publication of Component Study				✓			7*
25	Review of Component Study(ies) (50 day Ministerial timeline begins when EIS deemed sufficient)			✓				50*
a	Governmental and Public review of Component Study(ies) and submission of comments, concerns, input, etc						✓	(35)*
b	Review of comments received and preparation of recommendations to Minister			✓				

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	EAD	AC	Minister	Cabinet	EAB	
i	<ul style="list-style-type: none"> <li>Component Study(ies) complies with Guidelines and requires no further work (continue to Step 27)</li> </ul>			✓				
ii	<ul style="list-style-type: none"> <li>Component Study(ies) is deficient (continue to Step 26)</li> </ul>			✓				
26	If Component Study deemed insufficient, Minister may order the Proponent conduct further work, amend Component Study or revise and submit another EIS/Component Study or amendment to original Component Study				✓			
a	If requested, submission of additional information	✓						
b	Review of revised Component Study with additional information and preparation of recommendations to Minister			✓				
c	Review of recommendations and preparation and submission of decision to Proponent				✓			
i	<ul style="list-style-type: none"> <li>Component Study complies with Guidelines and EPA and no further work is required (continue to Step 27)</li> </ul>				✓			
ii	<ul style="list-style-type: none"> <li>Component Study is deficient (return to Step 26)</li> </ul>				✓			
27	Notification in EA Bulletin of Minister's decision on Component Study (continue to Step 34)				✓			10*
<b>Public Hearings &amp; EA Board</b>								
28	Appointment of EA Board					✓		30*
29	Notification of EA Board members and terms of reference for the EA Board Notification to contain timeline for public hearings and invitation to submit intention to appear at hearings				✓			10*
30	Start of Public Hearings by EA Board (timeline implies when hearings can start after Step 29)						✓	30 – 90*
a	Submission of additional answers, if not submitted during hearings	✓						30*
31	Preparation and submission Report on Public Hearings to Minister (timeline starts from close of Public Hearings). Report includes proceedings of the Public Hearings, recommendations made at Public Hearings, and recommendations of EA Board						✓	45*
32	Submission of Report on Public Hearings to Cabinet				✓			
33	Notification in EA Bulletin of receipt of Report on Public Hearings and publication of Report on Public Hearings				✓			7*

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>	
		Prop.	EAD	AC	Minister	Cabinet	EAB		Parties
34	Review of Report on Public Hearings AND/OR preparation and submission of recommendations to Cabinet whether:				✓				60*
a	Project can be released as described and/or subject to terms and conditions				✓				
b	Project should not be permitted to proceed								
35	Review of Ministerial recommendations and preparation and submission of decision on Project (Project allowed to proceed or Project not permitted to proceed)					✓			
	Note: At any time in the EA Process, the Minister (subject to Cabinet approval) or Cabinet may stop the EA and direct the Project not to proceed				✓	✓			

**NOTE:**

<sup>1</sup> EPA = Environmental Protection Act, 2004

EAR = Environmental Assessment Regulations, 2003

EAD = Environmental Assessment Division of Newfoundland and Labrador Department of Environment and Conservation

EPR = Environmental Preview Report

EIS = Environmental Impact Statement

<sup>2</sup> Prop. = Proponent

EAD = Environmental Assessment Division of Newfoundland and Labrador Department of Environment and Conservation

AC = Assessment Committee

Regul. = Regulators (federal and provincial)

Minister = Minister of Environment (provincial)

Cabinet = Lieutenant Governor in Council

EAB = EA Board

Parties = Regulatory, Public and other interested Parties

<sup>3</sup> Timelines marked with \* implies timeline is legislated or regulated

Timelines marked in brackets ( ) implies timeline fits within larger task timeline

## Environmental Assessment Process and Timelines

### NUNAVUT (PROPOSED in Bill C-25 NuPPA)

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>							Timeline (days) <sup>3</sup>
		Prop.	NPC	NIRB	RM	RBs	Org.	Public	
1	Project Proposal/Description submitted to NPC	✓							
a	Notice of receipt of Project Proposal published		✓						
<b>NPC Review</b>									
2	Review of Project Proposal to determine conformity with applicable land use plan; determines: Note: NPC can extend decision period by up to 10 days		✓						45*
a	Project Proposal conforms to applicable land use plan (continue to Step 4)		✓						
b	Project Proposal does not conform to applicable land use plan (continue to Step 3)		✓						
c	If there is no applicable land use plan, continue to Step 4								
3	Check to determine if land use plan allows for a minor variance to be granted		✓						
a	If minor variance can be granted, determine if granting of variance will be considered by NPC		✓						
i	• Notify all of intention to grant minor variance		✓						
ii	• Review of notice, minor variance and Project Proposal (?)					✓	✓	✓	10*
iii	• Submission of comments, concerns, input, etc					✓	✓	✓	
iv	• Review of comments, etc, received; determine whether to grant minor variance		✓						
b	If minor variance cannot be granted, determine if NPC will request Ministerial exemption, in accordance with certain requirements		✓						
4	Determine if Project Proposal requires screening by NIRB (refer to NLCA Schedule 12-1 Items 1 to 6 or Schedule 3 of NuPPAA)		✓						
a	Consult with NIRB (if necessary) to determine if Project is exempt		✓						
b	If not exempt, submit Project Proposal to NIRB Exempt Project Proposal can still be sent to NIRB if NPC concerned about cumulative and/or socio-economic effects		✓						
<b>NIRB Screening</b>									

