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# CEAA 2012: A Practitioners Perspective

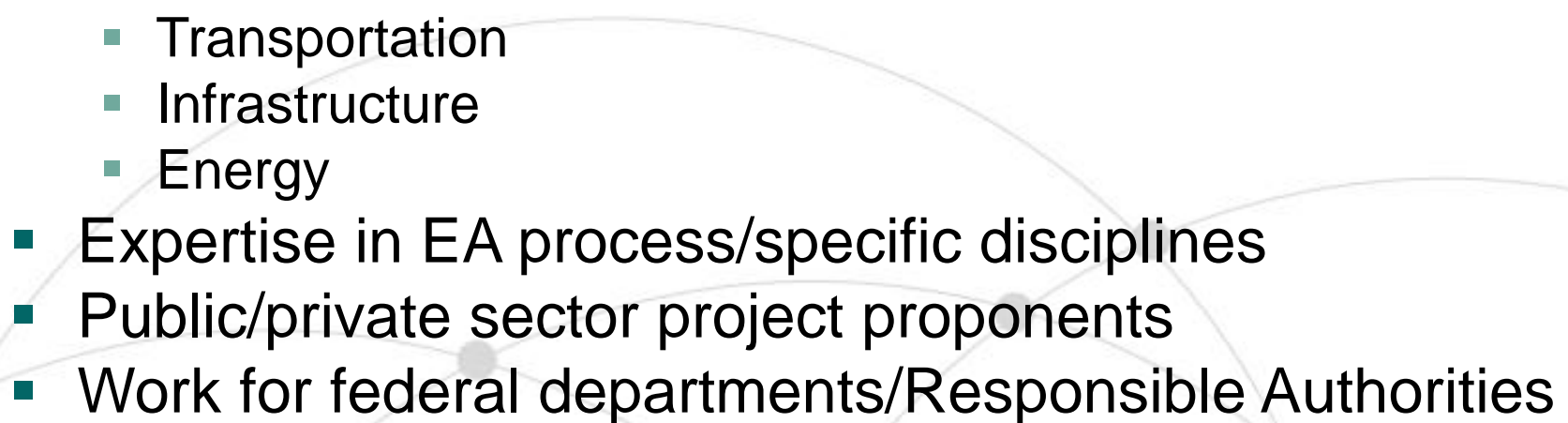
**EMA of BC SPECIAL SESSION: Bill C-38 - Understanding the Changes**

September 13, 2012

# Agenda

- About Hemmera
  - Pre-Bill C38
  - CEAA 2012
  - Benefits
  - Challenges
  - Timelines
  - EIA as Planning Tool
  - Summary
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# About Hemmera

- Services
    - Environmental planning
    - Site Assessment Remediation
    - Risk Assessment
    - FN engagement
  - CEAA/BCEAA assessments
    - Transportation
    - Infrastructure
    - Energy
  - Expertise in EA process/specific disciplines
  - Public/private sector project proponents
  - Work for federal departments/Responsible Authorities
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# Pre-Bill C38 Context

- CEAA review of projects with no/low risk
- Competition for limited review resources
- Role of Responsible Authorities
  - Technical specialists guiding review
  - Not familiar with full range of technical issues
  - Risk manage through federal coordination
  - Limited incentive for expediting review
- Long approval process even for low risk projects

# CEAA 2012

- Projects subject to CEAA 2012
  - Same framework/methodology for assessment
  - CEA Agency will coordinate process
  - Federal departments may have a role providing technical review/input
  - Some projects subject to harmonized review
  - Defined timelines for review

# Benefits of CEAA 2012

- Remove schedule uncertainty for low risk projects
- Focus regulatory resources on high risk projects
- More focused role for federal departments
  - Process coordinator (i.e., CEAA, NEB, CNSC)
  - Technical reviewer
  - Permitting role (e.g., Authorization)
- Reduced costs for proponents (no CEAA)
- Reduced resource requirements for federal departments

