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PULP AND PAPER GREEN TRANSFORMATION PROGRAM

ENVIRONMENTAL ASSESSMENT GUIDE

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Canada

OVERVIEW

Purpose

This Guide is intended to clarify and support the efforts of proponents in conducting effective Environmental Assessments (EAs) and preparing related documentation in support of their Pulp and Paper Green Transformation Program (PPGTP) funding applications.

Specifically, the Guide:

- Sets out and clarifies the EA process followed by NRCan under the *Canadian Environmental Assessment Act* (CEAA) for projects likely to receive PPGTP funding; and
- Provides support and tools for proponents to assist them in meeting their EA requirements by providing guidance on the preparation of an Environmental Impact Statement (EIS).

Structure

This Guide is divided into 2 Parts:

- PART I BACKGROUND AND CONTEXT
- PART II EIS REPORT PREPARATION INSTRUCTIONS

Additional Guidance

NRCan recommends that all proponents of projects under the PPGTP obtain a copy of the CEAA and its supporting regulations from the Canadian Environmental Assessment Agency (CEA Agency). Copies may be obtained via the CEA Agency website at www.ceaa-acee.gc.ca. If there is any doubt regarding interpretation between this Guide and the legislation, proponents are directed to rely on the specific wording contained in the legislation.

Disclaimer

These guidelines are distributed for information purposes only and do not necessarily reflect the views of the Government of Canada or constitute an endorsement of any commercial product or person. Canada and its ministers, officers, employees and agents do not make any warranty with respect to these guidelines or assume any liability arising from these guidelines. Proponents are encouraged to consult the *Canadian Environmental Assessment Act*, any amendments to it and any related regulations.

LIST OF ACRONYMS AND ABBREVIATIONS

CEAA	-	<i>Canadian Environmental Assessment Act</i>
CEA Agency	-	Canadian Environmental Assessment Agency
EA	-	Environmental Assessment
EIS	-	Environmental Impact Statement
NRCan	-	Natural Resources Canada
PPGTP	-	Pulp and Paper Green Transformation Program

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ENVIRONMENTAL ASSESSMENT GUIDE FOR THE PULP AND PAPER GREEN TRANSFORMATION PROGRAM

PART I: BACKGROUND AND CONTEXT

Introduction

This Guide is intended to clarify and support the efforts of proponents of the *Pulp and Paper Green Transformation Program* (PPGTP) who are to provide the information upon which the Government of Canada will fulfill its obligations under the *Canadian Environmental Assessment Act* (CEAA).

Part I provides the context for the Environmental Assessment (EA) process, including information about the PPGTP, the CEAA, the steps that proponents must undertake to complete the EA, and the role and responsibilities of the federal government in the EA process.

Part II provides guidance for the preparation of Environmental Impact Statements (EIS). Appendix A is an updated *Environmental Assessment Checklist* that must be completed by all proponents. The remaining appendices provide useful links to relevant information, a glossary of terms and other templates that may aid in proponents in the EA process. In addition to this Guide, sample text for Environmental Impact Statement for proponents undertaking two specific classes of projects that may not require a more complex screening or comprehensive study can be found online at the PPGTP website.

Pulp and Paper Green Transformation Program (PPGTP)

The *Pulp and Paper Green Transformation Program* (PPGTP) was announced by Canada's Minister of Natural Resources on June 17, 2009. The Program, which has an end date of March 31, 2012, seeks to improve the environmental performance of Canada's pulp and paper industry. Expected outcomes of the Program include:

- improved energy efficiency at Canadian pulp and paper mills;
- increased production of renewable energy at Canadian pulp and paper mills;
- improved environmental performance at Canadian pulp and paper mills; and
- investments in innovation and technology that contribute to an environmental and commercially sustainable pulp and paper industry in Canada.

Program funding will be allocated to Canadian pulp and paper mills based on a credit of \$0.16/litre of black liquor produced at these facilities between January 1 and December 31, 2009 (or to a Program cap of \$1.0 billion, whichever comes first). These credits may be used to finance approved capital projects with environmental benefits, such as investments in energy efficiency or the production of renewable energy from biomass.

Funding for projects approved under the PPGTP will be allocated using a two-step process, which is outlined in detail in the *Applicant's Guide* and available online at <http://cfs.nrcan.gc.ca/subsite/pulp-paper-green-transformation/applicantsguide>. Environmental

Assessment is part of Step 2 in the application process, following the determination of black liquor production credits and in conjunction with the submission of project proposals.

Canadian Environmental Assessment Act

The *Canadian Environmental Assessment Act* (CEAA)¹ establishes the legal basis for Environmental Assessment (EA) at the federal level in Canada. The CEAA defines a process for assessing the potential environmental effects of projects in which the Government of Canada has a decision-making responsibility. It outlines the responsibilities, requirements and procedures for federal EAs.

Under the CEAA, a federal department or agency is required to ensure that an EA is conducted for projects that relate to a “physical work” and for any proposed physical activity listed in the *CEAA Inclusion List Regulations*. This applies whenever a federal department or agency:

- proposes or undertakes a project (Proponent);
- grants money or any other form of financial assistance to a project (Funding);
- grants an interest in land to enable a project to be carried out (Property); and/or
- exercises a regulatory duty in relation to a project, such as issuing a permit or license that is included in the *Law List Regulations* under the CEAA (s. 5(1)).

Under the CEAA, a federal department or agency that has a legal obligation to ensure that an EA is undertaken is called a Responsible Authority. A decision by Natural Resources Canada (NRCan) to fund a project under the PPGTP will, in most cases, trigger the requirement to complete a federal EA under the CEAA, making NRCan a Responsible Authority for the project.

A Responsible Authority such as NRCan must ensure that an EA is carried out in accordance with the CEAA before it exercises any power, duty or function that would allow a project to proceed, and must consider the findings of the EA in such a decision. Under the CEAA (s. 17(1)), a Responsible Authority may delegate the completion of the EA, but cannot delegate the EA determination (s. 20(1) or 37(1)). This means that the proponent may be responsible for preparing elements of the EA, but the final determination related to the EA rests with the Responsible Authority.

The CEAA establishes four levels of assessment for projects and a process for determining the appropriate level. The four levels of assessment are:

- Screening
- Comprehensive Study
- Panel Review
- Mediation

An EA under the CEAA must be a stand-alone document that provides the Responsible Authority and the public with the details of:

- the proposed project;
- the existing environment relevant to the project;

¹ The CEAA can be found online via the Canadian Environmental Assessment Agency at www.ceaa-acee.gc.ca

- the potential interactions between the two;
- the nature of the effects of those interactions;
- potential effects arising from malfunctions and accidents;
- potential effects of the environment on the project;
- potential cumulative environmental effects;
- consultation undertaken and findings;
- measures to mitigate environmental effects;
- the significance of any residual effects following mitigation; and
- follow-up measures to be implemented.

Environmental Assessment in the context of the PPGTP

It is anticipated that most proponents seeking funding from the PPGTP will, if they trigger a requirement for an EA under the CEAA, require a “screening level” assessment of their project (see above). Depending on the nature of the proposal, certain projects may be captured under the CEAA *Exclusion List Regulations, 2007* and will therefore not require an EA. Notwithstanding the application of the CEAA, proponents must comply with all applicable federal legislation, such as the *Canadian Environmental Protection Act*, the *Species at Risk Act*, the *Migratory Birds Convention Act*, the *Navigable Waters Protection Act*, and the *Fisheries Act*. Larger projects, as described in the *Comprehensive Study List Regulations*, will undergo the comprehensive study process. In the case of a comprehensive study, referral of a project to a review panel or mediator under the CEAA is at the discretion of the Minister of the Environment.

It is the responsibility of NRCan and other Responsible Authorities to determine if the CEAA applies to a specific project, and what level of EA reporting is required. **To assist NRCan in making these decisions, proponents are required (as a first step) to complete the updated *Environmental Impact Checklist*** (see Appendix A). (Note: This checklist was also originally featured in Appendix II of the PPGTP *Applicant’s Guide*, but has been slightly revised.) If the CEAA does not apply, the remainder of the EA process is not applicable. If it is determined that the CEAA applies, the federal EA process must be completed prior to NRCan making a decision to perform a duty or function in relation to a project, including the provision of funding.

How to complete a Screening-Level Assessment (or EIS)

NRCan will delegate preparation of the necessary technical studies (subsequently referred to as the Environmental Impact Statement or EIS) to the Proponent. The EIS must include consideration of each of the factors identified in Section 16 of the CEAA. To assist PPGTP proponents in this task, Part II of this Guide provides a detailed outline and guidance for preparing an EIS. **Proponents are asked to submit the EIS along with their project proposal.**

To assist proponents preparing submissions for projects with very limited potential to interact with the environment, namely installation of variable speed drives, the PPGTP has provided sample text for EIS reports on its website (<http://cfs.nrcan.gc.ca/subsite/pulp-paper-green-transformation>). Proponents submitting proposals for projects similar to this example are encouraged to use this sample text. All other projects should follow the EIS preparation instructions included in Part II of this Guide. Presenting the EA information in a format that is

consistent with this Guide is strongly recommended since it will facilitate a timely review of the EIS. As a minimum requirement, proponents must provide all of the information requested in this Guide.

Federal Review

Once the EIS is submitted to NRCan, the department will conduct a review of the EIS and in response prepare an EA Screening Report based on the EIS information and analysis (see *General Environmental Assessment Process* below). **All proponents should note that information related to the EA of proposed projects is public information** and, as such, will be made available to the public in accordance with the CEEA through the Canadian Environmental Assessment Registry (<http://www.ceaa-acee.gc.ca/050/index-eng.cfm>).

Costs

The cost to undertake an EA of a proposed project varies from project to project. Proponents will assume the financial cost related to the development of an EA. However, costs associated with an EA for approved capital projects are considered eligible for reimbursement under the PPGTP.

Timelines

While NRCan may enter into a Contribution Agreement with a project proponent prior to the completion of an EA, invoices will not be paid until the EA is completed and NRCan has determined that the project is not likely to cause significant adverse environmental effects.

Approximate timelines for completion of the EA process for the PPGTP are indicated below.