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>							Timeline (days) <sup>3</sup>
		Prop.	NPC	NIRB	RM	RBs	Org.	Public	
5	Review of Project Proposal and determination of Scope of Project			✓					45*
a	Determination if Review is required based on: <ul style="list-style-type: none"> <li>• Possible significant adverse effects on ecosystem(s), socio-economics, wildlife habitat, or Inuit harvest activities</li> <li>• Public concern</li> <li>• Technological innovations with unknown effects</li> </ul>			✓					
b	Submission of report to the Responsible Minister describing: <ul style="list-style-type: none"> <li>• Project Scope</li> <li>• Requirement for Review (Yes or No) and by who (NIRB or federal) OR Project should be modified or abandoned</li> <li>• Specific terms and conditions if it can proceed without a Review</li> </ul>			✓					
6	Response to NIRB report:				✓				
a	If the NIRB determines a review of the Project is <u>not</u> required, the RM must:				✓				
i	<ul style="list-style-type: none"> <li>• Agree and indicate Project can be carried out once applicable licenses, permits, etc have been obtained</li> </ul>				✓				15*
ii	<ul style="list-style-type: none"> <li>• Disagree and send to Project Proposal for review (continue to Step 6b(i))</li> </ul>				✓				
b	If the NIRB determines a review of the Project is required, the RM must:				✓				90*
i	<ul style="list-style-type: none"> <li>• Agree and send the Project Proposal to NIRB (continue to Step 7) or to the Minister of Environment for a federal environmental assessment panel</li> </ul>				✓				
ii	<ul style="list-style-type: none"> <li>• Disagree and determine if the Project can be amended or modified (continue to Step 6c) or is not to proceed</li> </ul>				✓				
c	If the NIRB determines a Project should be modified or abandoned, the RM must:				✓				120*
i	<ul style="list-style-type: none"> <li>• Agree and indicate that the Project could be modified (submit amended Project Proposal) or is not to proceed</li> </ul>				✓				
ii	<ul style="list-style-type: none"> <li>• Disagree and send the Project Proposal for review (return to Step 6b(i))</li> </ul>								
<b>NIRB Review</b>									
7	Determination of scope of Project to be reviewed			✓					
a	Consultation with Proponent about proposed changes to scope of			✓					

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>							Timeline (days) <sup>3</sup>
		Prop.	NPC	NIRB	RM	RBs	Org.	Public	
	Project (if any) such as inclusions and/or exclusions								
8	Issuance of Guidelines (TOR) to Proponent to prepare EIS Note: Guidelines need not be issued if NIRB determines there is sufficient information in the Project Proposal to conduct its review			✓					
9	Preparation and submission of Draft EIS	✓							
10	Review of Draft EIS			✓					
a	Publication of Draft EIS (English, French & Inuktitut)			✓					
b	Review of Draft EIS, may include a public hearing					✓	✓	✓	
c	Submission of comments, concerns, input, etc					✓	✓	✓	
11	Review of Draft EIS and all comments and input received, considering factors set out in Section 103 of <i>NuPPAA</i> , to make a determination			✓					
12	Submission of report of review to RM, outlining: Assessment of Project and its ecosystemic and socio-economic impacts NIRB's determination Terms and conditions (if any)			✓					45*
13	Review of NIRB Report of Review and consultation with any departments or agencies that have indicated that the Project involves an interest in their jurisdiction				✓				
14	Response to NIRB Report of Review:				✓				
a	If the NIRB report determined deficient, advise NIRB and outline deficient areas				✓				90*
i	<ul style="list-style-type: none"> <li>Conduct further review of the Project and issues identified by RM, including any further required consultation as necessary or as directed</li> </ul>			✓					
ii	<ul style="list-style-type: none"> <li>Provide revised Report of Review to RM (return to Step 14)</li> </ul>			✓					45*
b	If the NIRB determines a Project should proceed, the RM must:				✓				120*
i	<ul style="list-style-type: none"> <li>Agree and accept the terms and conditions recommended (continue to Step 17)</li> </ul>				✓				
ii	<ul style="list-style-type: none"> <li>Agree and reject the terms and conditions recommended if they are insufficient or too onerous (continue to Step 15)</li> </ul>				✓				
iii	<ul style="list-style-type: none"> <li>Disagree if the Project is determined to not be in the regional or national interest; is not allowed to proceed</li> </ul>				✓				

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>							Timeline (days) <sup>3</sup>
		Prop.	NPC	NIRB	RM	RBs	Org.	Public	
c	If the NIRB determines a Project should <u>not</u> proceed, the RM must:				✓				120*
i	• Agree (continue to Step 17)				✓				
ii	• Disagree if the Project is determined to be in the regional or national interest (continue to Step 15)				✓				
15	Revise and re-submit recommended terms and conditions (as in Step 14b(ii)) OR Report of Review (as in Step 14c(ii))			✓					30*
16	Review of revised terms and conditions OR revised Report of Review				✓				120*
a	Accept revised terms and conditions OR revised Report of Review				✓				
b	Reject it or alter it in any way deemed appropriate				✓				
17	Notification to NIRB of terms and conditions that will apply to Project				✓				
18	Issuance of Project Certificate that sets out terms and conditions			✓					30*
19	Reconsideration of terms and conditions in Project Certificate if requested by Proponent, designated Inuit organization, any interested person(s), or of NIRB's own initiative  Reconsideration could be considered if terms and conditions are not achieving desired purpose, if circumstances have significantly changed, or if there are technological developments or new information			✓					
a	Notification of Proponent and RM of reconsideration			✓					
b	Submission of report to RM of reconsideration			✓					
20	Review of NIRB report of reconsideration:				✓				90*
a	Accept report				✓				
b	Reject report or alter it in any way deemed appropriate				✓				
21	Notification to NIRB of amended terms and conditions that will apply to the Project				✓				
22	Issuance of amended Project Certificate with amended terms and conditions			✓					30*

