



Government
of Canada

Gouvernement
du Canada

2022-2023 Reports by Federal Authorities with Obligations under Section 71 of
the *Canadian Environmental Assessment Act, 2012*

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Foreword to the 2022-2023 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On August 28, 2019, the *Impact Assessment Act* (IAA) came into force and repealed the *Canadian Environmental Assessment Act, 2012* (CEAA 2012).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 2022-2023 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 “2022-2023 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. One federal authority has highlighted a project to demonstrate how the policies and approaches it uses 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.

Contents

- Department of National Defence..... 1
- Fisheries and Oceans Canada 2
- Indigenous Services Canada..... 3
- Transport Canada..... 4

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 2022-2023 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 Demolition of Building Naden 64, along with the associated jetty at the Department of National Defence (DND) property at Canadian Forces Base Esquimalt, Naden Property, British Columbia. The project consisted of preparing the site, demolition, and associated restoration. The project site is at the intersection of Belim Street and Filewod Street.

Potential significant adverse environmental effects of the project were assessed, and mitigation measures were identified to minimize or eliminate these effects on atmosphere, surface water, soils and geology, ambient noise, terrestrial animals and habitat, aquatic animals and habitat, vegetation, species at risk and migratory birds, cultural resources, and health and security. On the basis of the Environmental Effects Determination (EED), it was determined that the project was not likely to cause significant adverse environmental effects.

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 maintains 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 2022-2023, there have been no determinations made where a project on federal lands was likely to cause significant adverse environmental effects.

Indigenous Services Canada

Pursuant to the Canadian Environmental Assessment Act, 2012 (CEAA 2012), Section 67, Indigenous Services Canada (the department) 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, and where the department has Indian Act responsibilities and where CEAA 2012 applies in the North, the department's Environmental Review Process (the Process) is used to meet legislative obligations. The process consists of a suite of policy tools informed by the perspectives of various stakeholders, including First Nations and industry representatives.

The Environmental Review Process ensures that projects receive 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 2022-2023, the department determined that none of the projects they reviewed under CEAA 2012 were likely to cause significant adverse environmental effects. No referral to Governor in Council was required.

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 2022-2023 fiscal year, none were determined likely to result in significant adverse environmental effects.