# Benefits of CEAA 2012

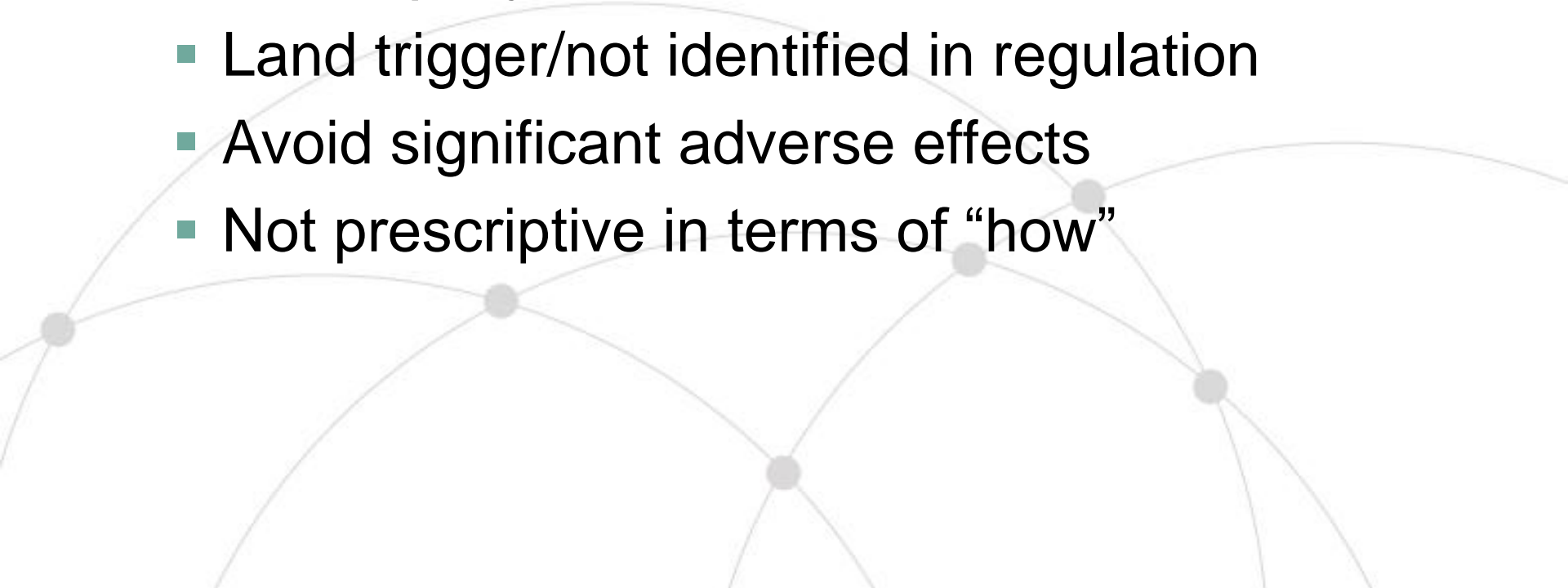
- Increased emphasis on compliance with conditions of federal approval
  - Importance of post-approval monitoring
  - Credibility to approvals process
- Encourages substitution of process/reduces overlaps between federal/provincial reviews
- Removal of alternatives “to” the project
- Defining “interested parties”
  - Focused engagement with key stakeholders
  - Predictable level of effort for public consultation

# Potential Challenges

- Will some high risk projects be missed ?
  - Project type focus vs. thresholds/triggers
  - New technologies/sectors
- Uncertainty about Regulations Designating Physical Activities
- FN consultation requirements
  - No trigger to encourage proponents to undertake early FN dialogue
  - Additional focus on remaining permitting processes?



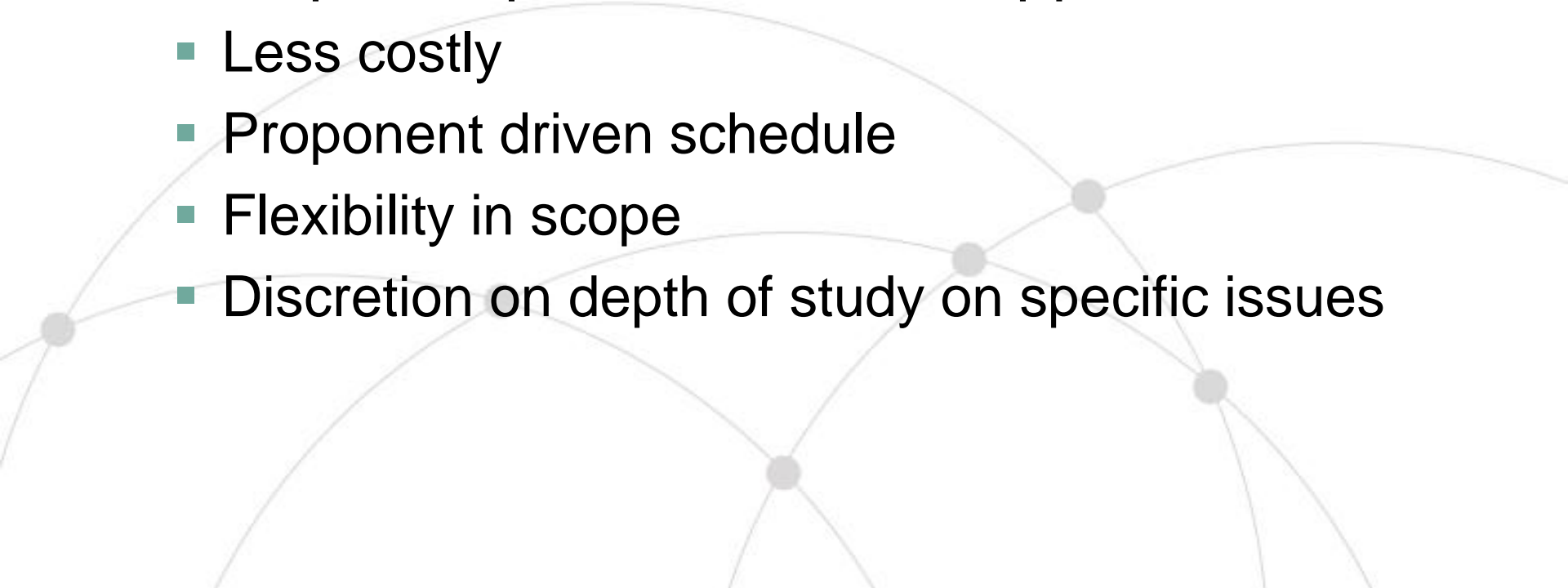
# Potential Challenges

- Reduced capacity of federal reviewers
    - Fewer resources overall
    - Diminishing technical review resources
  - Federal projects
    - Land trigger/not identified in regulation
    - Avoid significant adverse effects
    - Not prescriptive in terms of “how”
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# Timelines