**NOTE:**

<sup>1</sup> NuPPAA = Bill C-25 *Nunavut Planning and Project Assessment Act* (proposed)  
NLCA = Nunavut Land Claims Agreement  
Activity Regulations = Assessable Activities, Exceptions and Executive Committee Projects Regulations  
CEAA = Canadian Environmental Assessment Agency

<sup>2</sup> Prop. = Proponent  
NPC = Nunavut Planning Commission

NIRB = Nunavut Impact Review Board

RM = Responsible Minister; implies either federal or territorial Minister who has jurisdiction to authorize a project to proceed, or, if there is no such Minister, the Minister of INAC

RBs = Regulatory Bodies

Org. = Other organizations (e.g., designated Inuit organizations, Hunters and Trappers Organizations, etc)

<sup>3</sup> Timelines marked with \* implies timeline is legislated or regulated



## Environmental Assessment Process and Timelines

**NORTHERN QUEBEC (James Bay Region subject to the James Bay and Northern Quebec Agreement [JBNQA]; includes Nunavik)**

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	Admin	KEQC	COMEV/X	Regul.	Public	
1	Determine whether Project is automatically subject to the EIA and Review Procedure or exempt as per Schedule A and B of the <i>EPA</i>	✓						
a	If automatically exempt, continue with licensing process	✓						
b	If automatically subject to, or not listed in either Schedule, prepare Notice of Intent (continue to Step 2)	✓						
2	Preparation and submission of Notice of Intent and Preliminary Project Description to the appropriate Administrator to obtain either Certificate of Authorization or Attestation of Exemption for the Project Note: Administrator can automatically decide to subject or exempt, wholly or partially, a Project to or from the EIA and Review Procedure	✓						
3	Review of Notice of Intent and Preliminary Project Description and forwarding it to the appropriate Committee (COMEV or KEQC)		✓					
4	Committee reviews Notice of Intent and Preliminary Project Description and determines if Project is subject to or exempt from the EIA and Review Procedure			✓	✓			30*
a	If the Project is taking place in the Moinier region on specific lands and if KEQC does not have a Naskapi member and they are deciding to exempt a Project from the Procedure, KEQC must submit the Proponent's Notice of Intent and Preliminary Project Description to the Naskapi village for their review and recommendations			✓				
i	<ul style="list-style-type: none"> <li>Review and submission of recommendations by Naskapi village to KEQC</li> </ul>							(20)*
b	COMEV recommends <u>OR</u> KEQC decides whether: <ul style="list-style-type: none"> <li>The Project should be subject to an EIA study</li> <li>The Project should not be subject to an EIA study</li> </ul>			✓	✓			
c	Notification to Administrator of COMEV recommendation or KEQC decision; final determination whether: <ul style="list-style-type: none"> <li>The Project is subject to an EIA study (requires a Certificate of Authorization; continue to Step 5e)</li> <li>The Project is not subject to EIA study and an Attestation of Exemption is issued</li> </ul>		✓					

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	Admin	KEQC	COMEV/X	Regul.	Public	
d	If Administrator disagrees with recommendations of COMEV, consult with COMEV again before making final decision		✓					
e	Notification to Proponent of Administrator decision and publication of notice in <i>Gazette officielle du Quebec</i>		✓					
6	Preparation of Draft Guidelines to outline the extent of the EIA study to be prepared by Proponent Note: Administrator consults with KEQC to develop Guidelines while COMEV recommends Guidelines to conduct a Preliminary or Detailed, or both , EIA study			✓	✓			
7	Submission of Draft Guidelines to the Administrator			✓	✓			
8	Review of Draft Guidelines and determination whether changes/additions are required		✓					
a	If changes are required to COMEV Guidelines, consult with COMEV again before making changes		✓					
b	Submission of Final Guidelines to Proponent		✓					
9	Preparation and submission of EIA study, non-technical summary and application for Certificate of Authorization to Administrator in accordance with Guidelines and required information in Regulations	✓						
10	Notification of receipt of EIA Study and publication of the EIA study Notification to Proponent to initiate Public Information and Consultation		✓					
11	Administrator either:		✓					
a	Forwards a copy of the EIA Study to COMEX for review		✓					
b	Review the EIA Study to determine completeness before forwarding to KEQC		✓					
i	• If supplementary information is required, submit information request(s) to Proponent		✓					
ii	• Preparation and submission of responses to information requests to Administrator	✓						
ii	• Review of Proponent's supplementary information and determination if EIA study is complete (continue to Step 11c) or additional information is required (return to Step 11c[i])		✓					
c	Forwards a copy of the EIA study to KEQC once determined complete		✓					

