Government of Canada
Gouvernement du Canada

DISCUSSION PAPER ON THE PROPOSED PROJECT LIST

A PROPOSED IMPACT ASSESSMENT SYSTEM

May 2019

Canada

1 CONTEXT

The Government of Canada is proposing new rules for major projects, through the proposed Impact Assessment Act, to protect the environment, recognize and respect Indigenous rights, and strengthen our economy.

The new impact assessment process will be led by the Impact Assessment Agency of Canada (the Agency) and will serve as a planning tool that takes into consideration the whole range of environmental, health, social and economic effects of projects. This new impact assessment regime will shift away from decisions based solely on the significance of effects and focus instead on whether the adverse effects in areas of federal jurisdiction identified for a project are in the public interest, as defined in the Impact Assessment Act.

In addition to the broader review of project impacts, there will be an emphasis on early planning and engagement with Indigenous peoples, the public and stakeholders to identify and discuss potential effects and benefits early, leading to tailored impact assessment guidelines, clarity on Indigenous and public engagement plans, and strengthened cooperation with provincial governments essential to achieving one project, one assessment. These new rules will enable good projects to move forward in a responsible, timely and transparent way that protects the environment, creates jobs and builds a strong economy.

1.1 WE WANT YOUR INPUT

The Government of Canada is continuing public consultations on what types of projects may be subject to impact assessment under the proposed Impact Assessment Act (known as designated projects). The Government is reviewing and revising the *Regulations Designating Physical Activities*, known as the "Project List", currently under the *Canadian Environmental Assessment Act, 2012 (CEAA 2012)*.

In February 2018, the Government came forward with a *Consultation Paper on Approach to Revising the Project List*. Annex 1 provides a high-level summary of the comments received. The Government has modified the approach, in consideration of the comments received, and is now presenting the results.

The objective of the Project List is to capture major projects with the greatest potential for adverse effects in areas of federal jurisdiction related to the environment, while also providing certainty and clarity as to which projects are subject to the Impact Assessment Act. In a mature regulatory environment such as Canada, it is intended that federal impact assessments apply only where incremental value can be added, over and above other federal regulatory oversight mechanisms (e.g. permits).

Under CEAA 2012, the Project List is a Ministerial regulation, however under the proposed Impact Assessment Act, the Project List will be a Governor in Council (GIC) regulation. This means that a committee of Ministers will approve the final Project List. Previously, the Project List required only the approval of the Minister of Environment and Climate Change.

The purpose of this paper is to seek views on the proposed Project List.

The Project List regulation can only be formally finalized following the Royal Assent of the proposed Impact Assessment Act, which will provide the Governor in Council the authority to make the regulation. The proposed Project List is being released now in order to inform the ongoing legislative review of Bill C-69 (which includes the proposed Impact Assessment Act) by Parliament.

The proposed Impact Assessment Act will come into force on a date identified by order of the Governor in Council. In order to be ready for coming into force, the final regulations would be published in *Canada Gazette, Part II*, following Royal Assent. As such, this discussion paper seeks stakeholders' input on the proposed Project List. A summary of the comments received, as well as a detailed outline of any changes to the regulatory proposal, will be provided in the Regulatory Impact Analysis Statement that will accompany publication of the regulations, in order to provide industry and stakeholders with as much information as possible on the proposed regulatory requirements.

2 THE ROLE OF FEDERAL IMPACT ASSESSMENT

In determining which project types will be on the Project List, it is important to understand the role of federal impact assessment.

Impact assessment is a key element of a larger regulatory landscape for addressing environmental effects, working alongside other regulatory processes at the federal, provincial and territorial levels, with complementary roles. Development projects are typically addressed by provincial or territorial regimes that consider environmental effects throughout the life of the project. Projects are also subject to federal regulations or general prohibitions under, for example, the *Fisheries Act*, *Migratory Bird Convention Act (1994)*, *Navigation Protection Act*, *Species at Risk Act* or *Canadian Environmental Protection Act (1999)* that deal with discrete areas of federal jurisdiction. The *Fisheries Act*, for example, has general prohibitions against causing the death of fish and the destruction of fish habitat, as well as regulations to address specific activities such as the discharge of metal and diamond mining effluent. Federal lifecycle regulators — the proposed Canadian Energy Regulator (CER), the Canadian Nuclear Safety Commission (CNSC), Canada-Nova Scotia Offshore Petroleum Board and the Canada-Newfoundland and Labrador Offshore Petroleum Board (the Offshore Boards) — also play a key role assessing potential project impacts both positive and negative, and are responsible for authorizing non-designated nuclear, offshore oil and gas, and energy projects. Federal lifecycle regulators are unique in that they are mandated under federal legislation to regulate the full life cycle for specified project types, from impact assessment of the initial design and construction, to the operation and eventual decommissioning or closure of projects. Each assessment regime plays a distinct role in Canada's regulatory framework.

In a mature regulatory environment such as Canada, federal impact assessment provides a comprehensive and rigorous framework through which to review those major projects with the greatest potential for adverse environmental effects on areas that fall within federal jurisdiction and encourages best possible project designs that take into consideration a range of environmental, health, social and economic effects. Through impact assessment, the potential adverse effects of a proposed project are identified, assessed, and where possible, mitigated. This helps proponents reduce risks and liabilities as part of project planning before construction. Impact assessment also provides meaningful opportunities for public engagement. It also provides an opportunity to support reconciliation with Indigenous peoples by ensuring meaningful consultation with Indigenous peoples, and considering potential impacts on their rights. Recognizing Canada's constitutional setting, the proposed Impact Assessment Act provides for close cooperation with other governments and Indigenous governing bodies in the conduct of impact assessments to support the objective of "one project, one assessment".

Major projects often require numerous decisions from regulators and other jurisdictions, some of which, although made under separate pieces of legislation, cannot be made until after impact assessment decision statements are issued. Early planning will provide an opportunity for proponents to simultaneously prepare and submit the project information needed for both the impact assessment decision and decisions of other federal regulatory processes. If, during early planning, proponents provide project information that is sufficiently detailed to identify information and studies required for both impact assessment and regulatory decisions, the early planning phase could lead to more efficient and timely regulatory processes after impact assessment decision statements are issued. Impact assessment will provide a cohesive understanding of environmental, health, social and economic effects, both positive and negative, of a proposed project and promote more informed decision-making under the Impact Assessment Act. This contributes to stronger relationships among all involved, provides clarity for proponents, and increases confidence among Canadians that the projects that proceed are in the public interest.

For designated projects that require an impact assessment and also have a lifecycle regulator, the Agency will now lead the impact assessment, and will work collaboratively with that lifecycle regulator to draw upon their expert knowledge and to consider safety and other key regulatory factors as part of a single, integrated review. Making a single agency

responsible for leading all impact assessments under the Impact Assessment Act will provide more clarity and consistency for all stakeholders and will give Indigenous groups a clear point of contact for engagement with the Crown during the impact assessment process. Projects that are not designated on the Project List will continue to be subject to other regulatory instruments and regimes, including assessment and oversight by the lifecycle regulator. Similarly, the new Act will also create opportunities to align the timing of federal and provincial assessment processes and avoid delays between federal and provincial decisions on a project. Regardless of which jurisdiction leads on project reviews, the federal government would retain authorities in areas of federal jurisdiction.