Verification of projects captured under the Exclusion List Regulations	Two (2) weeks
Review and Decision for projects with no interaction with the environment	Two (2) months
Review and Decision for projects that may have adverse environmental effects	Up to six (6) months

These timelines are program goals and will depend on several factors, including:

- the quality of information provided in the EIS;
- co-ordination with other federal departments, particularly those that need to issue project approvals or permits;
- consultations with Aboriginal peoples;
- harmonization of processes with the provinces; and
- the quality and timeliness of additional information received following review.

Projects that require a comprehensive study or a review panel assessment may require a longer period of time to assess.

Environmental Assessment at Natural Resources Canada

As mentioned above, NRCan has a legal obligation to ensure that an EA is carried out in accordance with the CEAA before it exercises any power, duty or function with respect to a project. In accordance with CEAA, s. 17(1), NRCan is delegating the preparation of the EIS to the proponent applying to the PPGTP.

General Environmental Assessment Process

The EA checklist provided in this Guide (Appendix A) is designed to help proponents determine whether or not an EA is required for their project. If an EA is required, proponents are asked to submit an EIS along with their project proposal. The procedure outlined below describes the major steps in the EA process for most projects anticipated under the PPGTP, but is not comprehensive. For additional guidance, proponents should contact NRCan to discuss the specific process that will be followed for the EA of their project.

At the outset of the EA process NRCan will identify, through the federal coordination process (see below) all other federal departments or agencies with an interest in the project. Specifically, this process will identify whether there are other Responsible Authorities for the project, and which federal departments will provide expertise to NRCan in reviewing the EIS. At this point, NRCan may also identify provincial departments that will provide expertise.

In meeting its EA obligations for the PPGTP, NRCan will review the EIS prepared by proponents to confirm whether the department will arrive at the same conclusions as the proponent. When appropriate, NRCan will draw upon the expertise of the identified federal and provincial departments for this review. The proponent will be expected to fully address comments, questions and information requests stemming from the EIS review. Then NRCan, and any other Responsible Authorities, will use the EIS and other information obtained to make its decision under CEAA.

NRCan, in cooperation with any other Responsible Authorities, will prepare a brief EA Screening Report to meet the requirements of the CEAA (s. 20(1)). The EA Screening Report will be based on the information provided in the EIS and NRCan's review process. It will document NRCan's EA determination and summarize the actions that the proponent will need to take, if any, to mitigate the adverse environmental effects of the proposed physical work and associated activities. Normally, the mitigation measures will be those put forward by the proponent along with an accompanying commitment to implement. However, there may be occasions where NRCan and other Responsible Authorities may require or propose different or additional mitigation measures. Where the EA determines that specific mitigation measures are required, and/or when follow-up program requirements are identified during the EA, NRCan may use terms and conditions in the project's Contribution Agreement to ensure that these measures are carried out.

Purpose of the EIS

As mentioned above, proponents are responsible for preparing and submitting an EIS that is compliant with the CEAA. The EIS must be a stand-alone document that is sufficiently detailed and comprehensive to enable NRCan and others, including the public, to easily understand how the proponent arrived at their conclusions regarding environmental impacts of a project. This means that all assumptions need to be identified, and conclusions need to be supported by an accompanying rationale. Ensuring that the EIS is appropriately comprehensive and detailed will likely reduce the need for subsequent requests for additional information.

Proponents must provide all of the information requested in Part II of this Guide in their EIS, and are strongly encouraged to follow the structure set out in Part II. Failure to follow the structure outlined in this Guide may result in longer timelines for review. Proponents seeking to install variable speed drives may use, in addition to this Guide, the sample text available for download on the PPGTP website. Proponents should note that if a project includes a component listed on the *Comprehensive Study List Regulations*, it would trigger the requirement for a comprehensive study level of assessment. In such cases, it is advisable that proponents consult NRCan as early as possible to obtain guidance on the approach to be taken.

Federal Coordination

Depending on the nature of a proposed project, it is possible that other federal departments or agencies may also have decision-making authority (e.g., Fisheries and Oceans Canada for fish habitat protection), in which case they would also be considered Responsible Authorities. Similarly, it is possible that other federal departments or agencies may have expert knowledge pertaining to the project that NRCan may want to access. These departments are referred to as Federal Authorities.

To facilitate the identification and coordination of Responsible Authorities and Federal Authorities, NRCan circulates project proposals to other federal departments and agencies in accordance with the CEAA *Federal Coordination Regulations*.

When the proponent is gathering information for the preparation of the EIS, it is suggested that they contact the federal government departments that may have a responsibility or expertise pertaining to the project. This will help ensure that information required by these departments is included in the EIS, and the EIS review and approval process is facilitated.

In the context of the PPGTP, federal departments that should be considered for consultation and that may have a role include, but are not limited to, those listed below in Table 1.

Table 1. Examples of federal departments to be considered for consultation

Department	Potential Regulatory Role / Expert Advice
Natural Resources Canada	<ul style="list-style-type: none"> • General environmental quality and sustainability considerations
Environment Canada	<ul style="list-style-type: none"> • General environmental quality and sustainability considerations • <i>Fisheries Act s. 36</i> (pollution prevention provisions) • <i>Canadian Environmental Protection Act</i> • <i>Species at Risk Act</i> • <i>Migratory Birds Convention Act</i>
Fisheries and Oceans Canada	<ul style="list-style-type: none"> • <i>Fisheries Act</i> • <i>Species at Risk Act</i>
Indian and Northern Affairs Canada	<ul style="list-style-type: none"> • Aboriginal considerations
Health Canada	<ul style="list-style-type: none"> • Health effects
Transport Canada	<ul style="list-style-type: none"> • <i>Navigable Waters Protection Act</i>

Harmonization with Provincial Environmental Assessment

For some projects being considered under the PPGTP, it is likely that the applicable province will also have a requirement for an EA. Federal/Provincial agreements have been established to harmonize EA processes. A link to those agreements is presented in Appendix B. Where applicable, NRCan encourages the preparation of one EIS to satisfy the requirements of both the federal and provincial processes.

Role of the Canadian Environmental Assessment Agency

The Canadian Environmental Assessment Agency (CEA Agency) is the federal entity accountable to the Minister of the Environment for EA policy and operational guidance and to Canadians for high-quality EAs that contribute to informed decision-making, in support of sustainable development. The CEA Agency is responsible for:

- administration of the CEAA;
- encouraging and facilitating public participation in EA;
- promoting high-quality EA through training and guidance;
- providing administrative and advisory support for review panels, mediation, comprehensive studies and class screenings;
- promoting the use of Strategic Environmental Assessment; and
- assuming the role of Federal Environmental Assessment Coordinator (where applicable).

Proponents may contact the CEA Agency for advice regarding the conduct of EAs under the CEAA. Further information regarding the CEA Agency roles and contacts is available on their website at www.ceaa-acee.gc.ca.

Public Registry

Public participation is listed as a guiding principle in the CEAA. To help promote public participation, Responsible Authorities must establish a public registry for every project.

Information concerning the project EA must be placed on the public registry by the Responsible Authority and made available to the public via the Canadian Environmental Assessment Registry (CEAR) website. As the Federal Environmental Assessment Coordinator, NRCan has responsibility for the public registry and for posting information on the CEAR website for the PPGTP.

Confidential information can be protected under the *Access to Information Act*. Information protected under this Act will not be disclosed to the public and accordingly would not be placed in the public registry. **Should any information submitted to NRCan during the EA process be considered protected, this must be clearly identified as such.**

Contact Information

For more information regarding the Pulp and Paper Green Transformation Program, please contact:

Pulp and Paper Green Transformation Program
Natural Resources Canada
615 Booth Street, Room 169
Ottawa, ON K1A 0E9
Email: pulpandpaper@nrcan.gc.ca
Website: <http://cfs.nrcan.gc.ca/subsite/pulp-paper-green-transformation>

PART II: ENVIRONMENTAL IMPACT STATEMENT (EIS) PREPARATION INSTRUCTIONS

As provided for under the CEAA, NRCAN will delegate the responsibility for preparation of a screening-level EA that complies with the CEAA to the project proponent. The screening-level EA is referred to in this guide as an Environmental Impact Statement (EIS). The EA checklist provided in this Guide (Appendix A) is designed to help proponents determine whether or not an EA is required for their project. **Proponents whose project requires an EA are asked to submit their EIS to NRCAN with their Project Proposal.**

The following sections provide generic guidance for preparation of a screening level EIS by the proponent. Technology-specific sample text for EIS reports related to the installation of variable speed drives can be found on the PPGTP website. Proponents requesting funding for projects similar to this one are strongly encouraged to use the sample text and this Guide, as the basis for their EIS.

If a proponent proposes a project that is in the *Comprehensive Study List Regulations*, they should contact NRCAN as soon as possible.

Proponents are encouraged to follow the structure presented in Part II of this Guide to complete their EIS report. Presenting the EA information in a format that is consistent with this Guide is strongly recommended since it will facilitate a timely review of the EIS. As a minimum requirement, proponents must provide all of the information requested in this Guide.

CEAA and screening-level EA

NRCAN recommends that all proponents obtain a copy of the CEAA and its supporting regulations from the CEA Agency. This can be done via the CEA Agency website (www.ceaa-acee.gc.ca). If there is any doubt regarding interpretation between this guide and the legislation, proponents are directed to rely on the specific wording contained in the legislation.

The CEAA (s.16(1)) stipulates that every screening-level EA is required to consider the following factors:

- Environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project, and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out;
- Significance of the effects listed in the previous paragraph;
- Comments from the public that are received in accordance with the CEAA and its supporting regulations;
- Gaps in knowledge and/or contrary opinions;
- Measures that are technically and economically feasible and that would mitigate any adverse environmental effects of the project, particularly effects that are significant; and
- Any other matter relevant to the screening, such as the need for the project and alternatives to the project, that the Responsible Authorities may be required to consider.