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	Admin	KEQC	COMEV/X	Regul.	Public	
12	Review of EIA study (continue to Step 12a or 12b)			✓	✓			
a	COMEX:				✓			45*
i	<ul style="list-style-type: none"> <li>Public review of EIA study and submission of comments, concerns, input, etc</li> </ul>					✓	✓	(30)*
ii	<ul style="list-style-type: none"> <li>Consideration of all comments received and preparation of recommendations to Administrator</li> </ul>				✓			
iii	<ul style="list-style-type: none"> <li>Submission of recommendations to Administrator whether to authorize Project or not, or that supplementary information is required, or a more detailed EIA study is required (if preliminary initially conducted) (continue to Step 13)</li> </ul>				✓			
b	KEQC (45 day timeline for Project KEQC decided to subject to Procedure and 90 day timeline for Project automatically subject to Procedure):			✓				45 – 90*
i	<ul style="list-style-type: none"> <li>Indication of any changes, errors, inaccuracies, etc, within the EIA study</li> </ul>	✓						
ii	<ul style="list-style-type: none"> <li>Public review of EIA study and submission of comments, concerns, input, etc</li> </ul>					✓	✓	
iii	<ul style="list-style-type: none"> <li>If the Project is taking place in the Moinier region on specific lands and if KEQC does not have a Naskapi member, submission of a copy of EIA study to Naskapi village for comment</li> </ul>			✓				
iv	<ul style="list-style-type: none"> <li>Review of EIA study and submission of comments, concerns, recommendations, etc to KEQC</li> </ul>							30*
v	<ul style="list-style-type: none"> <li>Consideration of all comments received and preparation of decision</li> </ul>			✓				
vi	<ul style="list-style-type: none"> <li>Submission of decision to Administrator and Naskapi village (if applicable) whether to authorize Project or not (continue to Step 13)</li> </ul>			✓				
13	Review of COMEX recommendations <u>OR</u> KEQC decision (continue to Step 13a or 13b):		✓					
a	COMEX:		✓					
i	<ul style="list-style-type: none"> <li>If supplementary information or a detailed EIA study recommended, consult again with COMEX and advise Proponent: On proposed alternatives, OR</li> </ul>							

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	Admin	KEQC	COMEV/X	Regul.	Public	
	To collect required supplementary information, OR To prepare a detailed EIA study							
	- After consulting with COMEX, determine the scope of any additional assessments (return to Step 9)		✓					
ii	• If recommended Project should be authorized or not		✓					
	- Issue a Certificate of Authorization or refuse the Project		✓					
iii	• If the Administrator disagrees with COMEX recommendations, consult again with COMEX before making final decision on Project		✓					
b	KEQC:		✓					
	• Issue of Certificate of Authorization or refusal as decided by KEQC		✓					
14	Notification of Proponent of final decision		✓					

**NOTE:**

<sup>1</sup> EIA = Environmental Impact Assessment  
Regulations = Regulations respecting Environmental Impact Assessment and Review

<sup>2</sup> Prop. = Proponent  
Admin = Administrator; according to the James Bay and Northern Quebec Agreement, the Administrator is the person required to make a final decision on the assessment and review of development projects, basing that decision upon the recommendations of the committees and commissions. This person is either the Minister of Sustainable Development, Environment and Parks, if the project is provincial in nature, the chairman of the Federal Environmental Assessment Review Office, if the project is federal in nature, or the Administrator of the appropriate Cree Band Council, if the project is on Category I land  
KEQC = Kativik Environmental Quality Commission (KEQC; composed of Quebec and Inuit representatives), responsible for assessing and reviewing Projects north of the 55<sup>th</sup> parallel  
COMEV/X = the Evaluating Committee (COMEV; tripartite Quebec/Canada/Cree agency), responsible for assessing Projects and preparing Guidelines for EIA study if located south of the 55<sup>th</sup> parallel; OR the Review Committee (COMEX; bipartite Quebec/Cree agency), responsible for reviewing Project EIA studies south of the 55<sup>th</sup> parallel; OR Bureau = Bureau d'audiences publiques sur l'environnement (Office of Public Hearings on the Environment)  
Regul. = Regulators, provincial and federal as well as Aboriginal/Inuit organizations

<sup>3</sup> Maximum time limit (regulated) for completion of EIA and Review Procedure is 15 months (450 days); timeline starts when Notice of Intent filed by Proponent until Minister submits authorization to Government for final decision; does not include time during which the Proponent is preparing the EIA study or any supplementary information requested  
Timelines marked with \* implies timeline is legislated or regulated  
Timelines marked in brackets ( ) implies timeline fits within larger task timeline