3 APPROACH TO CREATING THE NEW PROJECT LIST

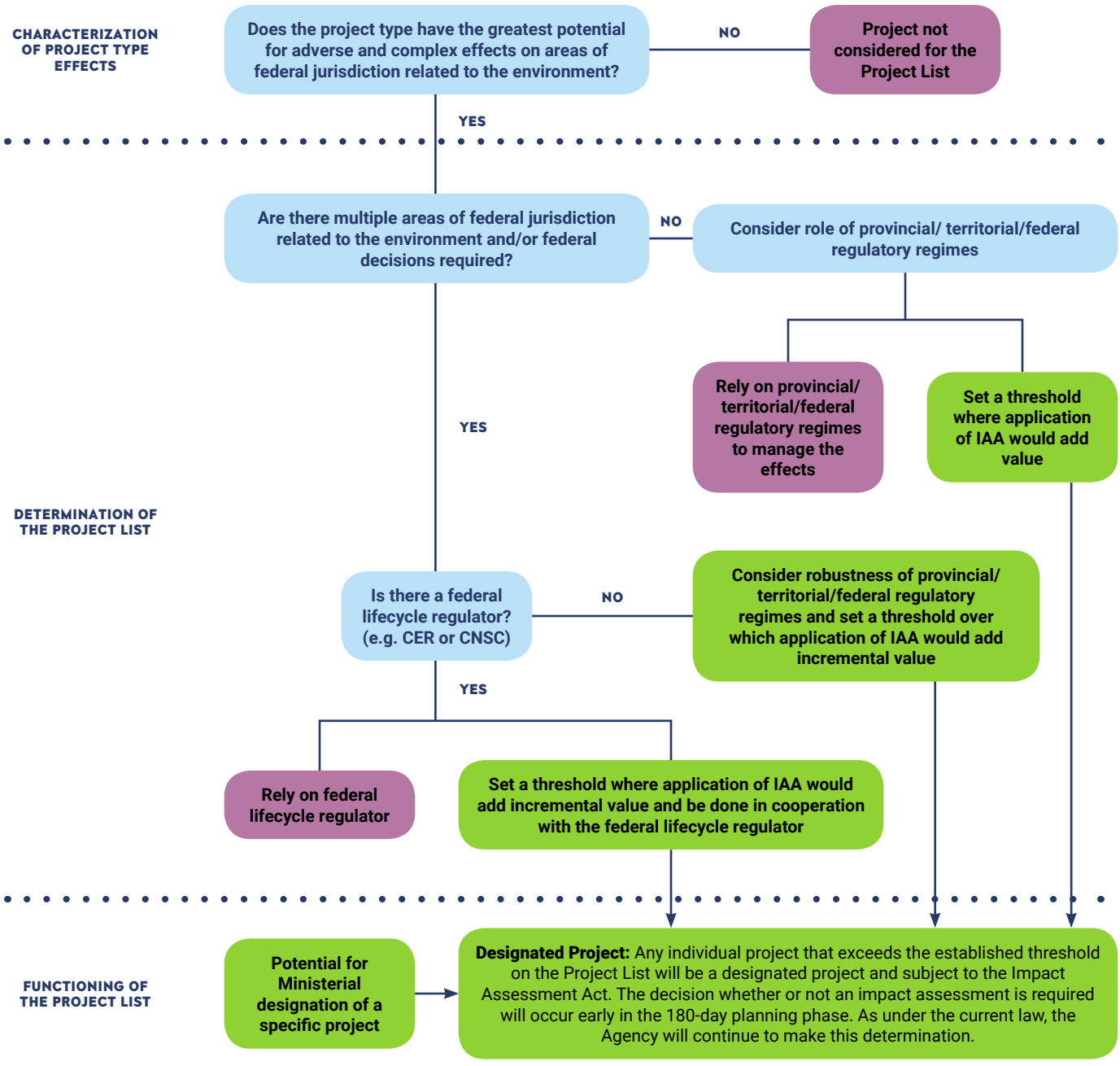
The objective of the Project List is to capture those major projects with the greatest potential for adverse effects on areas of federal jurisdiction related to the environment, including:

- Fish and fish habitat;
- Aquatic Species at Risk;
- Migratory birds;
- Changes to the environment on federal lands, including First Nation reserve lands;
- Changes to the environment in a province other than the one where the project is taking place or outside of Canada (e.g. greenhouse gas emissions); and
- Environmental effects arising from federally regulated project types such as nuclear, rail, ports, airports, interprovincial pipelines and offshore energy activities.

The approach to creating the new Project List follows a decision framework that is based on the one described in the *Consultation Paper on Approach to Revising the Project List* that was released in February 2018, taking into account the feedback received and continued engagement, including with provinces and territories. The Government has committed to a transparent, evidence-based approach to creating a new Project List and this was strongly supported in the comments received. The decision framework is shown in the figure below. The framework characterizes the nature of potential effects for a project type based on environmental risk in areas of federal jurisdiction, while recognizing the role of impact assessment in the context of Canada's mature regulatory framework in determining the proposed Project List. This decision framework was applied across all project types.

FIGURE - DECISION TREE FOR APPLYING THE APPROACH TO CREATING THE NEW PROJECT LIST

IAA = Impact Assessment Act



* Recognizing and supporting the conservation objectives of designated protected areas, consideration has also been given to the activities that would warrant impact assessments if located in one of these listed federal protected areas:

- National Wildlife Areas
- Migratory Bird Sanctuaries
- Protected Marine Area under the Canada Wildlife Act
- Land managed or administered by Parks Canada

CHARACTERIZING THE EFFECTS OF PROJECT TYPES

For consideration for the Project List, a project type must have:

> **The greatest potential for adverse and complex effects in areas of federal jurisdiction related to the environment.**

For each identified project type, potential effects in each area of federal jurisdiction related to the environment were analyzed based on past environmental assessments, scientific literature and consultations with expert government departments to determine the potential level of effects and the complexity. The assessment of complexity was based on the assumption that project types with more, and different, types of effects would be more complex to manage and mitigate.

DETERMINATION FOR THE PROJECT LIST

For project types that meet the criteria set out above, the following considerations were applied to determine whether an entry should be added to the Project List:

Effects in one or more areas of federal jurisdiction

Where there are effects in only one area of federal jurisdiction related to the environment, consideration was given to whether those effects could be effectively managed by other regulatory regimes.

Lifecycle regulator (CER/CNSC/Offshore Boards)

For project types where there is a federal lifecycle regulator, the Project List focuses on those with the greatest potential for adverse effects in areas of federal jurisdiction related to the environment. This does not mean those non-designated projects with fewer or less complex effects will not be assessed, however, as they will continue to be managed by the lifecycle regulator.

Federal and provincial/territorial legislative regimes

For designated projects, where there is no lifecycle regulator, the adverse effects within federal jurisdiction may be addressed by other federal and provincial/territorial legislation. This may include provincial or territorial environmental assessment processes or industry regulators (e.g. Alberta Energy Regulator, British Columbia Oil and Gas Commission), as well as regulations or general prohibitions under federal or provincial environmental legislation (e.g. *Fisheries Act*). As discrete federal environmental issues are managed via regulating organizations, where there are multiple, complex adverse effects in federal jurisdiction, project types are proposed for the Project List. Thresholds are proposed to address major projects with the greatest potential for adverse effects in areas of federal jurisdiction, considering the nature of the existing regulatory regimes. Potential environmental effects of projects that do not meet criteria for the Project List or are below these thresholds will be considered by the other regulatory regimes described above.

DESIGNATED PROJECTS

Any individual project that matches the description of a project type and meets or exceeds the established threshold set out in the Project List would be a "designated project" and would be subject to the Impact Assessment Act. As an example, based on the proposed Project List entry below, a hydroelectric generating project with a planned production capacity of 300 MW would be a designated project, as it exceeds the proposed 200 MW threshold. Certain project types may also have conditions that would exclude certain projects from being a designated project. For example, an offshore exploratory well proposed in an area with a completed regional assessment that addresses relevant issues and mitigations would not be a designated project, and would not require a federal impact assessment. Such projects would not enter into the early planning phase.

A designated project would enter into the early planning phase, which provides 180 days to determine whether or not an impact assessment is required and, if so, provides opportunities for early engagement and assessment planning. The Agency will make the determination on whether or not an assessment

is required relatively early in the planning phase, in order to dedicate the greatest amount of time possible to planning the assessment. When making its determination, the Agency must take into account the following factors as set out in section 16 of the Impact Assessment Act:

- the initial project description and any notice about how the proponent intends to address issues raised by the Agency;
- the possibility that the carrying out of the designated project may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (for example, the potential for effects on fish or fish habitat, migratory birds or to emit more than 0.5 Mt of greenhouse gas per year);
- any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act (1982)*;
- any comments received within the time period specified by the Agency from the public and from any jurisdiction or Indigenous group that is consulted;
- any relevant regional or strategic assessment;
- any study that is conducted or plan that is prepared by a jurisdiction — in respect of a region that is related to the designated project — and that has been provided to the Agency; and,
- any other factor that the Agency considers relevant.

The decision of the Agency on whether an impact assessment is required and its reasons will be made public.

DESIGNATION OF PROJECTS THAT ARE NOT ON THE PROJECT LIST

As under the CEAA 2012 environmental assessment process, the Minister of Environment and Climate Change continues to have the power to designate projects, if in the Minister's opinion the project may cause adverse effects within federal jurisdiction or adverse direct or incidental effects, or public concerns related to those effects warrants a designation. Maintaining this authority in the proposed Impact Assessment Act continues to provide appropriate safeguards for the Minister to respond to special circumstances such as where a project is proposed in an environmentally sensitive location or is a new or unique type of project that was not contemplated when the Project List was developed.

Experience under CEAA 2012 illustrates how the Minister's authority has been used to address exceptional circumstances. For example, a federal port project that was the subject of significant public concerns was designated at the request of the proponent with the concurrence of the province because provincial environmental assessment requirements did not apply on federal lands.

A designation request to the Minister may come from a number of sources, including the public, an Indigenous group, a non-governmental organization, a federal authority, the Agency, another jurisdiction, the project proponent or the Minister may decide to designate a project on her own.