General information

Required Copies and Submission Address

The proponent must provide two hard copies of the EIS report and its appendices, and one electronic version on CD. The EIS must be sent to NRCan at the following address:

Pulp and Paper Green Transformation Program
Natural Resources Canada
615 Booth Street, Room 169
Ottawa, ON K1A 0E9

EIS Report Cover Page

The cover page of the EIS report should contain the following:

- Project title
- Name of facility
- Project location (city and province)
- Project proponent (legal name of company)
- Consultant (company) that prepared the EIS (if different from the proponent); and
- Report date.

EIS Report Signature Page

The EIS report signature page should indicate the name of the proponent, and include their signature and the date of signature. This page should also indicate the name of the consultant, if applicable, hired to prepare the report, as well as the consultant's signature and date of signature. The proponent is responsible for the content of the EIS and any commitments made therein. Therefore, the proponent is required to sign the report even if independent consultants were used.

EIS Section 1: Project Summary

Within the following sections, the proponent should provide a summary of the project and scheduling information. Detailed information about the project should be provided in Sections 2.1 to 2.4 of the EIS report.

1.1 Project Proponent

Indicate the following details about the project proponent:

- Name (person responsible for project)
- Title
- Facility
- Company
- Address
- Telephone / Fax
- E-mail

1.2 Author of EIS

Indicate who completed the EIS if different from the project proponent, including:

- Name (person responsible for report)
- Company
- Address
- Telephone / Fax
- E-mail

1.3 Project Title

Indicate the official title/name of the project.

1.4 Project Location

Include the following information about the project location:

- City (or nearest city) and province
- Exact coordinates (latitude and longitude)
- Proximity to waterbody
- Status of land ownership and current land use

1.5 Project Purpose

Include a description of the project objectives and a general description of the project's main components, i.e., what work will be undertaken.

1.6 Project Schedule

Provide details on the expected roll-out of the project, including:

- Planning/preliminary engineering (year/month/day)
- Start of construction (year/month/day)
- Commissioning (year/month/day)

1.7 Total Project Cost and Requested NRCan Funding

Provide an indication of the total cost of the project and the funding amount requested from the PPGTP.

1.8 Provincial Environmental Assessment

If a provincial EA is expected, underway or has been completed, provide the contact name and address of the provincial departments/agencies involved.

1.9 Consultation

This section of the EIS should briefly summarize consultation activities undertaken by the proponent in relation to this project. Detailed information on public participation and Aboriginal consultation should be provided in Sections 8 and 9 respectively, as outlined in this Guide.

1.10 Environmental Assessment Method

This section of the EIS should summarize how the EA was conducted. It should also describe which data sources and indicators were used to characterize the environment and identify the environmental effects associated with the project and how the significance of the residual environmental effects was determined.

Supporting documentation, when available, should be referenced and attached as appendices.

EIS Section 2: Project Description

A clear and detailed project description will assist NRCan in assessing the proponent's EIS, and enable NRCan to determine if other Federal Authorities have an interest or responsibilities in regards to the project (e.g., Fisheries and Oceans Canada is responsible when fish habitat is at risk). All project components and activities must be defined, clearly explained and described. The what, where, when, and how need to be described. A comprehensive and detailed project description clarifies the potential for interactions with the environment and thereby reduces the risk that NRCan and other Responsible Authorities will require additional information to understand the project and its potential interactions with the environment. Proponents are to assume that no information is too obvious to require a detailed explanation. What is obvious to the proponent may not be obvious to Responsible Authorities, and other stakeholders.

The headings below indicate the sections and information that proponents should provide in a project description for projects submitted under the PPGTP.

2.1 Project Purpose and Background

Describe the intent and objectives of the project and provide justification for the project. Recall that projects funded by the PPGTP must have demonstrable environmental benefits.

Provide information on the history of the project and describe the regional and national social, economic and political context for the project.

2.2 Scope of Project

To establish the scope of the project, proponents are asked to provide a brief description of the project components and sub-components, as well as the physical activities that will be undertaken to complete the project. The scope of project must consider the principle project as well as any accessory projects that may be necessary for the realization of the principle project.

Project components and activities are to be described in the project description at an appropriate level of detail to support the EA analysis and conclusions.

2.3 Description of Project Components and Activities

In the following sections of the EIS, present a clear description of the project components and activities at a level of detail that will support analysis of the potential project/environment interactions. This will assist NRCan and other Responsible Authorities in assessing the overall EIS and arriving at a determination pursuant to the CEAA on whether significant adverse effects are likely to occur.

Sections and information that should be included in the project description section of an EIS prepared in support of a PPGTP project proposal are presented below.

2.3.1 Project Overview

Provide a summary of the project with the following details:

- General overview of the site area;
- Description of the present land use;
- Summary and description of key project components and sub-components, including:
 - Number of components;
 - Dimensions/Size;
 - Capacity; and
 - Type;
- Summary and description of key activities needed to construct, operate, maintain, decommission and abandon the project;
- Connection to grid (underground cabling, transmission line, substation requirements);
- Access requirements;
- Other project and site specific components, sub-components and activities related to the project.

2.3.2 Location of Project

In addition to information provided in Section 1.4, provide information detailing the location of the project, including:

- Detailed location information for all project components and activities.
- Provide maps and/or site plans (with legend and scale) that indicate the layout of project components and activities (including existing access roads and access roads to be constructed).
- Provide a map that shows the geographical context of the site and the environmental features that could be affected by the project.
- Identify proximity of the project to water and indicate water management plans for the project, if appropriate.
- Identify proximity of all aspects of the project to fish-bearing watercourses.
- Identify the location of any critical habitat zones or residences for species at risk.

- Identify proximity to designated environmental or cultural sites, such as national parks, heritage sites, historic sites, residences, schools, health care facilities, day cares, senior's residences, recreational areas and other protected or sensitive areas.
- Identify the proximity of First Nations reserves and lands that are currently used for traditional purposes by Aboriginal people.
- Identify the proximity to the nearest residence or town.
- Provide site plans/sketches/photos with project location, features and activities, identified on maps (where necessary to clarify points).
- Identify relationship to other development projects/activities in the region.
- Identify present ownership of the land (Federal, Provincial, Aboriginal, or private).
- Explain, if applicable, why a particular location has been selected.

2.3.3 Detailed Project Components, Sub-components and Activities

On January 21, 2010, the Supreme Court of Canada issued its decision concerning the Red Chris project (MiningWatch Canada v. Canada). The Court concluded that whether a project undergoes a comprehensive study or a screening is determined in relation to the project as proposed by the proponent. The court also concluded that the scope of a project for the purposes of the assessment is, at a minimum, the project as proposed by the proponent.

Provide detailed information concerning the work and activities included in the construction, operation and decommissioning phases of the project (e.g., clearing, excavation, blasting, backfilling, drilling, operating procedures), as well as the timing and scheduling of each phase.

All project components and activities within the scope of project and boundaries must be included. The what, where, when, and how for each project component and activity need to be described. In deciding on the level of detail to provide, proponents should assume that no information is too obvious to require explanation. As mentioned above, it is important to bear in mind that project information which may seem obvious to the proponent may not necessarily be obvious to NRCAN or the general public that may review the EIS and participate in the EA process.

Describe in detail the project components and sub-components, including:

- any permanent and/or temporary structures or facilities (e.g., staging area, work camp etc.);
- associated infrastructure;
- associated construction activities;
- types of equipment to be used at each location;
- capacity and size of the various components; and/or
- project schedule and timing for various components, sub-components and activities.

Construction Phase

- Surveying activities (site preparation, archaeological monitoring, flora/fauna monitoring, geotechnical investigations, soil testing, hydrological studies/testing, and any other pre-construction activities including personnel and time required for each activity);
- Site preparation (clearing, grubbing, disposal)

- New and existing access roads and trail construction (length, width, machinery to be used, time required, watercourse crossing, infilling)
- Delivery of equipment (machinery/equipment required, road used, number of deliveries, laydown/staging area requirements, etc.)
- Construction material sources
- Requirements for: excavation; blasting; fill to be removed or placed; waste removal/storage; machinery required; time required; scheduling
- Construction and installation of all project components (description of number, dimensions, machinery/equipment required, time required)
- Temporary storage and/or production facilities requirement (dimensions, work done, reclamation)
- Interconnection cabling (description, length, trenches, poles, machinery required, time required)
- Transmission line (description, length, poles, machinery required, time required, location of any watercourse crossings, buffer zones)
- Gates and fencing, parking lots (if needed)
- Any other project activities or components that may have an impact on the environment
- Project schedule (show planned schedule for above activities)

Operation Phase

- Project commissioning
- Operations associated with all project components
- Water withdrawals
- Air emissions
- Effluent
- Arrangements for staff (onsite, occasional visits, etc.)
- Wastes generated
- Maintenance plans/activities for all project components

Decommissioning Phase

- Expected lifespan of project
- Reconditioning plan (schedule, machinery needs, projected works and activities)
- Decommissioning plan (removal of project components and ancillary equipment, disposition of materials and equipment, etc.)
- Site remediation

Future Phases of Project

- Describe any future development phases of the project, if any

For each of the project components, sub-components and activities, proponents are expected to indicate:

- if the component/activity has the potential to interact with environmental components;
- the environmental components that can be affected;
- the nature of the potential interaction with environmental components; and
- the spatial and temporal boundaries (e.g. 2 months, airshed of 15 km² as shown on map).

In establishing and documenting the scope of project, the revised Template D-1 (see Appendix D) may be a useful tool for proponents. This table can be included in the EIS report; the scope can be documented in a more textual format, as long as all the required information listed above is included.

EIS Section 3: Scope of Assessment

This section of the report should list the environmental components that will be included in the assessment and their spatial and temporal boundaries. The creation of this list will help focus the assessment on relevant issues and will enable the development of the description of the environmental component characteristics, which will be done in Section 4.

An environmental component is any component of the environment that is considered relevant by the proponent, public, scientists and government involved in the EA process. However, particular attention should be paid to the environmental components that are most valued for their ecological importance such as:

- a rare or endangered species
- a key indicator species
- a species that plays a key ecological role in the ecosystem
- important and/or critical habitat

Similarly, particular attention should be paid to the environmental components that are most valued by people such as:

- land use
- harvested species
- valued natural resource
- resources used for traditional purposes by Aboriginal peoples
- environmental quality (e.g., water quality, air quality, noise etc.)
- landscape characteristics (e.g., viewscape)

The environmental components are often listed within one, or several of the following categories.