## Environmental Assessment Process and Timelines

### SASKATCHEWAN

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	EAB	SEARP	CEAA	Minister	Public	
1	Determine if Project is a <i>development</i> (as per definition in Section 2(d) of the <i>EAA</i> ) If it is uncertain whether Project is a <i>development</i> , continue to Step 3 If Project is a <i>development</i> , continue to Step 2	✓						
2	Determine if scoping advice is needed from the EAB (i.e., advice on environmental significance of Project) If scoping advice is needed, submit request for scoping assistance to EAB (i.e., Project Proposal/Description) and continue to Step 3 If scoping advice is not needed, continue to Step 6	✓						
3	Determine if Project fits within a generic or sector-specific Project Description (PD). Prepare and submit generic or sector-specific PD for Initial Environmental Evaluation (IEE) to EAB (See published guidelines for guide to generic and sector-specific PDs. Sector-specific for intensive livestock operations, mineral exploration, and oil and gas exploration and development)	✓						
4	Screening of PD for IEE		✓	✓				30 – 45
a	Forward PD to SEARP and CEAA for comment and review		✓					
b	Determine likeliness for Cooperative EA and inform Proponent		✓	✓	✓			
c	Determine whether PD contains sufficient information (is complete) to conduct screening • If insufficient, submit information request(s) to Proponent (timeline may be longer than normal if information requests made)		✓	✓	✓			
d	If deemed necessary, request Proponent hold public information meetings to gauge level of public concern Submission of public meeting minutes/transcripts to EAB	✓	✓	✓	✓			
e	Issuance of EIA Opinion to Proponent • If screening determines EIA not likely required, Project can proceed as described with any with terms and conditions • If screening determines EIA required, continue to Step 5		✓					
5	Notification to Minister that an EIA is being conducted		✓					
6	Preparation of Draft Project-Specific Guidelines (PSGs)	✓	✓	✓				

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	EAB	SEARP	CEAA	Minister	Public	
a	Public notification that an EIA is being conducted (timelines start here) Release of Draft PSGs for review		✓			✓		
b	Public review of Draft PSG and submission of comments, concern, input, etc						✓	30*
7	Consideration of Public comment and development and issuance of Final PSGs to Proponent		✓					
8	Preparation of EIA in accordance with PSG (if developed), including Public consultation, and submission of EIS	✓						
9	Technical review of EIA (timeline may be extended by 30 to 45 days)		✓	✓				60
a	Determine whether EIS contains sufficient information for review and submit Preliminary Technical Review Comments (TRC) to Proponent <ul style="list-style-type: none"> <li>If EIS insufficient, request additional information through Preliminary TRC</li> </ul>		✓	✓				
b	Submission of revised EIS with additional information (if requested)	✓						
c	Review of revised EIS and determination if EIS is now sufficient (continue to Step 10) or requires additional information (return to Step 9a)		✓	✓				
10	Preparation of Final TRC (a summary of all the government's technical comments) to Proponent and Public		✓					
11	Release of EIS and Final TRC to Proponent and Public		✓					
a	Public review of EIS and Final TRC and submission of comments, concerns, input, etc						✓	30* or 60*
12	Submission of EIS, Final TRC, public comments received, inquiry findings (if conducted), and recommendations to Minister		✓					
13	Review of EAB submission and determination to:					✓		
a	Approve Project as-is					✓		
b	Approve Project with added terms and conditions					✓		
c	Deny Project. Proponent can decide to re-work development plans and re-submit (return to Step 2)					✓		

**NOTE:**

<sup>1</sup> EAA = *Environmental Assessment Act*

EAB = Environmental Assessment Branch of Saskatchewan Environment

IEE = Initial Environmental Evaluation

PSG = Project-Specific Guidelines  
TRC = Technical Review Comments

<sup>2</sup> Prop. = Proponent

EAB = Environmental Assessment Branch of Saskatchewan Environment

SEARP = Saskatchewan Environmental Assessment Review Panel

Minister = Minister of Environment (provincial)

<sup>3</sup> Timelines marked with \* implies timeline is legislated or regulated



## Environmental Assessment Process and Timelines

### YUKON

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	DO	EC	FN	DB	Public	
1	Determine if Project may be subject to an assessment under YESAA: Project occurs in the Yukon Project is listed in the Activity Regulations in Column 1 of Schedule 1 (apply to DO) Project is listed in the Activity Regulations in Schedule 3 (apply to EC; continue to Step 19) Project meets at least one of the conditions set out in 47(2) of YESAA	✓						-
2	Completion and submission of YESAB Form 1 (Proposal) to applicable DO	✓						-
3	Adequacy Review of Proponent's Proposal		✓					8
a	Notify Proponent Proposal is adequate (commence evaluation & timelines); verify requirement for cooperative EA with CEAA, if applicable		✓					-
b	Notify Proponent Proposal is deficient and supplementary information is required; specify required information		✓					-
-	Note: DO may extend the Adequacy Review period up to an additional 21 days; notify Proponent in writing of extension and provide explanation for extension		✓					-
4	Submission of supplementary information, or notice to DO when submission will occur (submission must occur within two years)	✓						180
a	If supplementary information is not submitted as above, or DO not notified when submission will occur, Proposal will be withdrawn		✓					-
b	Notify Proponent Proposal is being withdrawn at least 45 days prior to end of time period							-
5	Review of supplementary information		✓					6
a	Notify Proponent Proposal is adequate (commence evaluation & timelines)							-
b	Notify Proponent Proposal is deficient and specify deficiency (return to Step 4)							-
-	Note: if DO extended Adequacy Review period in Step 3, DO shall have 10 days to review supplementary information and inform							-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	DO	EC	FN	DB	Public	
	Proponent							
6	Determine scope of the Project, prior to commencing evaluation (concurrent with Adequacy Review)		✓					?
7	Notify applicable First Nation(s), persons on Notification List, the Public, and Decision Bodies for the Project, of Proposal adequacy and scope (same time as notified Proponent)		✓					-
8	Review period of Proposal and scope by those notified above; may include Public Meetings Submission of views and relevant information by those notified Note: DO can extend review period up to maximum of 35 days; must notify Proponent of extension or if review period is more than 14 days and provide an explanation				✓	✓	✓	14 – 35
9	Determination after Review Period whether: DO has sufficient information to conclude the evaluation and make a recommendation or referral (continue to Step 16) DO requires supplementary information to proceed with the evaluation (continue to Step 10) Provide additional Review Period to obtain views and information (continue to Step 13)		✓					3
10	Notify Proponent in writing if supplementary information is required and which information is required		✓					-
11	Submission of supplementary information, or notice to DO when submission will occur (submission must occur within one year)	✓						28
a	If supplementary information is not submitted as above, or DO not notified when submission will occur, Proposal will be withdrawn							-
b	Notify Proponent Proposal is being withdrawn at least 45 days prior to end of time period							-
12	Review of supplementary information		✓					3
a	Notify Proponent supplementary information is satisfactory							-
i	<ul style="list-style-type: none"> <li>Determine whether DO has sufficient information to conclude the evaluation and make a recommendation or referral (continue to Step 16)</li> </ul>							-
ii	<ul style="list-style-type: none"> <li>Determine to provide additional Review Period to obtain views and information (continue to Step 13)</li> </ul>							-
b	Notify Proponent supplementary information is deficient and specify							-