Under the proposed Impact Assessment Act, as under the current law, the Minister would be prohibited from designating a project if the carrying out of the project has substantially begun[1] or if a federal authority has already made a decision under another Act of Parliament that permits the project to be carried out.

Once a request is received, and it is determined the Minister has the authority to designate, the Agency will develop a recommendation for the Minister based on clear designation criteria and informed by science, Indigenous and community knowledge, input from the proponent and consultations with other jurisdictions. The Minister's decision must be posted within 90 days from the day on which the request was received. Following the Minister's designation, the project will enter the early planning phase.

[1] The Agency considers a number of factors in determining whether a project has substantially begun, including whether physical activities (like construction) have started, whether these activities affect the environment, whether they constitute an essential step in developing the project, whether any structures in place are permanent and/or, whether the environment has already been affected.

DESIGNATION CONSIDERATIONS

Under the proposed Impact Assessment Act, before making the decision to designate, the Minister must take into account the potential impacts of the proposed project on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act (1982)* as well as any relevant regional or strategic assessments, as described in section 9 of the Act. In developing a recommendation for the Minister as to whether to designate, the Agency may also take into account a number of factors, where appropriate, including whether or not:

- The project is near a threshold set in the Project List;
- Standard design features and mitigation would address the anticipated adverse effects;
- The project involves new technology or is a new type of activity;
- The potential adverse effects can be adequately managed through other existing legislative or regulatory mechanisms;
- An assessment of environmental effects would be carried out by another jurisdiction;
- The project may cause adverse environmental effects because of its location and environmental setting, including potential for effects across international borders; and,
- There are proposals for multiple activities within the same region that may be a source of cumulative effects.

4 RESULTS OF THE APPROACH

The approach detailed above resulted in a proposed Project List that:

- targets those projects with the greatest potential for adverse environmental effects within federal responsibility;
- respects provincial jurisdiction; and
- provides clarity about which projects may be subject to impact assessment.

The following presents the results of the approach and all proposed entries for the new Project List. The Project List will also include appropriate definitions. Alternative approaches proposed during public consultations are detailed in Annex 1.

Project types are organized by sector with a brief review of the potential environmental effects and the regulatory situation for each sector as a whole. The potential effects described do not necessarily apply to all project types in that sector. The determination of which project types have the greatest potential for adverse environmental effects was based on the characterization of the size of the effects and their complexity, completed separately for each project type. The project types proposed for the Project List below are for new projects and associated expansions. The proposed thresholds included in the list are based on easily measured metrics such as production capacity, which provide certainty as to which projects may be subject to impact assessment and are known early on in project planning.

The new Project List will be brought into force through the Regulations Designating Physical Activities, which require the designation of the 'physical activities' that will be designated projects. As such, the regulation will be framed in terms of physical activities (e.g. construction, installation, operation, decommissioning, abandonment, and expansion) associated with project types. The physical activities are not included below for readability purposes and to make it easier for the reader to understand what new or existing project types are being proposed for inclusion on the Project List.

4.1 RENEWABLE ENERGY

Renewable energy projects can contribute to meeting Canada's targets for the reduction of greenhouse gas emissions, but may still have adverse environmental effects from land clearing, in-water works degrading fish habitat, changes to water flow or levels, direct mortality of fish, effects on aquatic species at risk and migratory birds. Hydroelectric projects are common in Canada, and the effects are generally well known. Others, including offshore wind and tidal energy, are relatively novel in Canada and the potential environmental effects may be uncertain, so a precautionary approach may be warranted.

Provinces and territories regulate hydroelectric projects and typically require environmental assessments. Under the proposed *Canadian Energy Regulator Act*, the CER would regulate wind and tidal projects in federal offshore areas. The provinces would continue to regulate wind projects on land, inland waters or provincial offshore and tidal projects in provincial offshore areas.

The following project types were determined as having the greatest potential for adverse environmental effects in areas of federal jurisdiction and are proposed for inclusion on the Project List:

- New hydroelectric generating facility with a production capacity of 200 MW or more;
  - Expansion of an existing hydroelectric generating facility that would result in an increase in production capacity of 50% or more and a total production capacity of 200 MW or more.
- New in-stream tidal power generating facility with a production capacity of 15 MW or more or a new tidal power generating facility, other than an in-stream tidal power generating facility;
  - Expansion of an existing in-stream tidal power generating facility that would result in an increase in production capacity of 50% or more and a total production capacity of 15 MW or more; or, an existing tidal power generating facility, other than an in-stream tidal power generating facility, that would result in an increase in production capacity of 50% or more.
- New wind power generating facility located in marine or freshwater with 10 or more wind turbines, except when it is proposed in an area for which a regional assessment has been carried out and it is in conformity with the conditions for exemption approved by the Minister for that regional assessment;
  - Expansion of an existing wind power generating facility located in marine or freshwater that would result in an increase in the number of turbines of 50% or more and a total of 10 or more wind turbines, except when it is proposed in an area for which a regional assessment has been carried out and it is in conformity with the conditions for exemption approved by the Minister for that regional assessment.

4.2 ONSHORE OIL AND GAS

Projects that process or consume large quantities of oil and gas have impacts in areas of federal jurisdiction due to their greenhouse gas emissions. They may also have adverse effects to fish and fish habitat and migratory birds through land disturbance, air and water pollution and water usage, accidental spills, flaring, as well as through the incidental activities that may be needed to transfer the oil and gas products to or from the facility or to provide power for the facility.

Provinces and territories are the primary regulators of these projects, and in many cases, they would undergo a provincial environmental assessment. In addition to federal regulations protecting fish and fish habitat and migratory birds, there are federal regulations under the *Canadian Environmental Protection Act (1999)* that specifically regulate greenhouse gas emissions from coal-fired and natural gas-fired electricity, as well as methane (a potent greenhouse gas) and air pollutant emissions from some oil and gas facilities and related equipment.

The following project types were determined as having the greatest potential for adverse environmental effects in areas of federal jurisdiction, primarily due to their potential for greenhouse gas emissions, as well as, potential effects on fish and fish habitats, and are proposed for inclusion on the Project List:

- New facility for the liquefaction, storage or regasification of liquefied natural gas with a liquefied natural gas processing capacity of 3 000 t/day or more or a liquefied natural gas storage capacity of 136 000 m^3 or more;
  - Expansion of an existing facility for the liquefaction, storage or regasification of liquefied natural gas that would result in an increase in the liquefied natural gas processing or storage capacity of 50% or more and a total liquefied natural gas processing capacity of 3 000 t/day or more or a total liquefied natural gas storage capacity of 136 000 m^3 or more.
- New oil refinery, including a heavy oil upgrader, with an input capacity of 10 000 m^3/day or more;
  - Expansion of an existing oil refinery, including a heavy oil upgrader, that would result in an increase in input capacity of 50% or more and a total input capacity of 10 000 m^3/day or more.

- New facility for the production of liquid petroleum products from coal with a production capacity of 2 000 m^3/day or more;
  - Expansion of an existing facility for the production of liquid petroleum products from coal that would result in an increase in production capacity of 50% or more and a total production capacity of 2 000 m^3/day or more.
- New sour gas processing facility with a sulphur inlet capacity of 2 000 t/day or more;
  - Expansion of an existing sour gas processing facility that would result in an increase in sulphur inlet capacity of 50% or more and a total sulphur inlet capacity of 2 000 t/day or more.
- New petroleum storage facility with a storage capacity of 500 000 m^3 or more;
  - Expansion of an existing petroleum storage facility that would result in an increase in storage capacity of 50% or more and a total storage capacity of 500 000 m^3 or more.
- New natural gas liquids storage facility with a storage capacity of 100 000 m^3 or more;
  - Expansion of an existing natural gas liquids storage facility that would result in an increase in storage capacity of 50% or more and a total storage capacity of 100 000 m^3 or more.
- New oil sands mine with a bitumen production capacity of 10 000 m^3/day or more;
  - Expansion of an existing oil sands mine that would result in an increase in the area of mine operations of 50% or more and a total bitumen production capacity of 10 000 m^3/day or more.
- New in situ oil sands facility with a bitumen production capacity of 2 000 m^3/day or more unless it is within a legislated hard cap* on greenhouse gas emissions;
  - Expansion of an existing in situ oil sands facility that would result in an increased production capacity of 50% or more and a total bitumen production capacity of 2 000 m^3/day or more, unless it is within a legislated hard cap* on greenhouse gas emissions.
- New fossil fuel-fired power generating facility with a production capacity of 200 MW or 268 000 hp or more;
  - Expansion of an existing fossil fuel-fired power generating facility that would result in an increase in production capacity of 50% or more and a total production capacity of 200 MW or 268 000 hp or more.