Geophysical Environment

- Physiography and topography (including geomorphologic features and natural heritage areas)
- Soil quality
- Geology
- Seismicity
- Hydrogeology
- Groundwater quality, quantity and movement (including water wells used as a potable source of water for humans and livestock and as a source of irrigation water)

Aquatic Environment

- Aquatic habitats (e.g., ponds, streams, wetlands, lakes, rivers, oceans etc.)
- Aquatic fauna (including fish, invertebrates, mammals and any species at risk)
- Aquatic vegetation (including riparian)

- Surface hydrology
- Surface water quality, quantity and flow
- Sediment quality

Terrestrial Environment

- Terrestrial habitats (with particular attention to habitat of species at risk, areas of natural or scientific interest, environmentally sensitive areas or other significant natural areas)
- Terrestrial fauna (including local and migratory birds and any species at risk)
- Terrestrial vegetation

Atmospheric Environment

- Climate
- Air quality
- Wind regime
- Precipitation
- Temperature

Socio-Economic Conditions

- Population
- Land use (including existing, planned and adjacent land use)
- Current use of land and resources for traditional purposes by Aboriginal persons
- Heritage sites, archaeological sites, and other cultural resources
- Recreation areas (including tourism areas)
- Noise levels
- Safety issues (including emergency response capacity, occupational health and safety, site security, and use of equipment with radioactive components)
- Visual landscape
- Navigation

When listing the environmental components, the proponent should provide a rationale for the selection of each environmental component that will be part of the scope of the EA, and their boundaries.

A template is provided to illustrate the key points to be provided with respect to environmental component identification and scoping (see Template D-2 in Appendix D). The proponent may wish to use this table to present this information in the EIS, or may wish present the information in a textual format.

EIS Section 4: Description of Environmental Characteristics

This section of the EIS report should describe the environmental characteristics listed in Section 3 as observed before the project and during the EA. This should include appropriate references to the spatial and temporal boundaries of the environmental components

The proponent's efforts to gather baseline information should be documented by identifying the sources of existing information and describing methods used in gathering new information. The

methods for information and data collection may include a literature review, but may also include field studies.

EIS Section 5: Assessment of Environmental Effects, Mitigation Measures and Residual Effects

In this section of the EIS, the proponent is required to identify interactions between the project (described in Section 2) and the environmental components (listed and described in Sections 3 and 4), and to describe the likely effects of those interactions on the environment. Sections 5.1 to 5.6 outline the headings and information that proponents should provide related to interactions, mitigation measures and residual effects.

Under the CEAA, the identification and description of effects must also include:

- environmental effects as a result of malfunctions or accidents that may occur in connection with the project;
- effects of the environment on the project (e.g., storms, flooding, seismic events, climate change, etc.); and
- any cumulative effects on the environment that are likely to result from the project in combination with other projects or activities that have been or will be carried out in the foreseeable future.

5.1 Interaction Matrix

Proponents are required to identify potential interactions between their proposed project and the environment. Identification of interactions between the project and the environment may be accomplished by a range of methodologies; however, the most commonly used method is an interaction matrix. A blank generic interaction matrix is presented in Template D-3 (see Appendix D) for illustration purposes. In this matrix, project components and associated activities are listed along the left vertical axis, while environmental components and their attributes are listed along the top horizontal axis.

Proponents may wish to use a matrix such as this, appropriately adapted to the specific project, to identify interactions between their project and the environment.

5.2 Description of Environmental Effects

In this section of the EIS, the proponent must describe the likely effects of the project on the environment, the cumulative environmental effects, the potential for accidents and malfunctions, and the effects of the environment on the project.

For project/environment interactions, or aggregations of similar interactions, identified through the interaction matrix, the predicted environmental effects must be described. In describing the effects, proponents should be as quantitative as possible.

The effects described should include both direct effects and indirect effects.

Direct effects are direct cause-effect consequences of a project activity on the environment. These effects are often easily identified. Examples include:

- Loss of vegetation due to site clearing operations
- Loss of aquatic habitat due to infilling

Indirect effects are at least one step removed from a project activity in terms of cause-effect linkages and are often more difficult to identify. Examples include:

- Displacement of wildlife due to loss of vegetated habitat
- Diminished waterfowl population resulting from reduced breeding success due to loss of wetland habitat
- Reduced employment as a result of the collapse of a fishery brought on by habitat loss

Effects should be described according to, but not limited to, the characteristics set out in Table 2. These categories should be reflected in the description of effects to the extent possible and appropriate.

Table 2. Characteristics of effects

Characteristic	Description
Direction	Positive, negative
Nature	Direct, indirect, cumulative
Magnitude	Level of effect, may not be measurable, loss of function
Location/extent	Where the effect occurs, number or volume affected
Scale	Local, regional, national, global
Timing	During construction, operation, migration, seasonality, etc.; immediate or delayed
Duration	Short or long term; intermittent or continuous
Reversible / irreversible	Extent of recovery and length of time required
Likelihood of occurrence	Level of risk, uncertainty, confidence in prediction
Ecological context	% of population affected, importance of population, # of generations to recovery, implications for other trophic levels
Socio-economic and cultural context	Proportion of local/regional people affected; importance to economic and cultural attributes; length of time to recovery

The level of detail required to describe the predicted environmental effects should be related to the sensitivity of the environment and the project’s potential to cause adverse effects. Effects that have the potential for greater environmental implications should have more substantive data, analysis and description to support conclusions.

Templates D-4 and D-5 (see Appendix D) provide templates for summarizing the environmental effects analysis. These tables also provide an opportunity to summarize mitigation measures that the proponent commits to implement and the residual effects that are predicted to remain after the effective implementation of those mitigation measures (discussed in the next section). The last column in Templates D-4 and D-5 provides an opportunity for the proponent to record its conclusions on the significance of each predicted residual effect

5.3 Mitigation Measures and Residual Effects

Where needed to reduce adverse environmental effects, proponents must identify those mitigation measures that are technically and economically feasible and commit to implement them. This must be a clear commitment to mitigation made by the proponent, not simply a recommendation from a consultant that may have prepared the EIS on behalf of a proponent. The proponent must also indicate why it is expected that the mitigation measures will be effective, and describe any residual effects that may still occur.

When making commitments to implement mitigation measures, proponents frequently commit to best practices such as the development and implementation of an environmental protection plan. These are excellent initiatives since they support mitigation measures and are often requirements for certification under environmental certification programs. However, proponents should clearly distinguish between mitigation measures that are required as part of the EA, and other best practice initiatives

Mitigation measures will also be required for addressing potential effects from accidents and malfunctions, effects of the environment on the project and cumulative environmental effects. These will be addressed in Sections 5.4-5.6.

Mitigation measures may also be required in order to ensure compliance with regulatory requirements.

Examples of environmental effects and mitigation measures are identified in Table 3. Note that the EIS should address all relevant potential environmental effects of the project and describe mitigation measures. The following are provided as examples of typical effects and associated mitigation measures only and the EIS should not be limited to these examples.

Table 3. Sample list of potential effects and mitigation measures

Potential Effects	Generic Mitigation Measures
Disturbance of species at risk and/or their habitats	- Ensure no activities take place near the habitats of species at risk
Disturbance, destruction, removal of vegetation	- Implement restrictions on the amount of vegetation clearing
Disruption or displacement of wildlife, wildlife reproduction failure, change in wildlife population dynamics, and/or wildlife mortality	- Schedule construction to avoid critical life-cycle period for wildlife (breeding, nesting, spawning, rearing, migration, etc.)
Damage to and/or loss of archaeological, cultural and heritage resources	- Ensure historical and archaeological resource assessments are conducted prior to construction activities and avoid or excavate and retain any resources found
Increased public access via roads and trails and increased resource harvesting as a result of facilitated public access (e.g., fishing, hunting, berry picking, etc.)	- Restrict public access via project roads and trails into areas that have not previously been accessible

5.4 Accidents and Malfunctions

The EIS must include an assessment of the risk of an accident or malfunction, as well as an assessment of the potential adverse environmental effects of such an accident or malfunction on the project, measures that will be implemented to mitigate the potential effects of accidents or malfunction, and residual effects. This includes the effects on human health and safety that may result from accidents or malfunctions.

Emergency response plans/procedures should be developed with local emergency response authorities and referenced in the EIS, as appropriate.

5.5 Effects of the Environment on the Project

The EIS must include an assessment of the risk of changes in the environment and environmental events that could have an adverse effect on the project, an assessment of the potential adverse environmental effects of such changes and events, measures that will be implemented to mitigate the potential effects, and residual effects.

This includes effects of climate fluctuations; extreme weather events; seismic events; etc., as appropriate. Extreme weather events could include: wind storm; ice storm; heavy precipitation; flooding; seismic event; avalanche; fire; etc. Measures to mitigate potential effects of the environment on the project must be identified as appropriate. The residual effects, taking into account mitigation, should be described.

5.6 Cumulative Effects

The EIS must include a description of other projects, an assessment of the potential cumulative adverse environmental effects of the other projects, measures that will be implemented to mitigate the potential effects, and residual effects.

This includes other projects in the past, present, and those that can be reasonably expected to proceed in the foreseeable future.

Cumulative effects can also result from the combination of different individual environmental effects of the project acting on the same environmental component. The sub-sections below indicate the information that proponents should provide related to other projects and the cumulative effects of these projects on environmental components.

5.6.1 Past, Present and Future Project(s)

When considering past, present and future projects or activities, the proponent must include all projects and activities in the area. Other projects/activities could include: agriculture; forestry; municipal development; manufacturing; oil and gas; wind farms; hydroelectric facilities; roads; fishing; hunting; tourism; recreational activities; etc.

The EIS should clearly indicate the other projects and activities that were included in the assessment of cumulative effects and how they were identified. If projects or activities were not included, a rationale for not including them should be provided.

5.6.2 Interaction between Projects and Description of Cumulative Environmental Effects

The potential interactions between the different projects at or near the site must be shown, and the cumulative effects of those interactions on environmental components must be determined. The cumulative effects assessment should focus on the environmental components identified in EIS Section 3, in the context of the overall relevant environment.