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	DO	EC	FN	DB	Public	
	deficiency (return to Step 11)							
13	Notify Proponent in writing of additional Review Period and provide an explanation		✓					-
14	Notify applicable First Nation(s), persons on Notification List, the Public, and Decision Bodies for the Project, of additional Review Period (same time as Proponent)		✓					-
15	Additional Review Period; may include Public Meetings Submission of views and relevant information Note: DO can extend review period up to maximum of 35 days; must notify Proponent of extension or if review period is more than 10 days and provide an explanation				✓	✓	✓	10 – 35
16	Make recommendation or referral under Section 56 of YESAA: Note: DO can extend recommendation/referral period up to an additional 21 days; must notify Proponent of extension and provide an explanation		✓					14
a	Recommend to DBs Project proceed as-is (no significant adverse environmental or socio-economic effects)							-
b	Recommend to DBs Project proceed with specified terms and conditions							-
c	Recommend to DBs Project not be allowed to proceed							-
d	Refer Project to EC for screening							-
17	Notify Proponent:		✓					-
a	Of any recommendation of 16a to 16c above, with reasons							-
b	Along with applicable First Nation(s), persons on Notification List, the Public, and Decision Bodies for the Project, of a referral under 16d, with reasons							-
18	Provide EC with copies of all documentation related to Project		✓					-
19	Submission of revised Proposal or new Proposal (if direct submission to EC)	✓						
20	Adequacy Review of Proponent's Proposal			✓				60
a	Notify Proponent and DBs Proposal is adequate (commence screening & timelines)			✓				
b	Notify Proponent Proposal is deficient and supplementary information is required; specify required information			✓				

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	DO	EC	FN	DB	Public	
-	Note: DO may extend the Adequacy Review period up to an additional 30 days							
21	Submission of supplementary information, or notice to EC when submission will occur (submission must occur within two years)	✓						730
a	If supplementary information is not submitted as above, or EC not notified when submission will occur, Proposal will be withdrawn			✓				-
b	Notify Proponent Proposal is being withdrawn at least 45 days prior to end of time period			✓				-
22	Review of supplementary information			✓				30
a	Notify Proponent and DBs Proposal is adequate (commence screening & timelines)							-
b	Notify Proponent Proposal is deficient and specify deficiency (return to Step 21)							-
-	Note: EC can extend review of supplementary information up to an additional 30 days; must notify Proponent							-
23	Determination of scope of the Project and preparation of statement of scope (starts at the beginning of the screening)			✓				-
24	Publish Notice on Online Registry, and other methods deemed appropriate, of commencement of screening (within six days of Step 20a or 22a)			✓				6
25	Review Period of Proposal and scope by those notified above; may include Public Meetings Submission of views and relevant information by those notified Note: EC can extend review period up to maximum of 30 days; must notify Proponent of extension				✓	✓	✓	30
26	Determination after Review Period whether: EC has sufficient information to prepare draft screening report (continue to Step 30) EC requires supplementary information before preparing draft screening report (continue to Step 27)							21
27	Notify Proponent in writing if supplementary information is required and which information is required							
28	Submission of supplementary information, or notice to EC when submission will occur (submission must occur within two years)							730
a	If supplementary information is not submitted as above, or DO not							

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	DO	EC	FN	DB	Public	
	notified when submission will occur, Proposal will be withdrawn							
b	Notify Proponent Proposal is being withdrawn at least 45 days prior to end of time period							
29	Review of supplementary information Note: EC can extend review of supplementary information up to an additional 21 days; must notify the Proponent			✓				21
a	Notify Proponent supplementary information is satisfactory (continue to Step 30)							
b	Notify Proponent supplementary information is deficient and specify deficiencies (return to Step 28)							
30	Complete Draft Screening Report of Project and publish on online registry Note: EC can extend completion of Draft Screening Report up to an additional 270 days; must notify the Proponent and persons on Notification List							120
31	Notify Proponent, applicable First Nation(s), persons on Notification List, the Public, and Decision Bodies of publication of Draft Screening Report on public registry; notify via other methods deemed appropriate as well			✓				
32	Review Period of Draft Screening Report Submission of views and relevant information by those notified Note: EC can extend review period up to an additional of 30 days; must notify Proponent and those notified above of extension				✓	✓	✓	30
33	Determination after Review Period whether: EC has sufficient information to conclude screening (continue to Step 35) EC requires supplementary information before concluding screening (continue to Step 34)							
34	Notify Proponent in writing if supplementary information is required and which information is required (return to Step 28)							
35	Make recommendation under Section 58 of YESAA: Note: EC can extend recommendation period up to an additional 30 days; must notify Proponent and Notification List of extension							60
a	Recommend to DBs Project proceed as-is (no significant adverse environmental or socio-economic effects)							

