



Government
of Canada

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du Canada

2021-2022 Reports by Federal Authorities with Obligations under Section 71 of
the *Canadian Environmental Assessment Act, 2012*

Canada

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Foreword to the 2021-2022 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On August 28, 2019, the *Impact Assessment Act* (IAA) came into force and repealed the *Canadian Environmental Assessment Act, 2012* (CEAA 2012).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 2021-2022 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 “2021-2022 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 tenth 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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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. Those DND projects that were initiated under CEAA 2012 and required a determination of significance and were finished during fiscal year 2021-2022 were evaluated to confirm that adverse environmental effects were unlikely. There was no referral to Governor in Council.

DND's policy instruments and guidance facilitates compliance with sections 67-69 of CEAA 2012 and promotes thorough analysis of all potential significant adverse environmental effects and developing effective mitigation measure to address them. For lower risk activities, an Abbreviated Reporting Criteria has been established to streamline compliance of frequently recurring projects.

Project Example:

A review of the potential significant adverse environmental effects was conducted for the Construction of a Cormorant Wash Bay and Storage Facility at the Department of National Defence (DND) property at 9 Wing Gander, Gander, Newfoundland and Labrador. The project consisted of preparing the site, site excavation for placement of the foundations, the construction of the facility and the re-alignment of an existing service road. The project site is off C.L. Dobbin Drive within the Gander International Airport adjacent to 1 Hangar.

Potential significant adverse environmental effects of the project were assessed and mitigation measures have been identified to minimize or eliminate these effects on surface water, groundwater, and soils. On the basis of the Environmental Effects Determination (EED), it was been determined that the project was not likely to cause significant adverse environmental effects.

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 2021-2022, 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° latitude 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 2021-2022, 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.

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 2021-2022.

With the *Impact Assessment Act* in force since August 2019, Parks Canada does not have any CEAA 2012 governance activities to report. Three projects that were started under CEAA 2012 prior to the *Impact Assessment Act* coming into force were completed in 2021-2022.

Transport Canada

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 2021-2022 fiscal year, none were determined likely to result in significant adverse environmental effects.

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, 2021 and March 31, 2022, 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 are 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 April 2021, the port authority issued a project permit for the Derwent Way soil transfer and barge loading facility in New Westminster, BC. The project is to facilitate the transfer of waste soil from development sites to a remediation facility. Soil will arrive at the project site via truck; it will then be temporarily stored in a contained waste offload/storage area before being transferred to a barge for transit along the Fraser River.

Key mitigations considered in the review were the implementation of dust control measures, installation of noise barriers and storm water management. Through the port authority's Project and Environmental Review process, the project was approved subject to 74 permit conditions. Project related information is available at: <https://www.portvancouver.com/permitting-and-reviews/per/project-and-environment-review-applicant/status-of-permit-applications/derwent-way-soil-transfer-and-barge-facility/>