

## **Canadian Environmental Assessment Act (CEAA)**

### **Current Process**

- Triggers to Environmental Assessment:
  1. Federal Money
  2. Federal Land
  3. Law List
- Kinds of Environmental Assessment:
  1. Screening
  2. Comprehensive Study
  3. Panel – Including Federal-Provincial Joint Panels
- Content of Review: “environment” means the components of the Earth, and includes
  - a) Land, water and air, including all layers of the atmosphere,
  - b) All organic and inorganic matter and living organisms, and
  - c) The interacting natural systems that include components referred to in paragraphs (a) and (b);

### **2010 Amendments VIA 2010 Budget Implementation Act**

Added confusion by removing all energy projects from CEAA to National Energy Board, Canadian Nuclear Safety Commission, Offshore Petroleum Boards

### **New Process – Less Certainty/More Confusion**

- Triggers to Environmental Assessment:
  1. No EA Federal Money
  2. Federal Land – but only assessing impact of federal land itself
  3. No Law List
- Kinds of EA:
  1. No More Comprehensive Study
  2. Screening

3. Environmental Assessment (Undefined) (p 93 of Budget – “Standard EA”)

4. Panel

5. Federal discretion to pass on reviews if substation is “appropriate”

- Content of Review:

5(1) For the purposes of this Act, the environmental effects that are to be taken into account in relation to an act or thing, a physical activity, a designated project or a project are

(a) a change that may be caused to the following components of the environment that are within the legislative authority of Parliament;

- (i) Fish as defined in section 2 of the *Fisheries Act* and fish habitat as defined in subsection 34(1) of that Act,
- (ii) Aquatic species as defined in subsection 2(1) of the *Species at Risk Act*,
- (iii) Migratory birds as defined in subsection 2(1) of the *Migratory Birds Convention Act 1994*, and
- (iv) Any other component of the environment that is set out in Schedule 2;

(b) a change that may be caused to the environment that would occur

- (i) on federal lands,
- (ii) in a province other than the one in which the act or thing is done or where the physical activity, the designated project or the project is being carried out, or
- (iii) outside Canada; and

(c) with respect to aboriginal peoples, an effect occurring in Canada and any change that may be caused to the environment on

- (i) health and socio-economic conditions,
- (ii) physical and cultural heritage,
- (iii) the current use of lands and resources for traditional purposes, or
- (iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

S.5(2) Sets out that wherever a federal authority must permit an activity the wider environment can be assessed but only to the extent that this specific permit granted or power exercised directly causes the impact.