Step	Process / Task <sup>1</sup>	Responsibility <sup>2</sup>						Timeline (days) <sup>3</sup>
		Prop.	DO	EC	FN	DB	Public	
b	Recommend to DBs Project proceed with specified terms and conditions							
b	Recommend to DBs Project not be allowed to proceed							
d	Refer Project to a Panel Review; referral to a Panel Review can occur anytime after Step 25							
36	Notify Proponent:							
a	Of any recommendation of 35a to 35c above, with reasons							
b	Along with applicable First Nation(s), persons on Notification List, the Public, and Decision Bodies for the Project, of a referral under 35d, with reasons							
37	Where any recommendation in Step 35a to 35c by the EC is rejected by a DB, refer Project back to EC for Panel Review					✓		15*
38	Notify Minister of referral of Project to Panel Review and request Minister appoint Panel			✓				
	...							

**NOTE:**

<sup>1</sup> YESAA = *Yukon Environmental and Socio-economic Assessment Act*  
Activity Regulations = Assessable Activities, Exceptions and Executive Committee Projects Regulations  
CEAA = Canadian Environmental Assessment Agency

<sup>2</sup> Prop. = Proponent  
DO = Designated Office  
EC = Executive Committee  
FN = First Nation  
DB = Decision Body(ies)

<sup>3</sup> Timelines marked with \* implies timeline is legislated or regulated

**Stantec**

**Review of the Environmental Assessment Process in the Mackenzie Valley**

**Appendix B: Guidance Documentation from Other Jurisdictions**

June 2011

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# **APPENDIX B**

**Guidance Documentation from Other Jurisdictions**

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## **Environmental Assessment Guidance Documents**

### **ALBERTA**

- Alberta Environment (AENV). 2008. Environmental Assessment Program: Alberta's Environmental Assessment Process. Environmental Assessment Team, AENV, Government of Alberta. EA Guide 2008-1. Updated February 2010.
- Alberta Environment (AENV). Environmental Assessment Program: Frequently Asked Questions. Environmental Assessment Team, AENV, Government of Alberta. Updated February 2010.
- Alberta Environment (AENV). 2009. Environmental Assessment Program: Guide to Preparing Environmental Impact Assessment Reports in Alberta. Environmental Assessment Team, AENV, Government of Alberta. EA Guide 2009-2. Updated February 2011.
- Alberta Environment (AENV). 2008. Environmental Assessment Program: Guide to Reviewing Environmental Impact Assessment Reports. Environmental Assessment Team, AENV, Government of Alberta. EA Guide 2008-3. Updated March 2010.
- Alberta Environment (AENV). Environmental Assessment Program: Preparing Disclosure Documents for Environmental Assessment Screenings. Environmental Assessment Team, AENV, Government of Alberta. EA Guide 2010-1. April 2010.
- Alberta Environment (AENV). 2009. Environmental Assessment Program: Standardized Terms of Reference. Environmental Assessment Team, AENV, Government of Alberta. EA Report 2009-1. Updated February 2011.
- Approvals and Registrations Procedure Regulation. Alta. Reg. 113/1993, as amended by Alta. Reg. 251/2001.
- Environmental Assessment (Mandatory and Exempted Activities) Regulation. Alta. Reg. 111/1993, as amended by Alta. Reg. 62/2008.
- Environmental Protection and Enhancement Act*. R.S.A. 2000. c. E-12, s. 39-59.
- Sustainable Resource Development (SRD). Alberta Provincial Decision Processes Related to Integrated Land Management. SRD, Government of Alberta. January 2010.

### **BRITISH COLUMBIA**

- Concurrent Approval Regulation. B.C. Reg. 371/2002.
- Environmental Assessment Act*. S.B.C. 2002. c. 43, s.10-32.
- Environmental Assessment Office (EAO). Application Information Requirements Template. EAO, Government of British Columbia. October 2010.
- Environmental Assessment Office (EAO). 2009. Environmental Assessment Office User Guide. EAO, Government of British Columbia. Updated April 2010.
- Reviewable Projects Regulation. B.C. Reg. 370/2002, as amended by B.C. Reg. 4/2010.

## **CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY**

Canadian Environmental Assessment Agency (CEA Agency). Canadian Environmental Assessment Act: An Overview. CEA Agency, Government of Canada. December 2003.

Canadian Environmental Assessment Agency (CEA Agency). 2008. Comprehensive Study Process Guide. CEA Agency, Government of Canada. Updated March 2010.

Canadian Environmental Assessment Agency (CEA Agency). 2003. Canadian Environmental Assessment Act: How to Determine if the Act Applies. CEA Agency, Government of Canada. Updated May 2007.