4.3 OFFSHORE OIL AND GAS

Projects related to the exploration and production of offshore oil and gas are of concern due to their potential adverse effects on fish and fish habitat and aquatic species at risk; primarily due to potential degradation of habitat from accidental releases or spills, and harm to aquatic species at risk, such as whales, due to noise, other disturbances or pollution from spills. These projects are regulated by the Canadian Energy Regulator or by the Offshore Boards.

The following project types were determined as having the greatest potential for adverse environmental effects in areas of federal jurisdiction and are proposed for inclusion on the Project List:

- New offshore floating or fixed platform, vessel or artificial island used for the production of oil or gas.
- Decommissioning and abandonment of an existing offshore floating or fixed platform, vessel or artificial island used for the production of oil or gas that is proposed to be disposed of or abandoned offshore or converted on site to another role.
- New offshore oil and gas pipeline, other than a flowline.
- Offshore exploratory wells in the first drilling program in an area set out in one or more exploration licences issued in accordance with the *Canada–Newfoundland and Labrador Atlantic Accord Implementation Act*, the *Canada–Nova Scotia Offshore Petroleum Resources Accord Implementation Act* or the *Canada Petroleum Resources Act*, except when it is proposed in an area for which a regional assessment has been carried out and it is in conformity with the conditions for exemption approved by the Minister for that regional assessment.

* For example, as outlined in the Pan-Canadian Framework on Clean Growth and Climate Change.

4.4 LINEAR AND TRANSPORTATION-RELATED PROJECTS

Linear projects that run over long distances have potential adverse effects related to habitat loss and disturbance along their right of way. Depending on the type of habitat disturbed, this may impact fish and fish habitat or migratory bird nesting habitat. They can also create hazards for birds due to risk of collision (transmission lines and motor vehicles are a large contributor to bird mortality). On federal lands or projects that are federally regulated, the large set of environmental effects of these projects can be considered and can include impacts on terrestrial species, such as loss of critical habitat, effects on movement, or ecosystem effects such as increased access for predators or invasive species. Environmental effects are largest with new rights of way, meaning development occurs in previously undeveloped areas. Other potential effects come from the risk of accidental releases of products carried by these projects (e.g. spills from pipelines or from cargo carried by train or truck).

Non-linear transportation projects (including airports and rail facilities) can also involve large project areas with vegetation removal and habitat disturbance. They can also pose risk due to spills and runoff of chemical products, in particular to fish and fish habitat and aquatic species at risk, such as from salting, emergency procedures, and fuel. Concerns have also been raised about the effects from noise and air pollution. Aerodromes, airports and all-season runways also have the potential for impacts on migratory birds, due to mortality from collisions with aircraft.

Interprovincial or international pipelines and international or offshore electrical transmission lines are subject to the proposed *Canadian Energy Regulator Act* and will undergo an assessment. Interprovincial transmission lines may be designated as requiring authorization under the proposed *Canadian Energy Regulator Act*. The federal government has primary jurisdiction over aerodromes, airports, runways, and railways, and these projects are generally not subject to a provincial environmental assessment. Provinces and territories generally lead regulation and assessment of intra-provincial pipelines and intra- and inter-provincial electrical transmission lines, as well as public highways.

The following project types were determined as having the greatest potential for adverse environmental effects in areas of federal jurisdiction and are proposed for inclusion on the Project List:

- New international or interprovincial oil or gas pipeline, other than an offshore pipeline, with a length of 75 km or more in new right of way.
- New international or offshore electrical transmission line with a voltage of 345 kV or more that requires a total of 75 km or more of new right of way.
- New interprovincial electrical transmission line that Governor in Council, by order, has designated under section 261 of the *Canadian Energy Regulator Act*.
- New all-season public highway that requires a total of 75 km or more of new right of way.
- New freight or inter-city passenger railway line that requires a total of 50 km or more of new right of way.
- New rail facility with a total area that is greater than 50 ha;
  - Expansion of an existing rail facility that would result in an increase in the total area of the rail facility by 50% or more and with a total area that is greater than 50 ha.
- New aerodrome with a runway length of 1 000 m or more; or aerodrome involving the operation of aircraft under Aircraft Group Number IIIA[2] or higher; or Runway with a length of 1 000 m or more at an existing aerodrome; or any upward change in Aircraft Group Number designation to IIIA or higher.
- New international or interprovincial bridge or tunnel or bridge over the St. Lawrence Seaway.

4.5 MARINE AND FRESHWATER PROJECTS

Projects that primarily take place in marine or freshwater environments have potential effects on fish and fish habitat and aquatic species at risk, from direct removal or degradation of habitat, direct mortality of fish or aquatic species at risk, restriction

[2] Transport Canada's publication *TP 312 5th Edition – Aerodrome Standards and Recommended Practices*

of movement, changes to water flow and possible pollution or spills. In some cases, marine mammals are of specific concern. These projects may also have potential effects on migratory birds from destruction, disturbance and alteration of habitat, and impacts from pollution.

The following project types were determined to have greatest potential for adverse environmental effects in areas of federal jurisdiction and are proposed for inclusion on the Project List.

- New marine terminal designed to handle ships larger than 25 000 DWT;
  - Expansion of an existing marine terminal that would involve the construction of a new berth designed to handle ships larger than 25 000 DWT and that involves the construction of a new permanent in-water structure.
- New dam or dyke on a natural water body that would result in the creation of a reservoir with a surface area that would exceed the annual mean surface area of that natural water body by 1 500 ha or more;
  - Expansion of an existing dam or dyke on a natural water body that would result in an increase in the surface area of the existing reservoir of 50% or more and an increase of 1 500 ha or more in the annual mean surface area of the existing reservoir.
- New canal or a lock and its associated structure to control water levels in the canal.
- New lock or associated structure to control water levels in navigable water.
- New permanent causeway that is 400 m in length or more in a natural water body;
  - Expansion of an existing permanent causeway that would result in 50% increase in length and a total length that is 400 m or more in a natural water body.
- New structure for the diversion of 10 000 000 m^3/year or more of water from a natural water body into another natural water body;
  - Expansion of an existing structure for the diversion of water from a natural water body into another natural water body that would result in an increase in diversion capacity of 50% or more and a total diversion capacity of 10 000 000 m^3/year or more.

4.6 MINING

Mining projects have the potential for a complex set of adverse effects on multiple areas of federal jurisdiction, including fish and fish habitat, aquatic species at risk, and migratory birds, related to land clearance, handling of waste rocks and tailings, surface runoff, changes to water flow, potential infill, realignment of streams, and associated activities required to access mines, transport materials and conduct onsite activities. Mining is regulated at the provincial level and projects are typically subject to provincial assessment processes. Metal and diamond mines are subject to the *Metal and Diamond Mining Effluent Regulations*, under the *Fisheries Act*.

The following project types were determined as having the greatest potential for adverse environmental effects in areas of federal jurisdiction and are proposed for inclusion on the Project List:

- New metal mine, other than a rare earth element mine or placer mine, with an ore production capacity of 5 000 t/day or more;
  - Expansion of an existing metal mine, other than a rare earth element mine or placer mine, that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 5 000 t/day or more.
- New metal mill with an ore input capacity of 5 000 t/day or more;
  - Expansion of an existing metal mill that would result in an increase in the area of mine operations of 50% or more and a total ore input capacity of 5 000 t/day or more.
- New rare earth element mine with an ore production capacity of 2 500 t/day or more;
  - Expansion of an existing rare earth element mine that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 2 500 t/day or more.
- New coal mine with a coal production capacity of 5 000 t/day or more;
  - Expansion of an existing coal mine that would result in an increase in the area of mine operations of 50% or more and a total coal production capacity of 5 000 t/day or more.
- New diamond mine with an ore production capacity of 5 000 t/day or more;

- Expansion of an existing diamond mine that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 5 000 t/day or more.

- New stone quarry or sand or gravel pit, with a production capacity of 3 500 000 t/year or more;
  - Expansion of an existing stone quarry or sand or gravel pit that would result in an increase in the area of mine operations of 50% or more and a total production capacity of 3 500 000 t/year or more.

4.7 NUCLEAR

Nuclear technology has the potential for adverse environmental effects from operations and site clearing on fish and fish habitat and direct mortality to aquatic species and birds, changes to water flow or levels, as well as the potential for human health impacts (although not all effects are applicable to all nuclear project types). The impacts of projects such as uranium mining and full-scale nuclear reactors are distinct and well documented as part of an independent regulatory cycle based on federal and international legislative requirements. Effects from small modular reactors (SMRs), with no current deployment in Canada, are nonetheless well known and characterized, as they share core characteristics with regulated conventional reactor technology. In addition, there are existing SMR-type reactors in other jurisdictions and small research reactors at Canadian universities and the Canadian Nuclear Laboratories.