The CEA Agency has prepared materials to provide guidance to NRCan and other Responsible Authorities for delivering on their cumulative environmental effects assessment responsibilities. These materials can be used by proponents to reflect requirements in the EIS report being submitted to NRCan under the PPGTP. These documents and can be accessed through links provided in Appendix B. These documents are:

- Operational Policy Statement: Addressing Cumulative Environmental Effects under the *Canadian Environmental Assessment Act* (2007)
- Cumulative Effects Assessment Practitioners Guide (1999)

EIS Section 6: Determination of Significance of Residual Environmental Effects

Using the residual effect descriptions, the significance of the predicted environmental effects should be determined. The characteristics of the environmental effects (see Table 2) should be considered in this determination. The proponent may also consider the following:

- comparison with environmental regulatory requirements, standards, guidelines, quality objectives and land use plans. These typically specify threshold levels, such as maximum acceptable noise levels, etc.;
- comparison with baseline environmental component population levels;
- comparison with human health and ecological risk assessment thresholds;
- other methods considered acceptable to the assessor and responsible manager; and
- application of the professional judgement of the assessor.

Proponents should also refer to the CEA Agency's *Reference Guide: Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects* (1994). A link to this guide is provided in Appendix C.

Ultimately, the determination on the significance of effects is a judgment decision. For this reason, it is essential that a rationale is provided, such that NRCan and other Responsible Authorities and stakeholders can fully understand what the effect is and why (or why not) it was considered to be significant, especially if there are no standards that can be used to defend conclusion.

Proponents are required to provide a summary of environmental effects, mitigation measures and conclusions on whether significant adverse effects are likely to occur in the form of a table,

similar to Templates D-4 and D-5 (see Appendix D). Proponents should not necessarily limit themselves to the confines of such a table when describing effects, and presenting the rationale for whether likely effects are considered significant or not.

It should be noted that, while proponents are expected to draw conclusions on whether significant adverse environmental effects are likely to occur, responsibility and authority for the final determination on significance rests with NRCan and other Responsible Authorities.

EIS Section 7: Follow-up Measures

A follow-up program is defined by the CEAA as “a program for verifying the accuracy of the EA of a project, and determining the effectiveness of any measures taken to mitigate the adverse environmental effects of the project.”

The CEAA also provides that the results of a follow-up program may be used for implementing adaptive management measures or for improving the quality of future EAs. A commitment to adaptively manage observed impacts that differ from those predicted should be included in all follow-up programs.

Follow-up measures for a screening-level EA is not a legislated requirement under the CEAA. The CEAA does, however, require a decision on whether a follow-up program will be required, for each EA.

NRCan and other Responsible Authorities must decide whether a federal follow-up program is necessary for specific projects and use the analysis and conclusions presented in the proponent’s EIS along with any input from consultations to support this decision.

The CEA Agency has prepared guidance materials related to follow-up and adaptive management. This guidance lists factors to consider in determining if follow-up is appropriate, and lists roles and responsibilities and key considerations for the development of a follow-up program. These materials can be accessed using the links provided in Appendix B.

EIS Section 8: Public Participation

For comprehensive study and panel level EAs, public consultation is mandatory. However, CEAA s. 18(3) indicates that NRCan and other Responsible Authorities must determine whether public participation is appropriate for a screening level EA and engage in public participation as appropriate. NRCan is also requiring that the proponents for PPGTP projects determine whether public participation is appropriate for their project and engage in public participation as appropriate.

The CEA Agency has developed a *Ministerial Guideline on Assessing the Need for and Level of Public Participation in Screenings under the CEAA*² that should be used to facilitate this

² This Ministerial Guideline can be found online at http://www.ceaa-acee.gc.ca/1FE6A389-4547-4B5C-8DE1-1196B1AE19C9/ministerial_guideline_e.pdf

determination. The Guideline provides criteria that the proponent should use, on a case by case basis:

- there is an indication of an existing or likely public interest in (i) the type of project, (ii) the location of the project, or (iii) the ways the project might affect the community;
- those who may be interested have a history of being involved;
- the project has the potential to generate conflict between environmental and social or economic values of concern to the public;
- the project may be perceived as having the potential for significant adverse environmental effects (including cumulative environmental effects and effects of malfunctions and accidents);
- there is potential to learn from community knowledge or Aboriginal traditional knowledge and, thereby, improve the environmental assessment and the project;
- there is uncertainty about potential direct and indirect environmental effects or the significance of identified effects; or
- the project has been, or will be, subject to other public participation processes of appropriate scope and coverage that would meet the objectives of this guideline.

The proponent must indicate that it has made a determination about public consultation based on these criteria. If it is determined that public participation is appropriate, the proponent must ensure that the participation reflects the principles of accessibility, impartiality, transparency, consistency, efficiency, accountability, fairness and timeliness, and recognizes that all parties have responsibilities in meeting these principles. This includes ensuring that the members of the public are informed about the project and have an opportunity to bring issues and concerns to the proponent's attention. The consultation process and findings must be well documented in the EIS. Comments made by stakeholders and how they were addressed should be described.

It should be recognized that NRCan may subsequently decide that, in meeting its own responsibilities under the CEAA, it would be necessary to initiate consultation or undertake consultation in addition to that conducted by the proponent.

EIS Section 9: Aboriginal Consultation

The Supreme Court of Canada has ruled that the Crown has a legal duty to consult, and where appropriate to accommodate, when the Crown has real or constructive knowledge of the potential existence of Aboriginal rights or title, and the Crown contemplates conduct that might adversely affect those rights, whether those rights have been established (proved in court or agreed to in treaties) or whether there is potential for rights to exist. In these instances, consultation should occur prior to the federal government taking any action.

NRCan will be conducting a consultation review, and potentially a consultation process, for each project proposal submitted to the PPGTP, regardless of its value and EA status (inclusion or exclusion from a screening or comprehensive study). In order to facilitate a timely and effective consultation process, NRCan requests that proponents:

- identify, to the extent possible, all Aboriginal groups that may be impacted by the project or that may have an established or potential Aboriginal or treaty rights in the area of the project (including both the project site and the area of any potential project impacts);

- demonstrate that proponents have engaged local Aboriginal groups and have provided information on the project (including proposed development timeline, anticipated positive and negative environmental impacts and information on the upcoming EA process);
- document this information in the EIS, including providing copies of any correspondence or summaries of any communications with Aboriginal groups.

For more information on Aboriginal consultation, see Appendix E: The PPGTP Aboriginal Engagement Guide for Proponents

EIS Section 10: Conclusion

In a concluding section, the proponent is required to state one of the following:

- “The project, as proposed and taking into account identified mitigation measures, is not likely to result in significant adverse environmental effects”;
- “The project, as proposed and taking into account identified mitigation measures, is likely to result in significant adverse environmental effects”; or
- “It is uncertain at this time whether the project, as proposed and taking into account identified mitigation measures, is likely to result in significant adverse environmental effects”.

It should be noted in this section that this is the conclusion of the proponent, or the consultant for the proponent. Responsible Authorities have the responsibility to reach their own conclusion under the CEAA with respect to whether significant adverse environmental effects are likely to occur as a result of project implementation. The Responsible Authorities will base their conclusion on their review of the information contained in the EIS and other matters relevant to federal decision-making.

EIS Section 11: List of Documents

In this section, the proponent should list all supporting documentation used to prepare the EIS. Important excerpts from these documents should be included in appendices attached to the EIS.

EIS Section 12: Appendices

- Maps and/or site plans/sketches/photos
- Supporting documents

APPENDIX A: PPGTP ENVIRONMENTAL ASSESSMENT CHECKLIST

It is NRCan's responsibility to determine if the *Canadian Environmental Assessment Act* (CEAA) applies to a specific project, and if a screening Environmental Assessment (EA) must be completed. In order to help NRCan and other federal authorities to perform the EA tasks, applicants to the NRCan Pulp and Paper Green Transformation Program (PPGTP) must complete the table below.

Please indicate yes (Y), no (N) or unknown (U) by checking the appropriate box for **EACH** statement in the table.

If it is determined that the CEAA applies, the federal EA process must be completed prior to NRCan making a decision to perform a duty or function in relation to a project, including the provision of funding. Where appropriate, these EAs will be harmonized with applicable provincial EA legislation and practices.

	Y	N	U	
1				The proposal involves the construction, operation, modification, decommissioning, abandonment or other activity in relation to a built structure that has a fixed location and is not intended to be moved frequently
2				The project will involve the decommissioning of a physical work with a footprint greater than 25 m ² ¹
3				The total project will result in a physical work with a footprint greater than 25 m ² , or the construction of a building with a footprint greater than 100 m ² ¹ ²
4				The project will be carried out within 30 metres (m) of a water body ¹
5				The project involves the likely release of a polluting substance into a water body ¹
If you checked Yes to any of the statements 2 to 5, please prepare an Environmental Impact Statement (EIS) and check the appropriate box for each statement below.				
Even if you checked No to all statements 2 to 5, please check the appropriate box for each statement below. However, do not prepare an EIS until you are contacted by a PPGTP representative.				
6				A federal environmental assessment has already been successfully completed for this exact same project. ³
7				The project takes place in a National Park or Protected Areas
8				The project takes place on First Nation lands
9				The project takes place in the North (Yukon, Nunavut or Northwest Territories)
10				The project takes place on a Federal Real Property
11				The project will involve the destruction of fish other than by fishing, or the destruction of fish habitat
12				The project will deposit oil, oil wastes or any other substances harmful to

				migratory birds in waters or in areas frequented by migratory birds
13				The project will kill or remove migratory birds, their nests, eggs or carcasses, or may require a permit or other authorization under the <i>Migratory Birds Regulation</i> ⁴ or <i>Migratory Bird Sanctuary Regulations</i> ⁵
14				The project will remove or damage vegetation and/or disturb or remove of soil in a wildlife area that requires a permit under section 4 of the <i>Wildlife Area Regulations</i> under the <i>Canada Wildlife Act</i> ⁶
15				The project will likely cause a change to a listed wildlife species, its critical habitat or the residences of individuals of that species, as defined in the <i>Species at Risk Act</i> ⁷
Other Information				
	Y	N	U	
16				A provincial environmental assessment is mandatory for the project
17				The proponent has applied to receive funding from other programs (federal or other jurisdictions) for this project. If yes, please specify the program and department.
18				The project involves a likely increase of emissions (such as PM, SO _x , NO _x , VOCs) into the atmosphere
19				The project involves a likely reduction of emissions to the atmosphere
20				The project involves a likely increase of discharges of a polluting substance to a water body
21				The project involves a likely reduction of discharges of a polluting substance to a water body
22				The project involves a likely increase of ambient noise (external) or odour
23				The project involves a likely reduction of ambient noise (external) or odour
24				The project involves a likely movement of hazardous waste ⁸
25				The project involves a likely increase of energy used
26				The project involves a likely reduction of energy used
27				The project involves a likely increase of water usage
28				The project involves a likely reduction of water usage
29				The project involves a likely increase of chemical usage
30				The project involves a likely reduction of chemical usage
31				The project involves a yield improvement
32				The project involves other environmental benefit(s) not included in the above statements. If yes, please specify.
33				Are you aware of any federal regulatory approvals necessary for the conduct of the project? Please list.