- Federal resources
  - Fewer/focused responsibilities
  - Reduced resources
  - Changes in process/roles of reviewers etc.
- Proponent preparedness
  - Proponents influence on process
  - Increased focus on “complete” submissions
- Likelihood of substantially faster reviews?
  - Defined timelines = government review timeline
  - Preparation of submissions (project description, baseline studies, preparation of EIS etc.)

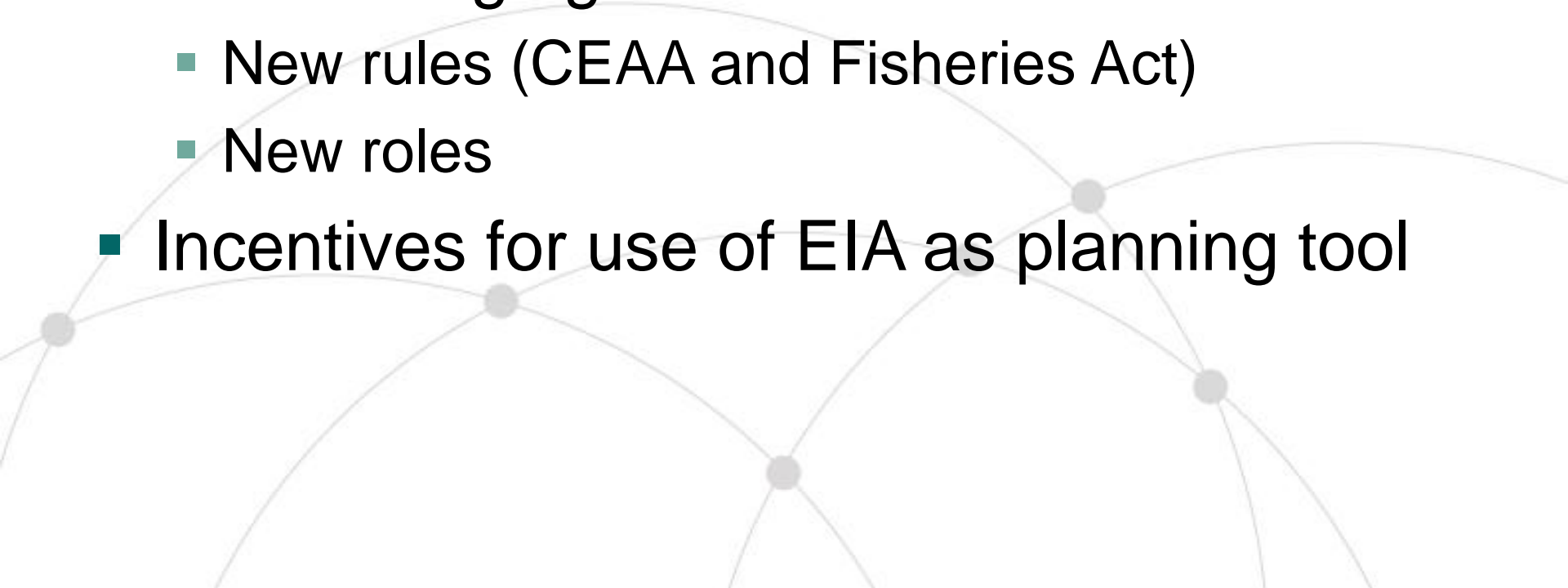
# EIA as Planning Tool

- Regulatory process and planning tool
  - Used by public and private sector clients
  - Same general framework as CEAA/BCEAA
  - Less prescriptive/risk-based approach
    - Less costly
    - Proponent driven schedule
    - Flexibility in scope
    - Discretion on depth of study on specific issues
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# EIA as Planning Tool

- Integrate environment considerations into planning
- Consolidated understanding of permit requirements
- Increased certainty of issues that can impact schedule/costs
  - Sensitive ecosystem values/SARA
  - Physical conditions (hydrology, terrain, etc.)
  - Archaeology
  - Accidents and malfunctions
  - Contaminated sites
- Tool for communicating with stakeholders/First Nations
  - Project scope (construction and operation)
  - Demonstrate effects have been identified and addressed


# Summary

- Improved focus on high risk projects
  - Better use of limited resources
  - Short term (1-2 years) implementation will be challenging
    - New rules (CEAA and Fisheries Act)
    - New roles
  - Incentives for use of EIA as planning tool
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# Questions? Thank You!

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