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Environmental Assessment Streamlining Federal Government Initiatives

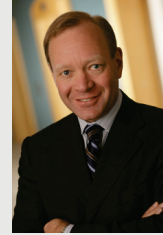
[Brad Armstrong, QC](#) and [Michelle L. Forrieter](#)

On April 17, 2012 the federal government announced its *Plan For Responsible Resource Development*, setting out further details on steps to implement proposals for streamlining the federal environmental assessment (“EA”) process. This Plan follows on the heels of the federal budget and the *Statutory Review of the Canadian Environmental Assessment Act*,¹ which both suggested that these streamlining reforms would be forthcoming. The full announcement materials can be accessed at: www.actionplan.gc.ca/responsibleresourcedevelopment.

The streamlining will be implemented by legislation and regulations to:

- Establish a “project list” describing the categories of projects to which federal EA would apply (rather than triggering an EA for every federal permit or authorization);
- Simplify the current structure of EAs to only two types of reviews: a “standard environmental assessment” and a “review panel assessment” (eliminating the concepts of “screening” and “comprehensive study”);
- Consolidate responsibility for EAs from over 40 different departments and agencies to the Canadian Environmental Assessment Agency. (The NEB will still do EAs for projects within its mandate);
- Set timelines: (i) 12 months for standard EAs; (ii) 24 months for review panels; and (iii) 18 months for EAs conducted by the NEB;
- Allow provincial EAs that meet the substantive requirements of the *Canadian Environmental Assessment Act* (“CEAA”) to replace federal assessments (one project-one assessment);
- Designate a lead department or agency as a single Crown consultation coordinator for specific project reviews and integrate the requirement for aboriginal consultation into the EA process; and
- Negotiate memoranda of understanding with provincial governments to better align federal and provincial consultation processes.

It is expected that amendments to CEAA and regulations necessary to implement these proposals will be issued soon by the federal government. We will continue to monitor developments and provide timely updates.



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¹ For more details on the *Statutory Review of the Canadian Environmental Assessment Act*, see our Bulletin *Environmental Assessment – Improving the Process*, accessible at: <http://www.lawsonlundell.com/resources-news-501.html>.



The proposals will bring the federal approach to EA more into line with provincial processes, which already provide for:

- assessment triggers based on the type and size of project;
- assessment processes managed by a dedicated agency (rather than individual government ministries);
- express timelines for completion of the EA and regulatory process; and
- integration of consultation requirements into the EA.

In addition to the EA streamlining initiative, a number of other measures are proposed to address regulatory issues under the *Fisheries Act*. The federal jurisdiction over fisheries is the main trigger for federal involvement in the environmental assessment of provincial resource projects. We will outline the *Fisheries Act* proposals in a separate bulletin.

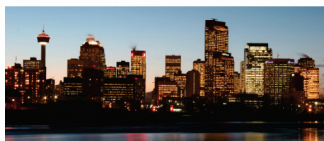
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