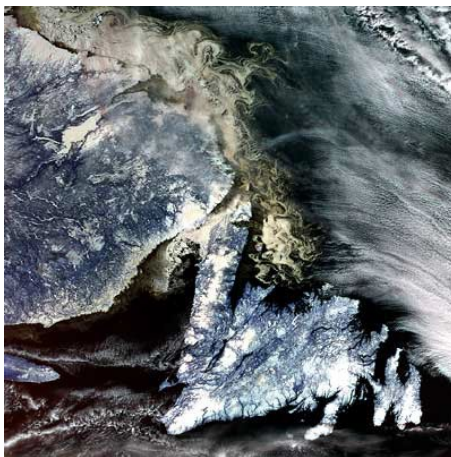


ENVIRONMENTAL ASSESSMENT

- A Guide to the Process



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ENVIRONMENTAL ASSESSMENT

A GUIDE TO THE PROCESS

INTRODUCTION

This booklet summarizes information on the environmental assessment (EA) process in Newfoundland and Labrador. It is not to be considered a final authority or legal document. For further information readers are advised to refer to the **Environmental Protection Act, SNL 2002 cE-14.2** (the **Act**) and the Environmental Assessment Regulations, 2003 (the Regulations) or contact the Department of Environment and Climate Change (the Department).

ENVIRONMENTAL PROTECTION ACT, 2002 AND ENVIRONMENTAL ASSESSMENT REGULATIONS

The **Act** and Regulations can be found on the Department's web site at <https://www.gov.nl.ca/ecc/env-assessment/>. Copies may be obtained from the King's Printer, PO Box 8700, St. John's NL A1B 4J6 or e-mail KingsPrinter@gov.nl.ca.

PURPOSE OF ENVIRONMENTAL ASSESSMENT

The purpose of the **Act** is "to facilitate the wise management of the natural resources of the province and to protect the environment and quality of life of the people of the province". It requires anyone who plans a project that could have a significant impact on the natural, social or economic environment to present the project for examination. The EA process ensures that development projects proceed in an environmentally acceptable manner. When the potential environmental effects of projects are of concern, the EA process generates real benefits by: (i) providing for comprehensive project planning and design, (ii) maximizing environmental protection, (iii) enhancing government coordination, accountability and information exchange, (iv) facilitating permitting and regulatory approval of projects.

The Environmental Assessment Division of the Department administers the EA process including: (i) consulting at every stage with interested government departments and the public, (ii) evaluating submissions by proponents and reviewers, (iii) advising the Minister on potential environmental effects prior to decisions and (iv) monitoring approved undertakings to ensure compliance and effectiveness of mitigation.

FEES

Undertakings are subject to a fee structure in accordance with the current Cost Recovery Policy of the Department, found at <https://www.gov.nl.ca/ecc/env-assessment/fees/>. The fee for registration is \$400 plus HST (non-profit organizations are exempt). In addition, following

registration, undertakings with an estimated capital cost greater than \$5 million are subject to a schedule of fees, outlined in the Cost Recovery Policy to offset the Department's cost of conducting the assessment. Make cheque or money order payable to the Newfoundland Exchequer or pay by credit card by calling the Central Cashier's Office at 709-729-3042, or pay online at <https://www.gov.nl.ca/onlineservices/#online-service-directory>.

OFFENCES

A proponent who proceeds with an undertaking without proper authorization or otherwise contravenes the **Act** may be ordered by the Minister to stop work and may be fined by the Courts. A person found guilty of an offence under the **Act** is liable to a fine of not less than \$1,000 and not more than \$50,000. For a corporation, fines range from \$5,000 to \$1,000,000.

ANNOUNCEMENTS AND INQUIRES

The Minister announces all events pertaining to environmental assessment in the Environmental Assessment Bulletin. Bulletins and project information can be viewed by going to the Department's web page at <https://www.gov.nl.ca/ecc/env-assessment/> and selecting either "projects" or "public notices." The Department would be pleased to add the e-mail address of any interested person to the distribution list. Questions and comments about the environmental assessment process or about specific projects are welcome. Please direct inquiries to:

Director
Environmental Assessment Division
Department of Environment and Climate Change
PO Box 8700
St. John's NL A1B 4J6

Telephone: (709) 729-0673
E-mail: EAProjectComments@gov.nl.ca
Web site: <https://www.gov.nl.ca/ecc/env-assessment/>

WHEN THE ACT APPLIES

UNDERTAKINGS

A project that must be registered for environmental assessment is referred to as an undertaking. The terms “project” and “undertaking” are used interchangeably in this Guide. An undertaking is defined in the **Act** as “an enterprise, activity, project, structure, work or proposal and a modification, abandonment, demolition, decommissioning, rehabilitation and an extension of them that may, in the opinion of the Minister, have a significant environmental effect”. A proponent may be a person, corporation or government department that owns, manages or controls a project.

