



2020-2021 Reports by Federal Authorities with Obligations under Section 71 of
the *Canadian Environmental Assessment Act, 2012*



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Foreword to the 2020-2021 Reports by Federal Authorities with Obligations under section 71 of the *Canadian Environmental Assessment Act, 2012*

On August 28, 2019, the *Impact Assessment Act* (IAA) came into force and repealed the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). However, for activities carried out on federal lands and outside Canada for the 2020-2021 period to which CEAA 2012 applies, reports under section 71 of CEAA 2012 will continue to be provided.

Federal authorities must table an annual report in Parliament in order to meet their section 71 obligation under CEAA 2012. This consolidated report entitled “2020-2021 Reports by Federal Authorities with Obligations under section 71 of the *Canadian Environmental Assessment Act, 2012*” is being tabled on behalf of federal authorities to ensure that Parliament receives information on activities on federal lands and outside Canada in a timely, efficient and transparent manner. The federal authorities that have included their reports in this consolidated report satisfy this obligation. Other federal authorities that have an existing mechanism for reporting to Parliament, typically an annual report, should have satisfied this obligation through that mechanism. This is the ninth consolidated report tabled in Parliament since the implementation of CEAA 2012. For activities that continue under CEAA 2012, future reports may be tabled. Under the IAA, project-specific notification is required. As a result, annual reporting to Parliament is not required under the IAA.

The majority of CEAA 2012 focusses on environmental assessments of ‘designated projects’. However, CEAA 2012 also includes provisions to ensure that projects on federal lands and outside Canada are considered in a careful and precautionary manner. Sections 66-69 of CEAA 2012 require authorities to determine the likelihood of significant adverse environmental effects that might result from a project being carried out on federal lands or outside Canada. Authorities must make this determination prior to making a decision in relation to a project that would enable the project to proceed in whole or in part. If an authority concludes that a project is likely to cause significant adverse environmental effects, the authority may refer the project to the Governor in Council. The Governor in Council will determine whether the significant adverse environmental effects are justified in the circumstances.

CEAA 2012 does not specify how authorities are to conduct their analysis for determining significant adverse environmental effects. An evaluation tool was developed by authorities, with support from the former Canadian Environmental Assessment Agency, setting out a framework for a consistent approach and facilitating the joint analysis of projects involving multiple authorities. Authorities, however, define the process by which they conduct their analysis, and the breadth of their governance activities are reflected in the enclosed reports.

Section 71 reports have been provided by federal authorities to the Impact Assessment Agency of Canada for consolidation. A number of federal authorities have highlighted a project to demonstrate how the policies and approaches they use to assess the potential impacts of proposed projects are being implemented to ensure that there are no significant adverse environmental effects. Questions with respect to the information provided in these reports are best answered by the relevant federal authority.

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Canadian Nuclear Safety Commission

The Canadian Nuclear Safety Commission (CNSC) is mandated under the *Nuclear Safety and Control Act* (NSCA) to regulate all nuclear facilities and nuclear-related activities in Canada. Before any person or company can prepare a site, construct, operate, decommission or abandon a nuclear facility – or possess, use, transport or store nuclear substances – they must obtain a licence from the CNSC.

Protecting the environment is part of the CNSC's mandate. The CNSC requires the environmental effects of all facilities or activities to be evaluated and considered when licensing decisions are made. Before a licence can be granted, the Commission (or a designated officer) must be satisfied, pursuant to subsection 24(4) of the NSCA, that the applicant or licensee will make adequate provision for the protection of the environment and the health and safety of persons.

For projects proposed to be carried out on federal lands, as defined in section 66 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), and requiring a decision by the CNSC as the federal authority, the Commission must also determine, in accordance with section 67 of CEAA 2012, whether the completion of a proposed project is likely to cause significant adverse environmental effects, taking into consideration the implementation of mitigation measures.

In fiscal year 2020-2021, the Commission made one section 67 determination for the Canadian Nuclear Laboratories' licence application to proceed with final decommissioning of several non-nuclear and nuclear buildings at the Douglas Point Waste Facility in Bruce County, Ontario. The proposed work involves removing equipment and systems, dismantling and/or demolishing buildings and structures, managing waste and restoring the site. CNSC staff conducted an environmental review for this project that the Commission considered when concluding that, taking into account all proposed mitigation measures and their proper implementation, the decommissioning activities are not likely to cause significant adverse effects on the environment and the people at or around the Douglas Point Waste Facility.