As Canada's nuclear lifecycle regulator, the CNSC, under requirements of the *Nuclear Safety and Control Act*, has a legislated mandate to ensure the protection of the environment and the health and safety of people. The impact assessment process is integrated with the regulatory review process to the extent possible, and as such, begins with early and proactive Indigenous and public engagement, and continues throughout all phases of a project while ensuring robust compliance, monitoring and regulatory oversight.

For existing nuclear sites licensed under the *Nuclear Safety and Control Act*, there are already a number of existing protective measures in place. This includes security plans, off-site emergency preparedness arrangements, an environmental risk assessment and environmental monitoring. Furthermore, licensees are required to have an on-going engagement with local communities and Indigenous groups.

The following project types were determined as having the greatest potential for adverse environmental effects in areas of federal jurisdiction and are proposed for inclusion on the Project List:

- New facility for the processing, reprocessing or separation of an isotope of uranium, thorium, or plutonium, with a production capacity of 100 t/year or more.
- New facility for the manufacture of a product derived from uranium, thorium or plutonium, with a production capacity of 100 t/year or more.
- New facility for the processing or use, in a quantity greater than 10^{15} Bq per calendar year, of nuclear substances with a half-life greater than one year, other than uranium, thorium or plutonium.
- New facility for the storage of irradiated fuel or nuclear waste, on a site that is not within the licensed perimeter of an existing nuclear facility.
- New facility for the long-term management or disposal of irradiated fuel or nuclear waste;
  - Expansion of an existing facility for the long-term management or disposal of irradiated fuel or nuclear waste that would result in an increase in the area, at ground level, of the facility of 50% or more.
- New nuclear fission or fusion reactor, or reactors, with a cumulative thermal capacity of more than 900 MW thermal on a site that is within the boundaries of an existing licensed Class IA nuclear facility; or
- New nuclear fission or fusion reactor, or reactors, with a cumulative thermal capacity of more than 200 MW thermal on a site that is not within the boundaries of an existing licensed Class IA nuclear facility.
- New uranium mine with an ore production capacity of 2 500 t/day or more on a site that is not within the licensed boundaries of an existing uranium mine;
  - Expansion of an existing uranium mine that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 2 500 t/day or more.
- New uranium mill with an ore input capacity of

2 500 t/day or more on a site that is not within the licensed boundaries of an existing uranium mill;

- Expansion of an existing uranium mill that would result in an increase in the area of mine operations of 50% or more and a total ore input capacity of 2 500 t/day or more.

4.8 HAZARDOUS WASTE

Hazardous waste projects have the potential for adverse effects to fish and fish habitat, aquatic species at risk and migratory birds when in proximity to water bodies due to potential accidental release of hazardous substances.

The following projects were determined as having the greatest potential for adverse environmental effects in federal areas and are proposed for inclusion on the Project List:

- New facility used exclusively for the treatment, incineration, disposal or recycling of hazardous waste proposed within 500 m of a natural waterbody;
  - The expansion of an existing facility used exclusively for the treatment, incineration, disposal or recycling of hazardous waste proposed within 500 m of a natural waterbody that would result in an increase in hazardous waste input capacity of 50% or more.

4.9 FEDERAL LANDS AND PROTECTED AREAS

The federal government exercises primary jurisdiction over federal lands and can consider any environmental effects resulting from projects including those to the land, water, air and all of flora and fauna. In addition, the federal government has established several types of protected areas to protect and conserve the environment. These include National Parks and other lands managed by the Parks Canada Agency, National Wildlife Areas, Migratory Birds Sanctuaries and conservation areas in the marine environment.

All project types on the Project List (i.e. designated projects) will be subject to the Impact Assessment Act regardless of whether they are located on federal lands, following the usual process led by the Agency.

For a project on federal lands that is not a designated project, the federal authority would be required to conduct an assessment (under section 82 of the proposed Impact Assessment Act) and determine that the project would not likely result in significant environmental effects or, if significant adverse environmental effects are likely, the federal authority could refer the decision to Governor in Council to determine whether they are justified in the circumstances. The federal authorities have full discretion as to how to conduct their analysis towards making a determination. The Agency would provide guidance for federal authorities on implementation of the Impact Assessment Act provisions related to non-designated projects on federal lands.

In the cases identified below, impact assessment can help support government's protection and conservation objectives. The following project types are proposed for inclusion in the Project List:

- In the terrestrial or marine environment of a National Wildlife Area, a Migratory Birds Sanctuary or a protected marine area established under the *Canada Wildlife Act* of a new:
  - a) aerodrome or runway;
  - b) aquaculture facility;
  - c) canal or lock;
  - d) electrical generating facility or electrical transmission line (including wind or tidal power);
  - e) industrial facility;
  - f) marine terminal;
  - g) mine or mill;
  - h) oil and gas pipeline;
  - i) oil or gas facility
  - j) railway line or public highway;
  - k) structure for the diversion of water, including a dam, dyke or reservoir; or
  - l) waste management facility.
- New physical work (e.g. facilities and structures) on land administered or managed by the Parks Canada Agency that is:
  - a) contrary to its management plan as amended from time to time;
  - b) not consistent with a long-range development plan approved by the Minister responsible for the Parks Canada Agency;
  - c) not consistent with ski area site guidelines

approved by the Chief Executive Officer of the Parks Canada Agency;

d) consistent with a long-range development plan approved before 1999, but that involves development of currently undeveloped, unskied or unserviced terrain.

- The following in a National Park:
  - New a) dams, b) diversions, or c) other infrastructure for the management of surface water levels or natural flow regimes: for water supply purposes outside the park or for recreational or power generation purposes;
  - New water supply agreements under s. 10(2)(b) of the *Canada National Parks Act* or expansions by more than 20% of existing water supply agreements established under par 10(2)(b);
  - New or expanded commercial development, except registered charities, that requires disposal or occupation of land not previously disposed or occupied for the same or similar purpose in Banff, Jasper, Yoho, or Kootenay National Parks outside the town sites and ski hill areas that has not been subject to strategic environmental assessment and public review as part of a park management plan;
  - New railway line or new public highway.
- Projects in National Marine Conservation Areas;
  - New physical work (e.g. facilities and structures, not activities) on land administered or managed by Parks Canada that is contrary to its management plan;
  - New or expansion of disposal at sea site;
  - New oil or gas pipeline or pipelines carrying other hazardous substances.
- New military base or military station that is to be established for more than 12 consecutive months;
  - Expansion of an existing military base or military stations that would result in an increase in the area of the military base or military station of 50% or more;
- Decommissioning and abandonment of an existing military base or military station.
- New military training area, range or test establishment for training or weapons testing that is to be established for more than 12 consecutive months, outside an existing military base.
- The testing of military weapons for more than five days in a calendar year in an area other than the training areas, ranges and test establishments established before October 7, 1994, by or under the authority of the Minister of National Defence for the testing of weapons.
- Low-level flying of military fixed-wing jet aircraft for more than 150 days in a calendar year as part of a training program at an altitude below 330 m above ground level on a route or in an area that was not established before October 7, 1994, by or under the authority of the Minister of National Defence or the Chief of the Defence Staff as a route or area set aside for low-level flying training.

5 PERIODIC REVIEWS OF PROJECT LIST

In order to support the impact assessment process, the Project List would be required to undergo periodic reviews. The timeframe for these periodic reviews would be prescribed in regulations. In the *Consultations on Approach for Revising the Project List*, the Government asked for Canadians' views on the appropriate timeframe for review. Responses varied from one to ten years.

> **The Government is proposing a timeframe for prescribed reviews of 5 years.**

This will provide opportunities to consider new project types that may have adverse effects in areas of federal jurisdiction related to the environment, and should be added to the Project List. It will also allow for review of the existing Project List entries based on the Agency's experience on implementing the Act and whether any revisions are needed to:

- better focus on major projects with the greatest potential for adverse effects; or,
- improve clarity and certainty as to which projects are subject to the Act.

6 NEXT STEPS – SEEKING YOUR VIEWS

We are interested in your views on the proposed Project List and how it was determined before May 31, 2019. We welcome views on definitions and key concepts that would help clarify any of the proposals made above. Comments and submissions can be provided at the following link: www.impactassessmentregulations.ca by May 31, 2019. The Government will consider all comments received as it proceeds to refine the proposed Project List.

The proposed Impact Assessment Act will come into force on a date identified by order of the Governor in Council. In order to be ready for coming into force, the final regulations would be published in *Canada Gazette, Part II*, following Royal Assent. As such, this discussion paper seeks stakeholders' input on the proposed Project List. A summary of the comments received, as well as a detailed outline of any changes to the regulatory proposal, will be provided in the Regulatory Impact Analysis Statement that will accompany publication of the regulations, in order to provide industry and stakeholders with as much information as possible on the proposed regulatory requirements.