Part III of the Regulations lists designated undertakings that must be registered. Exceptions not requiring registration are also listed. An index to Part III of the Regulations is contained in Appendix 3 of this Guide, showing all types of undertakings and the section of the Regulations that applies to each. Undertakings are not solely large-scale developments. Smaller projects may also trigger registration, such as scrap yards, quarries and ATV trails. Proposals involving resource conflicts, environmental degradation or public opposition, generally require registration. Notwithstanding Part III of the Regulations, if potentially significant environmental effects are indicated, the Minister may require registration of any proposed undertaking.

ENVIRONMENTAL ASSESSMENT PROCESS

STEP ONE: REGISTRATION AND REVIEW

An undertaking that is subject to the **Act** is required to be registered with the Department for examination. The registration describes the proposed project and outlines how it will affect the bio-physical and socio-economic environments. Proponents must demonstrate in the registration document how the best practicable technology and methods will be used to minimize harmful effects. The registration format is shown in Appendix 1 of this guide.

The proponent must submit 1 digital copy of the registration document along with the appropriate fee and may be required to submit 1 or more paper copies at request. Please note that the Minister reserves the right to require additional paper copies if needed. The Minister will announce the registration in the EA Bulletin within 7 days of registering the undertaking. Copies of the registration are made available and members of the public have 35 days to submit written comments to the Minister. The registration is examined by all interested government departments. The EA Division coordinates the public and governmental review and prepares a recommendation for the Minister. Early registration of an undertaking may prevent costly delays and unnecessary expense.

STEP TWO: MINISTER'S DECISION

Within 45 days of registering an undertaking, the Minister will advise the proponent of the decision on the undertaking. All decisions will be announced in the EA Bulletin within 10 days of notifying a proponent. There are four options for Ministerial decisions:

1. **The undertaking may be released.** The proponent may proceed as indicated in the registration, subject to any terms and conditions that the Minister may set, other Acts or regulations (federal, provincial or municipal). No permits, approvals or authorizations are to be issued or any associated physical activities are to proceed, until the project is released from the assessment process.
2. **An Environmental Preview Report (EPR) may be required.** An EPR is required when additional information is needed that is not contained in the registration. Upon receipt of the EPR the Minister may judge whether a project may be released or if an Environmental Impact Statement (EIS) is necessary.
3. **An Environmental Impact Statement (EIS) may be required.** The submission of an EIS is ordered where significant potential negative environmental effects are indicated or where there is significant public concern about a proposal. An EIS includes a comprehensive environmental review of a complete project description including alternatives, original research on the existing environment, identification and evaluation of potentially significant environmental effects, an evaluation of proposed mitigation measures to minimize harmful effects and monitoring programs.
4. **The undertaking may not proceed.** This may occur if an unacceptable environmental effect is indicated, the undertaking is not in the public interest, and/or if the undertaking is inconsistent with an existing law or government policy. A decision that the project is not to proceed would be made by Cabinet.

STEP THREE: PREPARATION OF EPR/EIS GUIDELINES

Assessment Committee: When an EPR or EIS is ordered, the Minister will appoint an Assessment Committee, in accordance with section 5 of the Regulations. Committees are comprised of technical experts from both provincial and federal government departments with an interest in a given project. The committee is chaired by a staff person from the Environmental Assessment Division. The basic roles of committees include: (i) recommending EPR and EIS guidelines for issuance by the Minister, (ii) reviewing and evaluating the EPR and EIS documents submitted by the proponent, (iii) reviewing public submissions, (iv) providing advice to the Minister. Proponents are guided by the Committee during the course of preparing the guidelines, the EPR and the EIS documents.

EPR and EIS Guidelines: Guidelines are based on comments received during the review of the registration and meetings with the proponent, government departments/divisions and public groups. The Assessment Committee will consult with the proponent during the course of preparing Guidelines. Guidelines will focus on the main unanswered questions in determining the significance of environmental effects. EPR Guidelines are issued by the Minister to the

proponent within 60 days of the EPR decision and then made available to the public. EIS Guidelines are issued within 120 days of the EIS decision and are subject to a 40 day public review prior to approval by the Minister.

STEP FOUR: PROPONENT PREPARATION OF EPR/EIS

The Environmental Assessment Division will endeavour to facilitate the process for proponents at all stages.