Canadian Environmental Assessment Agency (CEA Agency). 2010. Operational Policy Statement: Establishing the Project Scope and Assessment Type under the Canadian Environmental Assessment Act. CEA Agency, Government of Canada.

Canadian Environmental Assessment Agency (CEA Agency). 2007. Project Notice: A Guide for Submissions under the Canadian Environmental Assessment Act. Quebec Regional Office, CEA Agency, Government of Canada.

Comprehensive Study List Regulations. S.O.R. 1994-638. Current to 10 January 2011.

Exclusion List Regulations. S.O.R. 2007-108. Current to 10 January 2011.

Inclusion List Regulations. S.O.R. 1994-637. Current to 10 January 2011.

Law List Regulations. S.O.R. 1994-636. Current to 10 January 2011.

## **INUVIALUIT SETTLEMENT REGION**

Environmental Impact Review Board (EIRB). 2004. Environmental Impact Review Board Operating Procedures. EIRB, Joint Secretariat – Inuvialuit Renewable Resource Committees. Inuvik, NT.

Environmental Impact Screening Committee (EISC). 2004. Environmental Impact Screening Committee Operating Guidelines and Procedures. EISC, Joint Secretariat – Inuvialuit Renewable Resource Committees. Inuvik, NT

The Western Arctic Claim: Inuvialuit Final Agreement, Can.-C.O.P.E., s. 11, June 5, 1984. Available: <http://www.irc.inuvialuit.com/publications/publications.html>

## **NEWFOUNDLAND AND LABRADOR**

Environmental Assessment Division (EAD). 2009. Environmental Assessment: A Guide to the Process. EAD, Department of Environment and Conservation, Government of Newfoundland and Labrador. St. John's, NL.

Environmental Assessment Regulations. N.L. Reg. 54/2003.

*Environmental Protection Act*. S.N.L. 2002. c. E-14.2. s. 45-77.

## **NUNAVUT**

Bill C-25: *An Act respecting land use planning and the assessment of ecosystemic and socio-economic impacts of projects in the Nunavut Settlement Area and making consequential amendments to other Acts* (short title: *Nunavut Planning and Project Assessment Act*). 1<sup>st</sup> Reading, May 12, 2010, 40<sup>th</sup> Parliament, 3<sup>rd</sup> Session, 2010-2011. (Online). Ottawa: Indian and Northern Affairs Canada, 2010. Available: <http://www2.parl.gc.ca/Content/LOP/LegislativeSummaries/40/3/c25-e.pdf>.

Nunavut Impact Review Board (NIRB). 2008. Guide 5: Guide to the NIRB Review Process. NIRB. Cambridge Bay, NU. Available: <http://ftp.nirb.ca>.

## **QUEBEC (NORTHERN)**

*Environmental Quality Act*. R.S.Q., c. Q-2, s. 2-Sched. B

Regulation Respecting Environmental Impact Assessment and Review. R.Q. c. Q-2, r.9. Current to March 11, 2011.

Regulation Respecting the Environmental and Social Impact Assessment and Review Procedure Applicable to the Territory of James Bay and Northern Quebec. R.R.Q 1981, c. Q-2, r.11. Current to March 11, 2011.

Développement durable, Environnement et Parcs (DDEP). 2003. Environmental Assessment of Northern Projects. DDEP, Gouvernement du Québec. Available: <http://www.mddep.gouv.qc.ca/evaluations/mil-nordique/index-en.htm>.

## **SASKATCHEWAN**

*Environmental Assessment Act*. S.S. 1980. c. E10.1

Environmental Assessment Branch (EAB). 2007. The Saskatchewan EA Process: a Flow Chart. EAB, Department of Environment, Government of Saskatchewan. Available: <http://www.environment.gov.sk.ca/Default.aspx?DN=e9182790-a79b-4292-9727-51435ced36b6>.

Environmental Assessment Branch (EAB). "A Guide to the Environmental Assessment Process: A Process Overview". *Government of Saskatchewan*. EAB, Department of Environment, Government of Saskatchewan, 2007. Web. 11 March 2011. Available: <http://www.environment.gov.sk.ca/Default.aspx?DN=e9182790-a79b-4292-9727-51435ced36b6>.

## **YUKON**

Assessable Activities, Exceptions and Executive Committee Projects Regulations. S.O.R. 2005-379. Current to March 9, 2011.

*Yukon Environmental and Socio-economic Assessment Act*. S.C. 2003. c. 7. s. 8-61.

Yukon Environmental and Socio-economic Assessment Board (YESAB). 2010. Designated Office Rules 2010: Questions and Answers. YESAB. Whitehorse, YT.

Yukon Environmental and Socio-economic Assessment Board (YESAB). 2010. Proponent's Guide to Project Proposal Submission to a Designated Office. YESAB. Whitehorse, YT.

Yukon Environmental and Socio-economic Assessment Board (YESAB). 2010. Rules for Evaluations Conducted by Designated Offices. YESAB. Whitehorse, YT.

Yukon Environmental and Socio-economic Assessment Board (YESAB). 2006. Rules Reviews Conducted by Panels of the Yukon Environmental and Socio-economic Assessment Board. YESAB. Whitehorse, YT.

Yukon Environmental and Socio-economic Assessment Board (YESAB). 2005. Rules for Screenings Conducted by the Executive Committee. YESAB. Whitehorse, YT.