From the *CEA Act Exclusion List Regulations*, Schedule 1: <http://laws.justice.gc.ca/en/showtdm/cr/SOR-2007-108/?showtoc=&instrumentnumber=SOR-2007-108>

² Where the building size supersedes the size of the physical work, i.e., where a new building is being constructed to house a physical work, it is the size of the building that counts, not the size of the physical work within.

³ In this document, “successfully completed” means that an EA has been conducted under the *CEA Act*; the project was determined to be unlikely to cause significant adverse effects, taking into account the implementation of mitigation measures, if any; and the mitigation measures and follow-up program, if any, will be implemented.

⁴ The *Migratory Birds Regulation* can be found at: <http://laws.justice.gc.ca/en/showtdm/cr/C.R.C.-c.1035>

⁵ The *Migratory Birds Sanctuary Regulations* can be found at: <http://laws.justice.gc.ca/en/showtdm/cr/C.R.C.-c.1036/20090901>

⁶ The *Canada Wildlife Act* can be found at: <http://laws.justice.gc.ca/en/showtdm/cs/W-9>

⁷ The *Species at Risk Act* can be found at: <http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>

⁸ For the purpose of this statement, “hazardous waste” is defined by the *Interprovincial Movement of Hazardous Waste Regulations* (<http://laws.justice.gc.ca/en/showtdm/cr/SOR-2002-301/?showtoc=&instrumentnumber=SOR-2002-301>) and *Export and Import of Hazardous Waste and Hazardous Recyclable Material* (<http://laws.justice.gc.ca/en/showtdm/cr/SOR-2005-149/?showtoc=&instrumentnumber=SOR-2005-149>)

APPENDIX B: Links to Further Information

Canadian Environmental Assessment Act

<http://laws.justice.gc.ca/PDF/Statute/C/C-15.2.pdf>

Exclusion List Regulations

- <http://laws.justice.gc.ca/PDF/Regulation/S/SOR-2007-108.pdf>

Inclusion List Regulations

- <http://laws.justice.gc.ca/PDF/Regulation/S/SOR-94-637.pdf>

Comprehensive Study List Regulations

- <http://laws.justice.gc.ca/PDF/Regulation/S/SOR-94-638.pdf>

Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures and Requirements

- <http://laws.justice.gc.ca/PDF/Regulation/S/SOR-97-181.pdf>

Canadian Environmental Assessment Agency

<http://www.ceaa-acee.gc.ca/>

Preparing Project Descriptions under the CEAA (2007)

- <http://www.ceaa-acee.gc.ca/Content/D/A/C/DACB19EE-468E-422F-8EF6-29A6D84695FC/Project%20Descriptions.Eng.pdf>

Project Notice: A Guide for Submissions under the CEAA (2007)

- http://www.ceaa-acee.gc.ca/Content/D/A/C/DACB19EE-468E-422F-8EF6-29A6D84695FC/CEAA-Submissions_e.pdf

Reference Guide: Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects (1994)

- http://www.ceaa-acee.gc.ca/Content/D/A/C/DACB19EE-468E-422F-8EF6-29A6D84695FC/Adverse-Environmental-Effects_e.pdf

Reference Guide: Addressing Cumulative Environmental Effects (1994)

- http://www.ceaa-acee.gc.ca/Content/D/A/C/DACB19EE-468E-422F-8EF6-29A6D84695FC/Cumulative-Environmental-Effects_e.pdf

Cumulative Effects Assessment Practitioners Guide (1999)

- http://www.ceaa-acee.gc.ca/Content/D/A/C/DACB19EE-468E-422F-8EF6-29A6D84695FC/Cumulative-Effects_e.pdf

Operational Policy Statement: Addressing Cumulative Environmental Effects under the CEAA (2007)

- http://www.ceaa-acee.gc.ca/Content/D/A/C/DACB19EE-468E-422F-8EF6-29A6D84695FC/cea_ops_e.pdf

Operational Policy Statement: Adaptive Management Measures under the CEAA (2009)

- http://www.ceaa-acee.gc.ca/Content/D/A/C/DACB19EE-468E-422F-8EF6-29A6D84695FC/Adaptive_Mangt-eng.pdf

Operational Policy Statement: Follow-up Programs under the CEAA (2007)

- <http://www.ceaa-acee.gc.ca/Content/D/A/C/DACB19EE-468E-422F-8EF6-29A6D84695FC/080504%20Follow-up%20Final%20PDF%20Eng.pdf>

Ministerial Guideline on Assessing the Need for and Level of Public Participation in Screenings under the CEAA (2006)

- http://www.ceaa-acee.gc.ca/1FE6A389-4547-4B5C-8DE1-1196B1AE19C9/ministerial_guideline_e.pdf

Public Participation Guide (2008)

- http://www.ceaa-acee.gc.ca/Content/D/A/C/DACB19EE-468E-422F-8EF6-29A6D84695FC/Public_Participation_Guide.pdf

Federal Coordination: An Overview (2003)

- http://www.ceaa-acee.gc.ca/Content/D/A/C/DACB19EE-468E-422F-8EF6-29A6D84695FC/Federal-Coord-Overview_e.pdf

Federal Coordination: Identifying Who's Involved (2003)

- http://www.ceaa-acee.gc.ca/Content/D/A/C/DACB19EE-468E-422F-8EF6-29A6D84695FC/Federal-Coord-Identifying_e.pdf

Federal-Provincial/Territorial EA Cooperation Agreements

- http://www.ceaa.gc.ca/013/agreements_e.htm

Natural Resources Canada

Information on the PPGTP

- <http://cfs.nrcan.gc.ca/subsite/pulp-paper-green-transformation>

Information on environmental assessments at NRCan

- <http://www.nrcan-rncan.gc.ca/com/envamb/asseva-eng.php>

Environment Canada

Canadian Environmental Protection Act and Related Regulations

- <http://laws.justice.gc.ca/en/ShowTdm/cs/C-15.31//20090920/en>

National Pollutant Release Inventory

- <http://www.ec.gc.ca/inrp-npri/default.asp?lang=En&n=4A577BB9-1>

Species at Risk Act and Related Regulations

- <http://laws.justice.gc.ca/en/S-15.3/index.html>

Species at Risk Public Registry

- http://www.sararegistry.gc.ca/default_e.cfm

Fisheries and Oceans Canada

Fisheries Act and Related Regulations

- <http://laws.justice.gc.ca/en/F-14/>

Proponent's Guide to Information Requirements for Review under the Fish Habitat Protection Provisions of the Fisheries Act

- http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/water-eau/requirements-exigences/pdf/index_e.pdf

Request for Review under the Fish Habitat Protection Provisions of the Fisheries Act

- http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/water-eau/requirements-exigences/pdf/form-formulaire_e.pdf

APPENDIX C: Glossary

Comprehensive study: an environmental assessment that is conducted pursuant to section 21 of the CEAA and that includes a consideration of the factors under subsections 16(1) and (2) of the Act. Comprehensive study is the type of environmental assessment conducted for projects that are likely to have significant adverse environmental effects. Such projects are prescribed in the *Comprehensive Study List Regulations*.

Cumulative environmental effects: environmental effects that are likely to result from a project in combination with the environmental effects of other past, existing and future projects or activities. These may occur over a certain period of time or distance. The CEAA requires consideration of cumulative environmental effects in all types of environmental assessment.

Direct effect: an environmental effect that is:

- a change that a project may cause in the environment; or
- a change that the environment may cause to a project.

A direct effect is a consequence of a cause-effect relationship between a project and a specific environmental component.

Environment: the components of the Earth including

- 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).

Environmental assessment: with respect to a project, an assessment of the environmental effects of the project that is conducted in accordance with the CEAA and its regulations.

Environmental assessment is a process for identifying project and environment interactions, predicting environmental effects, identifying mitigation measures, evaluating significance, reporting and following up to verify accuracy and effectiveness. Environmental assessment is used as a planning tool to help guide decision making, as well as project design and implementation.

Environmental component: fundamental element of the physical, biological or socio-economic environment, including the air, water, soil, terrain, vegetation, wildlife, fish, birds and land use that may be affected by a proposed project, and may be individually assessed in the environmental assessment.

Environmental effect: with respect to a project

- a. any change that the project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the *Species at Risk Act*,
- b. any effect of any change referred to in paragraph (a) on:
 - i. health and socio-economic conditions;
 - ii. physical and cultural heritage;
 - iii. the current use of lands and resources for traditional purposes by Aboriginal persons;
 - iv. any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, or any change to the project that may be caused by the environment

whether any such change or effect occurs within or outside Canada.

Environmental impact statement: a document prepared by the proponent of a project containing the results of an environmental assessment that is presented to decision-makers and the public outlining the environmental effects of the project on the environment.

Exclusion list: as defined in the CEAA, “exclusion list” means a list of projects or classes of projects that have been exempted from the requirement to conduct an assessment by regulations made under paragraph 59(c) or (c.1).