Proponent prepares an Environmental Preview Report. An EPR will focus on the main unanswered questions in the registration, based on EPR Guidelines. EPRs typically rely on existing information and original fieldwork is not usually required.

Proponent prepares an Environmental Impact Statement. An EIS will focus on key issues relating to the effects of the project on both the bio-physical and socio-economic environments, based on EIS Guidelines. Original research is often required on the existing environment and anticipated effects. The EIS is required to contain information as outlined in Section 57 and 58 of the **Act**.

One or more **component studies** may be required in the preparation of an EIS, in accordance with the Regulations. This is typically done when data is needed on existing valuable ecosystem components (such as caribou, fish or rare plants), which may be significantly affected by the project. Component studies, although part of the EIS, are distinct documents with separate Guidelines, public review and approval.

In the course of gathering data for an EIS, the proponent is required to implement a **public information program** for the area affected by the undertaking. Through such a program, local residents will be fully informed of the nature of the project and its effects on the environment, and copies of all reports on original studies undertaken for the EIS will be made available. The concerns of the public must be recorded and addressed in the EIS. A public information program may be required during the preparation of an EPR.

STEP FIVE: EPR/EIS REVIEW AND DECISION

The **EPR approval process** is contained in section 54 of the **Act** and section 7 of the Regulations including receipt of the EPR, Ministerial announcement, public review and comment, EA Committee recommendation and Minister's acceptance and decision.

The **EIS approval process** is defined in sections 57 to 67 of the **Act** and section 11 of the Regulations and includes the following steps: receipt of the EIS; Ministerial announcement; public review and comments; EA Committee recommendation and Minister's acceptance; Ministerial recommendation to Cabinet; and Cabinet decision. If there is strong public interest or concern regarding an undertaking, the Minister may request Cabinet to appoint an environmental assessment board for the purpose of conducting public hearings.

Cabinet may reject any undertaking where (i) unacceptable impacts are identified, (ii) the undertaking is contrary to law or policy, (iii) it is in the public interest to do so.

FEDERAL IMPACT ASSESSMENT PROCESS:

Undertakings that are subject to the **Act** are also reviewed by the Federal government in accordance with the **Impact Assessment Act (IAA)** in an effort to informally harmonize the provincial and federal review process in an effective and timely manner.

Projects designated for assessment under the **IAA** are described in the Physical Activities Regulations found at <https://laws.justice.gc.ca/eng/regulations/SOR-2019-285/index.html>.

For further information on the federal environmental assessment process, please contact:

Impact Assessment Agency
1801 Hollis Street, Suite 200
Halifax NS B3J 3N4
Phone: (902) 426-0564
Fax: (902) 426-6550
email: atlanticregion-regiondelatlantique@iaac-aeic.gc.ca

APPENDIX 1

REGISTRATION FORMAT

This format outlines the nature and sequence of the information required in an Environmental Assessment Registration. The proponent should reproduce the text of each section as it appears below, adding the required information. The information should be brief but comprehensive. The original (including attached large-scale maps) plus **a minimum 1 digital copy** (including maps) and, if requested, 1 or more paper copies should be submitted. See Appendix 2 for further information on the submission of computerized copies of documents. **The Minister may require additional paper copies and/or translation to French.**

It is recommended that you submit a draft of the environmental assessment submission prior to registering the project, to provide an opportunity for a high-level review and feedback.

A separate cover letter should be provided with the Registration document attached. The cover letter should include the telephone number, mailing address and email address for the proponent and the principle contact person for the purpose of environmental assessment.

NAME OF UNDERTAKING:

PROPONENT:

- (i) Name of Corporate Body:
- (ii) Chief Executive Officer:
Name:
Official Title:
- (iii) Principal Contact Person for purposes of environmental assessment:
Name:
Official Title:

Proponents, where applicable, must be in good standing with the Registry of Companies.

THE UNDERTAKING:

- (i) Name of the Undertaking:
- (ii) Purpose/Rationale/Need for the Undertaking:

DESCRIPTION OF THE UNDERTAKING:

Under Sections (i) through (vi) below, the proponent shall provide complete information concerning the preferred choice of location, design, etc., together with additional information on any alternatives which may have been considered and rejected, but which may still be regarded as viable. Reasons for the rejection of those alternatives should be included.