Department of National Defence

Under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), the Department of National Defence (DND) is required to conduct a determination of the significance of adverse environmental effects associated with planned projects on federal lands and outside of Canada. Although CEAA 2012 was replaced by the *Impact Assessment Act* (IAA) in August of 2019, some projects had started an environmental effects determination prior to this date. The transitional provisions within the Physical Activities Regulations of the IAA allowed for completion of the determination under CEAA 2012. For fiscal year 2020-2021, new DND projects requiring a determination of significance were evaluated under the IAA to confirm that adverse environmental effects were unlikely, while those started prior to August 2019 continued to be evaluated under CEAA 2012. There was no referral to Governor in Council.

DND's policy instruments and guidance supported compliance with sections 67-69 of CEAA 2012 and promoted thorough analysis of all potential significant adverse environmental effects. This included the development of effective mitigation measures to address effects. For lower risk activities, an Abbreviated Reporting Criteria has been established to streamline compliance of frequently recurring projects. During this period no projects were determined to likely cause significant environmental effects and there was no referral to the Governor in Council.

Fisheries and Oceans Canada

Fisheries and Oceans Canada has developed internal operational guidance that outlines an overarching risk-based approach for the assessment and reporting of environmental effects of projects proposed on federal lands that are subject to section 67 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012).

In the last year, staff have reviewed and completed Project Effects Determination Reports for projects subject to section 67 of CEAA 2012. The Reports are a means to record the predicted environmental effects and the proposed mitigation measures that are applied to minimize the potential negative environmental effects of medium- to high-risk projects on federal lands.

The Department's Fish and Fish Habitat Protection Program owns and manages a national database that is used for collecting information on various program activities. This system, called the Program Activity Tracking for Habitat (PATH), has been made available to all programs in the Department who have responsibilities for projects on federal lands under CEAA 2012. PATH can be used to obtain statistical reports for projects that the Department has evaluated under section 67 of CEAA 2012.

For fiscal year 2020-2021, there have been no determinations made where a project on federal lands was likely to cause significant adverse environmental effects.

Pursuant to the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), Indigenous Services Canada reviewed projects and considered their environmental effects including effects on Indigenous peoples, prior to the issuance of a permit, lease, license or other authorizations.

For projects south of 60° on-reserve, the department's Environmental Review Process (the Process) consists of a suite of policy tools informed by the perspectives of various stakeholders, including First Nations and industry representatives. In the few cases where CEAA 2012 applied in the North (areas within Nunavut, but excluded from the Nunavut Settlement Area, and the Inuvialuit Settlement Region of the Northwest Territories), Indigenous Services Canada reviewed each project on a case-by-case basis to determine if there were any adverse environmental impacts or impacts to Indigenous peoples as per section 5 (1)(c) of CEAA 2012.

The Process ensures that projects receive a risk assessment and scrutiny commensurate to the level of risk and the likelihood of significant adverse environmental effects associated with carrying out the project. For the fiscal year 2020-2021, the Department determined that none of the projects they reviewed were likely to cause significant adverse environmental effects. No referral to Governor in Council was required.

During the 2020/2021 fiscal year, there were no projects for which Infrastructure Canada was the lead federal authority as per Section 67 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). However, Infrastructure Canada continued its environmental determination process on infrastructure projects submitted for federal funding approval. This process was used to identify legislative CEAA 2012 requirements related to projects on federal lands and to ensure that these requirements were fulfilled to the satisfaction of the federal authority prior to providing federal funds.

In order to determine whether federal authorities were satisfied that section 67 requirements were met, INFC undertook the following activities over the 2020/2021 fiscal year:

- Determining, based on research conducted and on information provided, whether a project was proposed to be constructed, in whole or in part, on federal lands.
- Informing the appropriate federal authority if it was found that a project was proposed to be constructed, in whole or in part, on federal lands.
- Reviewing, analyzing and synthesizing information provided by funding applicants to verify whether CEAA 2012 applied to each prospective project.
- If required, verifying with federal authorities that the Environmental Effects Evaluation (EEE) was completed and that all conditions specified in the EEE were implemented.

Montreal Port Authority

The Montreal Port Authority (MPA)'s environmental management system ensures compliance with the requirements of sections 67 to 69 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). Procedures have been developed to ensure that issues, regulatory requirements, and environmental aspects are taken into account as part of the management of contracts and leases signed with tenants, and also where work is executed by tenants.