Certain projects and classes of projects that are undertakings in relation to physical works are prescribed in the *Exclusion List Regulations*, if the environmental effects of those projects are insignificant. Projects and classes of projects listed in the *Exclusion List Regulations* do not require an environmental assessment.

Federal authority:

- a. a Minister of the Crown in right of Canada;
- b. an agency of the Government of Canada or other body established by or pursuant to an Act of Parliament that is ultimately accountable through a Minister of the Crown in right of Canada to Parliament for the conduct of its affairs;
- c. any department or departmental corporation set out in Schedule I or II to the *Financial Administration Act*, and
- d. any other body that is prescribed pursuant to the regulations made under paragraph 59(e), but does not include :
 - a. the Legislature or an agency or body of Yukon or Nunavut,
 - b. the Commissioner in Council or an agency or body of the Northwest Territories,
 - c. a council of the band within the meaning of the *Indian Act*,
 - d. The Hamilton Harbour Commissioners constituted pursuant to *The Hamilton Harbour Commissioners' Act*,

- e. The Toronto Harbour Commissioners constituted pursuant to *The Toronto Harbour Commissioners' Act, 1911*,
- f. a harbour commission established pursuant to the *Harbour Commissions Act*,
- g. a Crown corporation within the meaning of the *Financial Administration Act*,
- h. a not-for-profit corporation that enters into an agreement under subsection 80(5) of the *Canada Marine Act* or a port authority established under that Act.

Federal coordination: activities to ensure that an environmental assessment involves the appropriate federal authorities and other parties and that the participation of all parties is carried out in a manner that is efficient, coordinated and cooperative.

Federal environmental assessment coordinator: a role established under the CEAA with the mandate to coordinate the participation of federal authorities among themselves, and with any other persons, bodies or jurisdictions, using specific duties and powers outlined in the CEAA.

The role applies to screenings and comprehensive studies. A responsible authority assumes this role for federal-only screenings unless there is an agreement that the CEA Agency will do so. The CEA Agency assumes the role for comprehensive studies and multi-jurisdictional screenings unless there is an agreement that a responsible authority will do so.

Follow-up program: as defined by the CEAA, a “follow-up program” means a program for verifying the accuracy of the environmental assessment of a project and determining the effectiveness of any measures taken to mitigate the adverse environmental effects of the project.

Inclusion list: a list of physical activities and classes of physical activities, not relating to physical works, which are specifically identified for the purpose of the definition of “project” in the CEAA.

The *Inclusion List Regulations* made under paragraph 59(b) of the CEAA prescribe physical activities and classes of physical activities not relating to physical works that require an environmental assessment because they have the potential to result in adverse environmental effects.

Indirect effect: a secondary environmental effect that occurs as a result of a change that a project may cause in the environment. An indirect effect is at least one step removed from a project activity in terms of cause-effect linkages.

For instance, a river diversion for the construction of a hydro power plant could directly result in the destruction of fish habitat causing a decline in fish population. A decline in fish population could result in closure of an outfitting operation causing loss of jobs. Thus, the river diversion could indirectly cause the loss of jobs.

Law List Regulations: identify those federal statutory and regulatory approvals that will trigger an environmental assessment. Under the CEAA, an environmental assessment is required before a federal authority issues a licence, permit, certificate or other regulatory authorization prescribed in these regulations in order to enable a project to proceed in whole or in part.

Mitigation: with respect to a project, the elimination, reduction or control of adverse environmental effects, and includes restitution for any damage to the environment caused by such effects through replacement, restoration, compensation or any other means.

Monitoring: a continuing assessment of conditions at and surrounding the action taken with respect to a project. Monitoring determines if effects occur as predicted or if operations remain within acceptable limits and if mitigation measures are as effective as predicted.

Physical activity: any proposed activity not relating to a physical work. Such an activity is identified as a project for the purposes of the CEAA if it is explicitly listed in the *Inclusion List Regulations*.

Physical work: any thing that has been or will be constructed (human-made) and has a fixed location.

Project: as defined by the CEAA, “project” means:

- a. in relation to a physical work, any proposed construction, operation, modification, decommissioning, abandonment or other undertaking, or
- b. any proposed physical activity not relating to a physical work that is prescribed or is within a class of physical activities that is prescribed pursuant to regulations made under paragraph 59(b)

Proponent: with respect to a project, any person, body, business, government or federal authority that proposes the project.

Residual environmental effect: an environmental effect that remains, or is predicted to remain, even after mitigation measures have been applied.

Responsible authority: in relation to a project, a federal authority that is required, pursuant to subsection 11(1) of the CEAA, to ensure an environmental assessment of the project is conducted.

When a federal authority becomes responsible for ensuring that an environmental assessment of the project is conducted in accordance with the CEAA, the federal authority is called a responsible authority.

Scope of the assessment: the boundaries of the environmental assessment study.

The scope of the assessment should be based on:

- a. the components that define the project and the environment to be

- assessed (scope of project);
- b. the factors to be considered in the environmental assessment as described in section 16 of the Act; and
- c. the scope of the factors to be taken into consideration (scope of the factors)

Scope of the factors: the extent to which the factors listed in the CEAA, and other factors that are considered to be appropriate, need to be considered in the environmental assessment. The scope of the factors identifies the geographical, spatial and temporal boundaries of the analysis.

Scope of the project: the components of a proposed undertaking relating to a physical work, or a proposed physical activity not relating to a physical work, that are determined to be part of the project for the purposes of the environmental assessment.

Scoping: an activity that focuses the assessment on relevant issues and concerns and establishes the boundaries of the environmental assessment

Screening: an environmental assessment that is conducted pursuant to section 18 of the CEAA and that includes a consideration of the factors set out in subsection 16(1) of the CEAA.

A screening is a self-assessment type of environmental assessment that is usually conducted for projects that are not likely to cause significant adverse environmental effects.

The screening process systematically evaluates and documents the anticipated environmental effects of a proposed project and determines the need to modify the project plan or recommend further mitigation to eliminate or minimize the adverse environmental effects.

Screening report: a report that summarizes the results of a screening.

Trigger: circumstances obliging a federal authority to ensure that an environmental assessment is conducted under the CEAA and its regulations.

Under subsection 5(1) of the Act there are four types of federal support or triggers that oblige a federal authority to ensure that an environmental assessment of the project is conducted before irrevocable decisions are made.

APPENDIX D: Templates for the EIS

Template D-1. Scope of project and potential interaction with environmental components

Activity	Description of interaction with environmental components	Boundary (spatial & temporal)	Potential interactions of activities with any environmental components
Project Component #1			
Activity 1-1.			
Activity 1-2.			
Project Component #2			
Activity 2-1.			
Activity 2-2.			
Project Component #3			
Activity 3-1.			
Activity 3-2.			

Template D-2. Template for identification of environmental components

Environmental Component			Rationale for inclusion/exclusion	Assessment Boundaries (spatial & temporal)
Description	Included			
	Yes	No		
Geophysical Environment				
Aquatic Environment				
Terrestrial Environment				
Atmospheric Environment				
Socio-Economic & Cultural Conditions				

Template D-3. Generic interaction matrix template

Project Components / Activities	Environmental Component				
	Geophysical Environment	Aquatic Environment	Terrestrial Environment	Atmospheric Environment	Socio- Economic and Cultural Conditions

Template D-4. Template for summarizing potential effects and significance

Project Component/ Activities	Environmental Component	Effects on Environmental Component	Mitigation Measures	Description of Residual Effects	Significance of Residual Effect and Rationale
Project Component #1					
Activity 1.1					
Activity 1.2					
Project Component #2					
Activity 2.1					
Activity 2.2					
Project Component #3					
Activity 3.1					
Activity 3.2					

Template D-5. Template for summarizing cumulative effect and significance

Environmental Component	Project Component/ Activity	Other Known Projects/Activities	Cumulative Effects on Environmental Component	Mitigation Measures	Residual Cumulative Effects	Significance of Residual Cumulative Effect and Rationale

APPENDIX E: PPGTP Aboriginal Consultation Guide for Proponents

Section 1: The PPGTP Aboriginal Consultation Process

Why the PPGTP Consults

The Crown has a legal duty to consult with Aboriginal groups when it contemplates conduct that may have an adverse impact on existing or potential Aboriginal or treaty rights. As part of the federal Crown, Natural Resources Canada and the Pulp and Paper Green Transformation Program have a responsibility to ensure that this duty is discharged in a manner that upholds the honour of the Crown and promotes reconciliation between the Crown and Aboriginal groups.

The PPGTP fulfills this legal duty by carefully assessing each project proposal it receives and proceeding on the results of this assessment, while remaining responsive to emerging information throughout the consultation process. The assessment, consultation process and its results are recorded as part of the department's official consultation record, and are also included in related EA reports, where applicable.

The PPGTP conducts a duty to consult assessment for each project proposal submitted to the PPGTP, regardless of its monetary value or environmental assessment status (included or excluded under CEAA).

Consultation Principles

The PPGTP is committed to taking a good governance approach to Aboriginal consultation and upholding the honour of the Crown through the adoption of the following principles: good faith, mutual respect, knowledge sharing and understanding, reasonableness and transparency. These principles promote meaningful consultation, responsive to the needs and interests of Aboriginal groups, the Crown and proponents.

Steps in the PPGTP Consultation Process

*If Aboriginal consultation is required on a project proposal, the total PPGTP consultation process takes a **minimum of two months**, conducted concurrently with the environmental assessment process.*

While the PPGTP will work as swiftly as possible, proponents are advised that the Aboriginal consultation process may take several months. The PPGTP will not proceed to a decision on funding until it is satisfied that the legal duty to consult has been appropriately discharged.

The following steps outline the PPGTP consultation process. While all projects will undergo a consultation assessment, the application of other steps will depend on whether or not: the proponent has engaged; consultation is required; an EA is required.

Step 1. Early Discussions with Proponents

Proponents who have not yet submitted a project proposal and/or EIS to the PPGTP may wish to contact the PPGTP about their proposed Aboriginal consultation process. The PPGTP can provide process and research advice, but will not identify for the proponent which Aboriginal groups to contact (unless this information is already in the PPGTP's research files from previous project reviews in the same region).