(i) Geographical Location:

- Provide a description of the proposed site, including boundaries if possible.
- Attach large scale (e.g. 1:12,500) original base map(s) and/or recent air photos clearly indicating the site location relative to existing communities and transportation facilities and showing the proposed route of access. The National Topographic Survey edition should be affixed to the map(s).
- Provide multiple maps of different scales

(ii) Physical Features:

- Describe the major physical features of the undertaking, including buildings, other large structures, roads, pipelines, transmission lines, marine facilities, etc.
- Provide the size of the area to be affected by the undertaking.
- Attach an artist's conceptual drawing/visual rendering/aerial imagery.
- Describe the physical and biological environments within the area potentially affected by the project, e.g. topography, water bodies, vegetation, wildlife species, fish, threatened/endangered species, protected areas, residential/public/ commercial/industrial/recreational infrastructure, human receptors of potential adverse environmental effects, etc.

(iii) Construction (if applicable):

- Provide the approximate total construction period (if staged, please list each stage and its approximate duration).
- Proposed date of first physical construction related activity on site.
- Describe the potential sources of pollutants during the construction period(s) including airborne emissions, liquid effluents and solid waste materials.
- Describe any potential causes of resource conflicts.
- Propose measures to **mitigate potential adverse environmental effects** on receptors and resource/land use conflicts.
- Describe public and Indigenous consultation that was conducted to address construction concerns.

(iv) Operation:

- Describe how the undertaking will operate.
- Estimated period of operation, if not a permanent facility.
- Describe all potential sources of pollutants during the operating period, including airborne emissions, liquid effluents and solid waste materials.
- Describe any potential causes of resource conflicts.
- Propose measures to **mitigate potential adverse environmental effects** on receptor and resource/land use conflicts.
- Describe public and Indigenous consultation that was conducted to address construction concerns.

(v) Occupations:

- Estimate the number of employees required for the construction and operations of the project as well as the expected duration of employment.
- Provide an enumeration and breakdown of occupations anticipated for this undertaking according to the National Occupational Classification 2021 (<https://www.statcan.gc.ca/en/subjects/standard/noc/2021/indexV1>). This information is used to determine if any hazardous occupations are involved.
- Identify how employment equity will be addressed relative to age and gender. For further information on gender equity, contact the Office for the Status of Women and Gender Equality at 709-729-5098 or visit <https://www.gov.nl.ca/exec/osw/>.

(vi) Project Related Documents:

- Provide a bibliography of all project-related documents already generated by or for the proponent.
- Provide one copy of any reports on environmental work already performed by or for the proponent.

APPROVAL OF THE UNDERTAKING:

List the permits, licences, approvals and other forms of authorization required for the undertaking, together with the names of the authorities responsible for issuing them (e.g. federal government department, provincial government department, municipal council, etc.)

SCHEDULE:

Indicate the earliest and latest dates when project construction could commence (assuming all approvals are in place). Briefly state the reasons for the selection of these dates.

CAPITAL COST AND FUNDING

Provide the estimated capital cost of the undertaking, in accordance with the Department's Cost Recovery Policy, which is posted on the Department's web page at <https://www.gov.nl.ca/ecc/env-assessment/fees/>.

If this project depends upon a grant or loan of capital funds from a government department or agency (federal, provincial or otherwise) provide the name and address of the entity from which funds have been requested.

Date

Signature off Proponent/Chief Executive Officer

The completed Registration and the digital and paper copies should be sent, together with a covering letter, to:

Minister of Environment and Climate Change
PO Box 8700
St. John's NL A1B 4J6
Attention: Director of Environmental Assessment

Digital copies of the registration document can be submitted by email E-mail to:
EAProjectComments@gov.nl.ca

APPENDIX 2

GUIDELINES FOR PREPARING COMPUTERIZED COPIES OF ENVIRONMENTAL ASSESSMENT DOCUMENTS

Section 3(1) of the Environmental Assessment Regulations authorizes the Minister to require submission of computerized documents. These guidelines are provided to assist proponents with the preparation of such documents.

- The proponent must ensure that all electronic documents are accurate, legible and properly formatted before submission.
- PDF format is preferred, but other formats may be accepted.
- Electronic documents submitted must be searchable.
- The content of the computer file(s) should be identical to the paper copy.
- If multiple files are required, each file should be labelled to reflect its order of appearance in the paper copy (e.g. Registration, Appendix 1 etc.).
- For maps, choose a font size for labels and legends that is easily read on screen or in print.
- Present maps in horizontal format to facilitate reading on the screen.
- Label all maps, charts, graphs etc. horizontally.
- Hyperlink headings in Table of Contents (including lists of figures/tables etc.) to body of document.
- Hyperlink from references in text to maps/appendices etc.
- We recommend that larger PDFs include bookmarks to facilitate searching of information.
- Please include ESRI shapefiles or KMZ files where applicable.
- Include a single file of the entire document.
- If there is a summary, include it as a separate file.
- If the entire document is a large file, divide it into smaller files.

APPENDIX 3

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