In addition, there is a similar procedure for all projects executed by the MPA. These procedures ensure that environmental effects are assessed for any project or work executed on Port of Montreal's territory. For example, in 2018, the MPA completed the first phase of a \$78-million project for the rehabilitation of Alexandra Pier and Iberville Passenger Terminal. The main objectives of this project were to rehabilitate these century old infrastructures and to improve the reception for cruise passengers arriving in Montreal. The MPA relied on a concept for a better way to integrate the terminal and the pier, now called Grand Quay, into the urban fabric of Old Montreal. Furthermore, it meets the expectations of citizens who seek better access to their river, by clearing the end of the Grand Quay so that the far end has been lowered closer to the river, and by adding a green rooftop terrace. In addition, the MPA has completed an innovative electrical shore power supply system project for cruise ships, thereby significantly reducing greenhouse gas emissions. In 2019, the MPA began the second phase of the project, the construction of a tower that will complete this Montreal maritime signature for 2021.

An evaluation of environmental effects has been completed and it was determined that the environmental issues were, among others, the level of noise and visual integration aspects. To minimize impacts associated with the works taking place in the heart of Old Montreal, a very busy touristic area, trucks with a higher load capacity were favored to reduce the number of trucks circulating, a ship was docked near the building site to serve as a visual screen and a noise barrier, and the work schedule has been adapted. In addition, the MPA has established channels of communication with the neighboring community to maintain harmonious relationships by listening to their needs and concerns.

For all the projects analyzed by the MPA during the period under the CEAA (2012), none were to cause significant adverse environmental effects. The review of these projects has shown that environmental effects could be managed through well-established and effective mitigation measures.

Parks Canada Agency

Parks Canada's mandate is to protect and present nationally significant examples of Canada's natural and cultural heritage for present and future generations. Parks Canada's Environmental Impact Analysis (EIA) process supports achievement of this mandate as well as the requirements of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012).

Parks Canada's EIA process matches the depth of analysis to project risk, maximizing both effectiveness and efficiency of assessments. Best management practices are pre-approved impact assessments for a group of similar, routine projects with predictable effects. Basic impact analysis is used for projects of low-complexity, and detailed impact analysis is undertaken for complex projects with high levels of public concern. Alternate process is an integrated means of meeting CEAA 2012 requirements when a proposal is subject to another planning or permitting process approved by Parks Canada. No projects with likely significant adverse environmental effects were identified in 2020-2021.

With the *Impact Assessment Act* in force since August 2019, Parks Canada does not have any CEAA 2012 governance activities to report. A small number of projects that were started under CEAA 2012 prior to the *Impact Assessment Act* coming into force were completed in 2020-2021.

Project Highlight 2020-2021

Project:

Shoreline erosion had been increasing next to the marine vessel dock at Pukaskwa National Park, posing concerns for the safe operation of the park's Marine fleet, as well as environmental concerns due to increased sedimentation in the Pic River. The project proposed to stabilize the existing shoreline to prevent future erosion, and protect surrounding infrastructure. Basic Impact Analysis was used to assess this project.

Potential adverse effects and mitigations:

The construction activities had the potential to negatively affect riparian habitat, introduce or spread invasive species, harm wildlife, impair water quality by increasing silt, and negatively affect fish or fish habitat. As the Pic River is regularly used by Indigenous communities for fishing, the draft Basic Impact Analysis (BIA) was shared with the local community of Biigtigong Nishnaabeg for review. The BIA for this project included requirements for surveillance monitoring to ensure the mitigation was effective. As a result of this monitoring during construction, it was observed that some fish had become entrapped within the enclosed area of the turbidity curtain. By following the protocols outlined in the BIA, adaptive mitigation was quickly implemented to salvage entrapped fish using a seine net and to properly seal off the turbidity curtain. EIA is an iterative process and with good anticipation of potential effects, quality surveillance, and proper reporting protocols, this unexpected occurrence was effectively managed to minimize environmental effects.

Royal Canadian Mounted Police

During the 2020-2021 fiscal year, the Royal Canadian Mounted Police (RCMP) continued to implement the RCMP *Canadian Environmental Assessment Act, 2012* (CEAA 2012) process for evaluating the environmental effects of projects on federal lands in compliance with the CEAA 2012. The RCMP had no projects outside Canada in fiscal year 2020-2021. In addition, there were no projects on federal lands where it was determined that significant adverse environmental effects were likely to occur.

In terms of the approach used in the RCMP, the organization has developed a risk based approach whereby projects considered to be very low risk of causing significant adverse environmental effects undergo a screening process and are excluded from further evaluation. This includes routine repairs and maintenance to existing buildings and projects that are conducted inside a building or structure. Projects requiring a detailed evaluation are further broken down into levels of risk depending on various factors, including location, ecological sensitivity, physical activity (project type) or potential impact to indigenous peoples.