ANNEX 1 - WHAT WE HEARD WHEN WE CONSULTED ON THE APPROACH TO CREATING A NEW PROJECT LIST.

The Government has engaged provinces and territories, Indigenous peoples, stakeholders and the public during the development of the new Project List. *A Consultation Paper on Approach to Revising the Project List* was published for public comment between February 8 to June 1, 2018 and during that time, close to 100 submissions were received from; Industry, Indigenous groups, environmental non-government organizations (ENGOs), provinces and territories, conservation authorities , health agencies, the US EPA and individual Canadians. In addition, the Government has continued to hold meetings with many individuals and groups, including continuing with meetings of the Minister's Multi-Interest Advisory Committee (MIAC).

In addition, on May 1, 2018, Environment and Climate Change Canada (ECCC) published a discussion paper to help develop a draft *Strategic Assessment of Climate Change*. The discussion paper contained the following question regarding the Project List:

- What criteria should be considered in determining GHG emissions thresholds? What are your views on applying thresholds to determine which projects are on the Project List?

ECCC received responses to this question from industry groups, ENGOs and Indigenous groups.

These consultations have generated a significant volume of diverse input on the general approach to creating the Project List. The main themes raised during these consultations are shown below.

Consider all project types. We heard about the importance of taking a comprehensive look at all the project types that affect federal jurisdiction related to the environment. Some commenters recommended against starting with the existing Project List under CEAA 2012 and wanted the approach to start fresh looking at all possible project types.

Expand the focus beyond environmental effects in federal jurisdiction. Some submissions proposed considering a wider range of effects, in particular the effects on Indigenous communities and lands; including health, social wellbeing and impacts on their rights. Other areas mentioned included UNESCO-designated sites, elements that fall under the *Navigation Protection Act*, all species at risk (not just aquatic which are exclusively within federal jurisdiction), as well as, positive climate benefits and economic effects.

Varying views on what types of projects should be on the Project List. Some stakeholders proposed that the Project List should focus only on nationally significant or federally regulated projects, or only on the unregulated effects of projects to avoid duplication with other regulatory processes and to minimize regulatory burden. Others felt that, for some project types, all projects could have effects and should undergo impact assessment and the Project List should not focus only on the "worst of the worst". Some commenters also suggested that all projects that required a federal authorization or funding, and had potential effects on Indigenous peoples should be included. They recommended that the Project List have a broad focus on which projects would enter the impact assessment process, where they could be reviewed to see if assessment was necessary.

Consideration of other regulatory regimes or standard mitigations. Many commenters felt the presence of other regulatory regimes (provincial or lifecycle) or standard mitigations should be taken into account when creating the new Project List. Commenters recommended that environmental effects should be characterized after standard mitigations are taken into account, and some suggested that project types that are already well regulated should be exempted from impact assessment. Other commenters felt that there was federal responsibility to manage federal areas. As well, some commenters felt that inconsistency or uncertainty in the application of other regulatory regimes and/or standard mitigation was a reason they should not be a consideration in creating the Project List.

Consider cumulative effects of projects. Many responses stressed the importance of considering cumulative effects of multiple projects in an area over time, which would suggest region-specific entries.

How best to set thresholds. Many commenters recommended against using thresholds at all or if thresholds were used, they should be precautionary

for environmental protection and should be based on science and not practical considerations like the number of projects that might require assessment.

Commenters also recommended thresholds based on environmental impact rather than thresholds based on project size or production capacity.

Other commenters wanted thresholds set to focus on major projects, which posed the greatest effects. There was also a recommendation that thresholds should be based on project characteristics that are known early in project planning, in order to provide clarity as to which projects may be subject to impact assessment.

Consideration of greenhouse gas (GHG) emissions and impacts on climate change. How to account for climate change effects was an area of considerable interest among commenters, and produced differing views. There were commenters who believed that GHGs should not be a basis for inclusion on the Project List. Those who felt if there were to be an entry based on GHG emissions, the thresholds should be sector-specific, based on clear, defensible criteria and consider best available technology, economic competitiveness concerns, and standard industry practice. There were commenters who wanted the Project List to require impact assessment of all project types that emit GHGs. Some commenters recommended that the threshold should be low enough to exempt only minimally emitting projects, and cited 50,000 t CO_2e, the threshold for reporting to national GHG inventory, as an appropriate threshold. There were also commenters arguing for and against the suggestion made in the Consultation Paper that the presence of a legislated, hard cap* on GHG emissions could be a condition for exemption from impact assessment.

Be consistent and transparent in the approach to creating the new Project List. We heard very clearly that for the Project List to be credible, the approach needs to be transparent and applied consistently to all project types. Some commenters recommended that the approach be developed collaboratively, in consultation with Indigenous peoples. Commenters also recommended that the Government disclose all the information and evidence relied upon to make the determinations on which project types, production thresholds or exempting provisions should be included in the project list regulation.

* For example, as outlined in the Pan-Canadian Framework on Clean Growth and Climate Change.

ANNEX 2 - COMPARISON OF ENTRIES BETWEEN PROJECT LIST UNDER CEAA 2012 AND UNDER THE PROPOSED IMPACT ASESSMENT ACT (IAA).

Renewable Energy		
CEAA 2012	Proposed IAA	Result
Hydroelectric generating facility with a production capacity of 200 MW or more.		Status Quo
Expansion of an existing hydroelectric generating facility that would result in an increase in production capacity of 50% or more and a total production capacity of 200 MW or more.		Status Quo
In-stream tidal power generating facility with a production capacity of 50 MW or more.	In-stream tidal power generating facility with a production capacity of 15 MW or more.	Threshold decrease
Tidal power generating facility, other than an in-stream tidal power generating facility, with a production capacity of 5 MW or more.	Tidal power generating facility, other than an in-stream tidal power generating facility.	Threshold decrease
Expansion of an existing in-stream tidal power generating facility that would result in an increase in production capacity of 50% or more and a total production capacity of 50 MW or more or an existing tidal power generating facility, other than an in-stream tidal power generating facility, that would result in an increase in production capacity of 50% or more and a total production capacity of 5 MW or more.	Expansion of an existing in-stream tidal power generating facility that would result in an increase in production capacity of 50% or more and a total production capacity of 15 MW or more. an existing tidal power generating facility, other than an in-stream tidal power generating facility, that would result in an increase in production capacity of 50% or more.	Threshold decrease
N/A	Wind power generating facility located in marine or freshwater with 10 or more wind turbines, except when it is proposed in an area for which a regional assessment has been carried out and it is in conformity with the conditions for exemption approved by the Minister for that regional assessment.	New
N/A	Expansion of an existing wind power generating facility located in marine or freshwater that would result in an increase in the number of turbines of 50% or more and a total of 10 or more wind turbines, except when it is proposed in an area for which a regional assessment has been carried out and it is in conformity with the conditions for exemption approved by the Minister for that regional assessment.	New

Onshore Oil and Gas		
CEAA 2012	Proposed IAA	Result
Facility for the liquefaction, storage or regasification of liquefied natural gas, with a liquefied natural gas processing capacity of 3 000 t/day or more or a liquefied natural gas storage capacity of 55 000 t or more.	Facility for the liquefaction, storage or regasification of liquefied natural gas with a liquefied natural gas processing capacity of 3 000 t/day or more or a liquefied natural gas storage capacity of 136 000 m^3 or more.	Technical amendment
Expansion of an existing facility for the liquefaction, storage or regasification of liquefied natural gas that would result in an increase in the liquefied natural gas processing or storage capacity of 50% or more and a total liquefied natural gas processing capacity of 3 000 t/day or more or a total liquefied natural gas storage capacity of 55 000 t or more.	Expansion of an existing facility for the liquefaction, storage or regasification of liquefied natural gas that would result in an increase in the liquefied natural gas processing or storage capacity of 50% or more and a total liquefied natural gas processing capacity of 3 000 t/day or more or a total liquefied natural gas storage capacity of 136 000 m^3 or more.	Technical amendment
Oil refinery, including a heavy oil upgrader, with an input capacity of 10 000 m^3/day or more.		Status Quo
Expansion of an existing oil refinery, including a heavy oil upgrader, that would result in an increase in input capacity of 50% or more and a total input capacity of 10 000 m^3/day or more.		Status Quo
Facility for the production of liquid petroleum products from coal with a production capacity of 2 000 m^3/day or more.		Status Quo
Facility for the production of liquid petroleum products from coal with a production capacity of 2 000 m^3/day or more.		Status Quo
Expansion of an existing facility for the production of liquid petroleum products from coal that would result in an increase in production capacity of 50% or more and a total production capacity of 2 000 m^3/day or more.		Status Quo
Sour gas processing facility with a sulphur inlet capacity of 2 000 t/day or more.		Status Quo
Expansion of an existing sour gas processing facility that would result in an increase in sulphur inlet capacity of 50% or more and a total sulphur inlet capacity of 2 000 t/day or more.		Status Quo
Petroleum storage facility with a storage capacity of 500 000 m^3 or more.		Status Quo
Expansion of an existing petroleum storage facility that would result in an increase in storage capacity of 50% or more and a total storage capacity of 500 000 m^3 or more.		Status Quo
Liquefied petroleum gas storage facility with a storage capacity of 100 000 m^3 or more.	Natural gas liquids storage facility with a storage capacity of 100 000 m^3 or more.	Technical amendment
Expansion of an existing liquefied petroleum gas storage facility that would result in an increase in storage capacity of 50% or more and a total storage capacity of 100 000 m^3 or more.	Expansion of an existing natural gas liquids storage facility that would result in an increase in storage capacity of 50% or more and a total storage capacity of 100 000 m^3 or more.	Technical amendment
Oil sands mine with a bitumen production capacity of 10 000 m^3/day or more.		Status Quo
Expansion of an existing oil sands mine that would result in an increase in the area of mine operations of 50% or more and a total bitumen production capacity of 10 000 m^3/day or more.		Status Quo

N/A	In situ oil sands facility with a bitumen production capacity of 2 000 m^3/day or more unless it is within a legislated hard cap* on greenhouse gas emissions.	New
N/A	Expansion of an existing in situ oil sands facility that would result in an increased production capacity of 50% or more and a total bitumen production capacity of 2 000 m^3/day or more, unless it is within a legislated hard cap* on greenhouse gas emissions.	New
Fossil fuel-fired electrical generating facility with a production capacity of 200 MW or more.	Fossil fuel-fired power generating facility with a production capacity of 200 MW or 268 000 hp or more.	Technical amendment
Expansion of an existing fossil fuel-fired electrical generating facility that would result in an increase in production capacity of 50% or more and a total production capacity of 200 MW or more.	Expansion of an existing fossil fuel-fired power generating facility that would result in an increase in production capacity of 50% or more and a total production capacity of 200 MW or 268 000 hp or more.	Technical amendment
Offshore Oil and Gas		
CEAA 2012	Proposed IAA	Result
Offshore floating or fixed platform, vessel or artificial island used for the production of oil or gas.		Status Quo
Decommissioning and abandonment of an existing offshore floating or fixed platform, vessel or artificial island used for the production of oil or gas that is proposed to be disposed of or abandoned offshore or converted on site to another role.		Status Quo
Offshore oil and gas pipeline, other than a flowline.		Status Quo
Offshore exploratory wells in the first drilling program in an area set out in one or more exploration licences issued in accordance with the *Canada–Newfoundland and Labrador Atlantic Accord Implementation Act* or the *Canada–Nova Scotia Offshore Petroleum Resources Accord Implementation Act*. Offshore exploratory wells in the first drilling program in an area set out in one or more exploration licences issued in accordance with the *Canada Petroleum Resources Act*.	Offshore exploratory wells in the first drilling program in an area set out in one or more exploration licences issued in accordance with the Canada–*Newfoundland and Labrador Atlantic Accord Implementation Act*, the *Canada–Nova Scotia Offshore Petroleum Resources Accord Implementation Act* or the *Canada Petroleum Resources Act*, except when it is proposed in an area for which a regional assessment has been carried out and it is in conformity with the conditions for exemption approved by the Minister for that regional assessment.	Technical amendment and recognition of regional assessment

* For example, as outlined in the Pan-Canadian Framework on Clean Growth and Climate Change.

Pipelines and Power Lines		
CEAA 2012	Proposed IAA	Result
New pipeline, other than an offshore pipeline, with a length of 40 km or more.	International or interprovincial oil or gas pipeline, other than an offshore pipeline, with a length of 75 km or more in new right of way.	Threshold increase
Decommissioning and abandonment of an existing pipeline, other than an offshore pipeline, if at least 40 km of pipe is removed from the ground	N/A	Removed
Electrical transmission line with a voltage of 345 kV or more that requires a total of 75 km or more of new right of way.	International or offshore electrical transmission line with a voltage of 345 kV or more that requires a total of 75 km or more of new right of way. Interprovincial electrical transmission line that Governor in Council, by order, has designated under section 261 of the Canadian Energy Regulator Act.	Amendment to maintain consistency with Status Quo
Transportation		
CEAA 2012	Proposed IAA	Result
All-season public highway that requires a total of 50 km or more of new right of way.	All-season public highway that requires a total of 75 km or more of new right of way.	Threshold increase
Railway line that requires a total of 32 km or more of new right of way.	Freight or inter-city passenger railway line that requires a total of 50 km or more of new right of way.	Threshold increase
Railway yard with seven or more yard tracks or a total track length of 20 km or more.	Rail facility with a total area that is greater than 50 ha.	Threshold increase
N/A	Expansion of an existing rail facility that would result in an increase in the total area of the rail facility by 50% or more and with a total area that is greater than 50 ha.	New
Railway line designed for trains that have an average speed of 200 km/h or more.	N/A	Removed
Aerodrome located within the built-up area of a city or town; or Airport, as defined in subsection 3(1) of the Aeronautics Act; or All-season runway with a length of 1 500 m or more. The extension of an existing all-season runway by 1 500 m or more.	Aerodrome with a runway length of 1 000 m or more; or Aerodrome involving the operation of aircraft under Aircraft Group Number IIIA[3] or higher; or Runway with a length of 1 000 m or more at an existing aerodrome; or Any upward change in Aircraft Group Number designation to IIIA or higher.	Amendment
International or interprovincial bridge or tunnel; or bridge over the St. Lawrence Seaway.		Status Quo

[3] Transport Canada's publication *TP 312 5th Edition – Aerodrome Standards and Recommended Practices*

Marine and freshwater		
CEAA 2012	Proposed IAA	Result
Marine terminal designed to handle ships larger than 25 000 DWT unless the terminal is located on lands that are routinely and have been historically used as a marine terminal or that are designated for such use in a land-use plan that has been the subject of public consultation.	New marine terminal designed to handle ships larger than 25 000 DWT. Expansion of an existing marine terminal that would involve the construction of a new berth designed to handle ships larger than 25 000 DWT and that involves the construction of a new permanent in-water structure.	Amendment
Dam or dyke that would result in the creation of a reservoir with a surface area that would exceed the annual mean surface area of a natural water body by 1 500 ha or more.	Dam or dyke on a natural water body that would result in the creation of a reservoir with a surface area that would exceed the annual mean surface area of that natural water body by 1 500 ha or more.	Technical amendment
Expansion of an existing dam or dyke that would result in an increase in the surface area of the existing reservoir of 50% or more and an increase of 1 500 ha or more in the annual mean surface area of the existing reservoir.	Expansion of an existing dam or dyke on a natural water body that would result in an increase in the surface area of the existing reservoir of 50% or more and an increase of 1 500 ha or more in the annual mean surface area of the existing reservoir.	Technical amendment
Canal or a lock or associated structure to control water levels in the canal.	Canal or a lock and its associated structure to control water levels in the canal.	Technical amendment
Lock or associated structure to control water levels in existing navigable waterways.	Lock or associated structure to control water levels in navigable water.	Technical amendment
N/A	Permanent causeway that is 400 m in length or more in a natural water body.	New
N/A	Expansion of an existing permanent causeway that would result in 50% increase in length and a total length that is 400 m or more in a natural water body.	New
Structure for the diversion of 10 000 000 m^3/year or more of water from a natural water body into another natural water body.		Status Quo
Expansion of an existing structure for the diversion of water from a natural water body into another natural water body that would result in an increase in diversion capacity of 50% or more and a total diversion capacity of 10 000 000 m^3/year or more.		Status Quo
Mining		
CEAA 2012	Proposed IAA	Result
Metal mine, other than a rare earth element mine or gold mine, with an ore production capacity of 3 000 t/day or more.	Metal mine, other than a rare earth element mine or placer mine, with an ore production capacity of 5 000 t/day or more.	Threshold increase