As an example of this approach, during fiscal year 2020-2021, the RCMP completed the construction of a Detachment in Rocky Harbour, Newfoundland. The building followed a Green Building approach using various standards including LEED, NECB 2015, Passive House and CaGBC, high emphases was placed on energy and mechanical efficiencies and low operation and maintenance costs. It has a diesel generator with a fuel capacity of less than 2500L. It is electric with 100% Heat Recovery and air source heat pumps. It utilizes municipal services as they already existed in the area.

Measures were put into place to mitigate any adverse environmental impacts that could arise from spills and releases, increased runoff and sedimentation, increased erosion potential, and the management of construction wastes. Mitigation measures were also put in place to address dust production, loss of topsoil, compaction, damage to vegetation, and sensory disturbances. The mitigation measures put in place included a spill response/environmental emergency response plan, a specific environmental protection plan to address the above potential adverse effects, and a waste management plan. A product transfer area was also installed to ensure the safe transfer of fuel to the detachments generator tank. Lastly, a storm water retention pond sized for a 100-year storm was created to effectively manage run-off.

Transport Canada (TC) continues to meet its federal land obligations under the Canadian Environmental Assessment Act, 2012 (CEAA 2012) through the implementation of its Federal Lands Framework (FLF). The FLF clearly identifies the roles and responsibilities of all relevant parties in the completion of Environmental Effects Determinations (EEDs) for projects subject to section 67 of CEAA 2012. The EEDs are used to identify potential environmental effects of a proposed project involving federal lands and include measures to mitigate those effects. Of the projects TC assessed during the 2020-2021 fiscal year, none were determined likely to result in significant adverse environmental effects.

For example, TC conducted a federal lands assessment on repairs to the movement area and upgrades to the parking lot at Lourdes-de-Blanc-Sablon Airport. The movement area includes runway 05-23, taxiway Alpha and an apron. An inspection determined that the runway was in poor condition and that the movement area contained several longitudinal and transverse cracks. To ensure the ongoing operation of the airport, the project involves leveling the runway and gravel parking lot, repairing cracks in the taxiway and apron, applying a layer of asphalt to all surfaces and other related works.

The assessment of the project identified potential environmental impacts, such as the risk of soil and waterway contamination, decreased air quality and increased noise during construction. Mitigation measures focused on the management of air emissions, hazardous materials and wastes, and accidents and malfunctions, as well as the protection of soils, vegetation, waterways and migratory birds. Some examples include choosing asphalt products that contain low volatile organic compounds, carrying out tree brush clearing outside the nesting period of migratory birds, having an emergency response plan in the event of an accidental spill of contaminants and the use of machinery in an environmentally-friendly manner.

Vancouver Fraser Port Authority

The Vancouver Fraser Port Authority (the port authority) is committed to conducting its operations in a responsible, environmentally sustainable, and transparent manner that safeguards and, where feasible and practicable, promotes continuous improvement.

As required by the port authority's policies, environmental reviews are conducted on all projects, physical works and activities within or partially within port authority managed lands and waters to address the port authority's responsibilities under the *Canada Marine Act* and meet the requirements of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), as applicable. Reviews consider the potential adverse environmental effects on land, air, and water quality as a result of a project. Based on the scope of a project, the review includes assessment of effects on fish and fish habitat, aquatic species, migratory birds, health and socio-economic conditions, physical and cultural heritage, and the current use of lands and resources for traditional purposes.

The port authority applies its Project and Environmental Review process to projects within its jurisdiction, which enables the port authority to undertake effective, robust, and transparent environmental reviews to meet regulatory obligations under CEAA, 2012.

Between April 1, 2020 and March 31, 2021, the project reviewed by the port authority was considered unlikely to cause significant adverse environmental effects with the application of appropriate environmental mitigation. A full list of projects reviewed is provided on the port authority's website at: www.portvancouver.com/environmental-protection-at-the-port-of-vancouver/leading-with-environmentally-responsible-practices/project-environmental-reviews/.

In June 2020, the port authority issued a project permit for the Goodrich lumber transload facility and rail spur in Surrey, British Columbia. The project included vegetation removal, grading, paving, installation of dust collector equipment, a bioswale, two stormwater outfalls, and a rail spur to facilitate the transfer of lumber for export to foreign markets via the Port of Vancouver.

Key mitigations considered in the review were the implementation of sediment and erosion controls measures, conducting pre-construction nest surveys prior to clearing vegetation, storm water management, re-vegetation of a bioswale, and installation of dust collection equipment. Through the port authority's Project and Environmental Review process, the project was approved subject to 42 permit conditions. Project related information is available at: www.portvancouver.com/permitting-and-reviews/per/project-and-environment-review-applicant/status-of-permit-applications/goodrich-terminals-lumber-transload-facility-and-rail-spur/.