Expansion of an existing metal mine, other than a rare earth element mine or gold mine, that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 3 000 t/day or more.	Expansion of an existing metal mine, other than a rare earth element mine or placer mine, that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 5 000 t/day or more.	Threshold increase
Metal mill with an ore input capacity of 4 000 t/day or more.	Metal mill with an ore input capacity of 5 000 t/day or more.	Threshold increase
Expansion of a metal mill that would result in an increase in the area of mine operations of 50% or more and a total ore input capacity of 4 000 t/day or more.	Expansion of an existing metal mill that would result in an increase in the area of mine operations of 50% or more and a total ore input capacity of 5 000 t/day or more.	Threshold increase
Rare earth element mine or gold mine, other than a placer mine with an ore production capacity of 600 t/day or more.	Rare earth element mine with an ore production capacity of 2 500 t/day or more.	Threshold increase
Expansion of rare earth element mine or gold mine, other than a placer mine, that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 600 t/day or more.	Expansion of an existing rare earth element mine that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 2 500 t/day or more.	Threshold increase
Coal mine with a coal production capacity of 3 000 t/day or more.	Coal mine with a coal production capacity of 5 000 t/day or more.	Threshold increase
Expansion of an existing coal mine that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 3 000 t/day or more.	Expansion of an existing coal mine that would result in an increase in the area of mine operations of 50% or more and a total coal production capacity of 5 000 t/day or more.	Threshold increase
Diamond mine with an ore production capacity of 3 000 t/day or more.	Diamond mine with an ore production capacity of 5 000 t/day or more.	Threshold increase
Expansion of an existing diamond mine that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 3 000 t/day or more.	Expansion of an existing diamond mine that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 5 000 t/day or more.	Threshold increase
Apatite mine with an ore production capacity of 3 000 t/day or more.	N/A	Removed
Expansion of an existing apatite mine that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 3 000 t/day or more.	N/A	Removed
Stone quarry or sand or gravel pit, with a production capacity of 3 500 000 t/year or more.		Status Quo
Expansion of an existing stone quarry or sand or gravel pit that would result in an increase in the area of mine operations of 50% or more and a total production capacity of 3 500 000 t/year or more.		Status Quo

Nuclear		
CEAA 2012	Proposed IAA	Result
Facility for the processing, reprocessing or separation of an isotope of uranium, thorium, or plutonium, with a production capacity of 100 t/year or more.		Status Quo
Facility for the manufacture of a product derived from uranium, thorium or plutonium, with a production capacity of 100 t/year or more.		Status Quo
Facility for the processing or use, in a quantity greater than 10^{15} Bq per calendar year, of nuclear substances with a half-life greater than one year, other than uranium, thorium or plutonium.		Status Quo
Facility for the storage of irradiated fuel or nuclear waste, on a site that is not within the licensed perimeter of an existing nuclear facility.		Status Quo
Facility for the long-term management or disposal of irradiated fuel or nuclear waste.		Status Quo
Expansion of an existing facility for the long-term management or disposal of irradiated fuel or nuclear waste that would result in an increase in the area, at ground level, of the facility of 50% or more.		Status Quo
New nuclear fission or fusion reactor.	Nuclear fission or fusion reactor, or reactors, with a cumulative thermal capacity of more than 900 MW thermal on a site that is within the boundaries of an existing licensed Class IA nuclear facility. Nuclear fission or fusion reactor, or reactors, with a cumulative thermal capacity of more than 200 MW thermal on a site that is not within the boundaries of an existing licensed Class IA nuclear facility.	Threshold increase
The expansion of an existing facility for the processing, reprocessing or separation of an isotope of uranium, thorium or plutonium that would result in an increase in production capacity of 50% or more and a total production capacity of 100 t/year or more; The expansion of an existing facility for the manufacture of a product derived from uranium, thorium or plutonium that would result in an increase in production capacity of 50% or more and a total production capacity of 100 t/year or more; or The expansion of an existing facility for the processing or use, in a quantity greater than 10^{15} Bq per calendar year, of nuclear substances with a half-life greater than one year, other than uranium, thorium or plutonium, that would result in an increase in processing capacity of 50% or more. The expansion of an existing nuclear fission or fusion reactor that would result in an increase in power output of 50% or more.	N/A	Removed

Uranium mine or uranium mill on a site that is not within the licensed boundaries of an existing uranium mine or uranium mill.	Uranium mine with an ore production capacity of 2 500 t/day or more on a site that is not within the licensed boundaries of an existing uranium mine.	Threshold increase
Expansion of an existing uranium mine that would result in an increase in the area of mine operations of 50% or more.	Expansion of an existing uranium mine that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 2 500 t/day or more.	Threshold increase
Uranium mine or uranium mill on a site that is not within the licensed boundaries of an existing uranium mine or uranium mill.	Uranium mill with an ore input capacity of 2 500 t/day or more on a site that is not within the licensed boundaries of an existing uranium mill.	Threshold increase
Expansion of an existing uranium mill that would result in an increase in the area of mine operations of 50% or more.	Expansion of an existing uranium mill that would result in an increase in the area of mine operations of 50% or more and a total ore production capacity of 2 500 t/day or more.	Threshold increase
Hazardous Waste		
CEAA 2012	Proposed IAA	Result
Facility used exclusively for the treatment, incineration, disposal or recycling of hazardous waste.	Facility used exclusively for the treatment, incineration, disposal or recycling of hazardous waste proposed within 500 m of a natural waterbody.	Technical amendment
Expansion of an existing facility used exclusively for the treatment, incineration, disposal or recycling of hazardous waste that would result in an increase in hazardous waste input capacity of 50% or more.	The expansion of an existing facility used exclusively for the treatment, incineration, disposal or recycling of hazardous waste proposed within 500 m of a natural waterbody that would result in an increase in hazardous waste input capacity of 50% or more.	Technical amendment

Federal lands and protected areas		
CEAA 2012	Proposed IAA	Result
In a wildlife area or migratory bird sanctuary, of a new: a) electrical generating facility or electrical transmission line; b) structure for the diversion of water, including a dam, dyke or reservoir; c) oil or gas facility or oil and gas pipeline; d) mine or mill; e) industrial facility; f) canal or lock; g) marine terminal; h) railway line or public highway; i) aerodrome or runway; or j) waste management facility.	In the terrestrial or marine environment of a National Wildlife Area, a Migratory Bird Sanctuary or a protected marine area established under the Canada Wildlife Act of a new: a) aerodrome or runway; b) aquaculture facility; c) canal or lock; d) electrical generating facility or electrical transmission line (including wind or tidal power); e) industrial facility; f) marine terminal; g) mine or mill; h) oil and gas pipeline; i) oil or gas facility j) railway line or public highway; k) structure for the diversion of water, including a dam, dyke or reservoir; or l) waste management facility.	Amendment
N/A	New physical work (e.g. facilities and structures) on land administered or managed by the Parks Canada Agency that is: a) contrary to its management plan as amended from time to time; b) not consistent with a long-range development plan approved by the Minister responsible for the Parks Canada Agency; c) not consistent with ski area site guidelines approved by the Chief Executive Officer of the Parks Canada Agency; d) consistent with a long-range development plan approved before 1999, but that involves development of currently undeveloped, unskied or unserviced terrain.	New

N/A	The following in a National Park: ▪ New a) dams, b) diversions, or c) other infrastructure for the management of surface water levels or natural flow regimes: for water supply purposes outside the park or for recreational or power generation purposes; ▪ New water supply agreements under s. 10(2)(b) of the *Canada National Parks Act* or expansions by >20% of existing water supply agreements established under par 10(2)(b); ▪ New or expanded commercial development, except registered charities, that requires disposal or occupation of land not previously disposed or occupied for the same or similar purpose in Banff, Jasper, Yoho, or Kootenay National Parks outside the town sites and ski hill areas that has not been subject to strategic environmental assessment and public review as part of a park management plan; ▪ New railway line or new public highway.	New
N/A	Projects in National Marine Conservation Areas: ▪ New physical work (e.g. facilities and structures, not activities) on land administered or managed by Parks Canada that is contrary to its management plan; ▪ New or expansion of disposal at sea site; ▪ New oil or gas pipeline or pipelines carrying other hazardous substances.	New
Military base or military station that is to be established for more than 12 consecutive months.		Status Quo
Expansion of an existing military base or military stations that would result in an increase in the area of the military base or military station of 50% or more		Status Quo
Decommissioning and abandonment of an existing military base or military station.		Status Quo
Construction, operation, decommissioning and abandonment outside an existing military base of a new military training area, range or test establishment for training or weapons testing that is to be established for more than 12 consecutive months.		Status Quo
The testing of military weapons for more than five days in a calendar year in an area other than the training areas, ranges and test establishments established before October 7, 1994, by or under the authority of the Minister of National Defence for the testing of weapons.		Status Quo
Low-level flying of military fixed-wing jet aircraft for more than 150 days in a calendar year as part of a training program at an altitude below 330 m above ground level on a route or in an area that was not established before October 7, 1994, by or under the authority of the Minister of National Defence or the Chief of the Defence Staff as a route or area set aside for low-level flying training.		Status Quo