Step 2. Review of Proponent Consultation

When the PPGTP receives the EIS from the proponent, the program begins its internal consultation process by reviewing the consultations done by the proponent (if conducted) and any related research provided on Aboriginal or treaty rights in the area.

Step 3. Duty to Consult Assessment

Regardless of whether or not an EA is required for the proposed project, the PPGTP conducts an assessment of the proposed project in light of any existing or potential Aboriginal or treaty rights in the region.

The duty to consult assessment generally takes a day, and will usually take place within ten days of the EIS being received and accepted by the PPGTP's Deputy Director.

Quality research by proponents on the rights and interests of local Aboriginal groups assists the PPGTP and can often expedite the research timeline.

Step 4. Risk Management Review

Before coming to a decision on whether or not to consult with Aboriginal groups, the PPGTP takes into consideration any risk factors, such as previous, current or pending litigation between any of the potentially impacted Aboriginal groups and the Crown (federal or provincial) or the proponent. The PPGTP also takes into account any media coverage (positive or negative) of the proponent in relation to the mill site or the proposed project, as well as any media statements of concern from Aboriginal groups about the proponent, the mill, the proposed project or the cumulative impacts of activities in the region.

The risk management review generally takes a day, and will usually take place within ten days of the EIS being received and accepted by the PPGTP's Deputy Director.

Step 5. Level of Consultation Decision

Courts have instructed the Crown that the level of adverse impact necessary to trigger the duty to consult is very low, and to take a broad view of any impacts that may be considered adverse. The level of consultation corresponds to the expected level of

adverse impact on potential or existing Aboriginal or treaty rights. With this in mind, the PPGTP comes to a determination about whether or not to proceed with consultation, and what level of consultation is required, based on:

- the results of proponent consultation (if any);
- the nature and scope of the proposed project;
- the results of the Aboriginal and treaty rights research; and
- any risk management considerations.

The level of consultation decision will result in one of the following options:

- a. No legal duty to consult; no consultation will be done**
- b. No legal duty to consult; consultation will be done for good governance reasons** (due to either the issue of unsettled land title surrounding the project site or other risk factors)
- c. Low level legal duty to consult; consultation required**
- d. Moderate level legal duty to consult; consultation required**
- e. High level legal duty to consult: consultation required**

The PPGTP does not anticipate receiving any project proposals that will potentially trigger a high level legal duty to consult, and few, if any, that will trigger a moderate duty to consult. However, these options are not ruled out as possibilities, and the PPGTP remains responsive to changing consultation models, based on incoming project proposals, feedback from Aboriginal groups and current legal standards.

The consultation decision is usually reached within two weeks of the PPGTP receiving the EIS, pending the number of projects under review. This timeline is dependent upon the complexity and quality of information provided by proponents, and the nature of the Aboriginal and treaty rights involved.

The better and more comprehensive the information provided by proponents on the project, their consultation research and any subsequent proponent consultation process, the faster the PPGTP is able to reach a decision.

Step 6. Consultation Period

- a.** When consulting, the PPGTP sends letters to Aboriginal groups, providing 30 days to identify an interest in the proposed project and/or to submit comments or questions.
- b.** If the legal duty to consult *has been triggered* by a particular project proposal and there is no initial response to the letter, the PPGTP will place a follow-up call to the Aboriginal group and a follow-up letter will be sent, providing 14 days to respond to the PPGTP.
- c.** If the legal duty to consult *has not been triggered* by a particular project proposal, and no responses from Aboriginal groups have been received, the PPGTP will likely conclude the consultation period at the end of the 30 days identified in the consultation letter, and will consider the consultation process concluded.

- d. If the PPGTP receives responses from Aboriginal groups, the consultation period may be extended, depending on the nature of the responses. In some instances Aboriginal groups may request more time to review the information provided or more time to review further information (such as the EIS). In instances where the legal duty to consult has been triggered, the PPGTP will work with responding Aboriginal groups to determine an appropriate timeline and consultation process, subject to the guidance of NRCan's Legal Services and the Federal Interim Guidelines on Aboriginal Consultation and Accommodation. Any prior consultation done by proponents will be taken into account in determining whether or not the consultation period will be extended, and if so, by how long. Any extension to the consultation period will depend on the level of consultation required.
- e. In some cases, an extension to the consultation period may be done to provide the PPGTP with time to conduct consultation sessions with Aboriginal groups or to work with Aboriginal groups to explain technical language contained in the EIS or project proposal. In rare instances, further research into Aboriginal rights in a region may also be done during an extension to the consultation period.

*This stage of the process takes a **minimum** of five weeks, and is conducted concurrently with the environmental assessment process. The consultation process may take up to several months, pending the responses received from potentially impacted Aboriginal groups, the nature of the project proposal, and whether or not proponents have also conducted consultations.*

Proponents who conduct quality consultation in line with PPGTP guidance can assist in accelerating this timeline (in most circumstances).

Step 7. Review of Consultation Findings

Following consultations with Aboriginal groups, the PPGTP will document and review all comments and concerns expressed. The PPGTP will screen these responses for their application to the project (i.e. are they on topic, within scope) and for jurisdiction (i.e. do they apply to the PPGTP's federal funding decision).

Comments and concerns that are within scope and federal mandate are then screened for relationship to Aboriginal rights. Comments relating to an adverse impact on existing or potential Aboriginal or treaty rights will be concretely addressed by the PPGTP. Comments provided by Aboriginal groups that relate to environmental (or other) concerns, where an adverse impact on rights is not evident, will be taken under advisement (comparable to public consultation on the proposed project).

The PPGTP then looks at each concern individually to determine if it can be addressed under the current project proposal or if project modifications/other accommodation measures are required.

The timeline for the review of consultation findings is dependent on the number and severity of comments/concerns received from Aboriginal groups.

Step 8. Final Project Decision

Information received from Aboriginal groups throughout the consultation process is compiled. A recommendation is made to PPGTP management on whether or not to fund the project. This recommendation is one of several made during the PPGTP project review process, based on the subjects the PPGTP scans for, such as technical feasibility, project risk, environmental assessment and concurrence with international trade obligations.

If an EA screening is conducted, this information will be included in *Section 9: Aboriginal Consultation* of the screening report.

The recommendation will state one of the following:

- a. **No concerns expressed by Aboriginal group:** PPGTP to proceed with project funding decision.
- b. **Concerns expressed by Aboriginal group, but no project proposal changes required:** Concerns of a nature that the PPGTP will not recommend project changes (i.e. comments relating to out of scope issues or provincial responsibilities, issues already covered by mitigation measures in the proposal, issues about impacts that remain well within permitted limits). PPGTP to proceed with project funding decision.
- c. **Concerns expressed by Aboriginal group, accommodation recommended in the form of project changes:** Concerns expressed by Aboriginal group relating to the proposed project's adverse impacts on a specific Aboriginal or treaty right, which are not currently addressed under the proposal's environmental mitigation measures, and which would require the PPGTP to approach the proponent with recommended changes to the project proposal, prior to agreeing to funding.
- d. **Concerns expressed by Aboriginal group, other accommodation measures to be considered:** In the event that the PPGTP wishes to support a proposed project with direct, obvious and substantive adverse impacts on Aboriginal or treaty rights, and these adverse impacts are of a nature that cannot be mitigated by reasonable project modifications, the PPGTP will consider other types of accommodation measures for Aboriginal groups. These considerations will depend on the specific circumstances. If accommodation measures are deemed appropriate, the PPGTP will discuss options with the proponent and each adversely impacted Aboriginal group to determine options and the best solution.

PPGTP Communications with Aboriginal Groups

The PPGTP's communications with Aboriginal groups depend on the degree of consultation being undertaken. In cases where the legal duty to consult has been triggered, the PPGTP may send an early engagement letter to Aboriginal groups, in advance of a consultation letter, and may also send follow-up letters if no response is received to the consultation letter. When the

legal duty to consult has not been triggered, but the PPGTP has elected to consult for good governance reasons, in most cases, the PPGTP will send out a single consultation letter and may follow-up with phone calls to band offices.

A standard consultation letter from the PPGTP will contain, at a minimum, the following core elements:

- a. A statement identifying why the Aboriginal group is being contacted;
- b. Basic information on the program;
- c. Basic information on the project;
- d. Basic information on whether or not an EA is required and details on the subsequent process;
- e. Information on the proposed timeline for the project decision, pending input/responses from Aboriginal groups;
- f. An invitation to respond to the PPGTP within 30 days, confirming an interest in the project; and
- g. Contact information for a PPGTP team member who will handle all the consultation communications for the specific project (providing a convenient one-window approach for the Aboriginal group).

Section 2: Process Advice for Proponents

Proponent Responsibilities

Proponents may wish to consult with Aboriginal groups, and may wish to share such information with NRCan in order to promote consistency and expedite the PPGTP review process. However, proponents elect to do so for corporate or policy reasons, not because it is a legal obligation or a PPGTP requirement.

According to the *Federal Interim Guidelines*, “The Crown alone is legally responsible for any consequences that flow from its actions and interactions with third parties that may adversely affect Aboriginal and treaty right.”³ However, while the honour of the Crown cannot be delegated, the Crown can delegate certain procedural aspects of consultation to proponents, and can benefit from the outcome of proponent consultation. This information is reviewed by the Crown in its decision making process. Ultimately, proponents play an important, but voluntary, role in the Aboriginal consultation process – one which the PPGTP strongly encourages.

Proponent consultations with Aboriginal groups are elective, not required.

Regardless of whether or not a proponent conducts Aboriginal consultation, the PPGTP may require documentation to explain the proponent’s decision, particularly if the project proposal triggers an environmental assessment.

³ Aboriginal Consultation and Accommodation: Interim Guidelines for Federal Officials to Fulfill the Legal Duty to Consult (2008) p. 18.

Consultation versus Engagement

The term “consultation” is often associated with the Crown’s legal duty to consult. Proponent processes are often referred to by the Crown as Aboriginal engagement. The Crown considers project-specific consultation with Aboriginal groups to be the narrow end of a much larger spectrum of engagement, involving relationship building and other initiatives.

Whether proponents refer to interactions with Aboriginal groups as consultation or engagement, the PPGTP encourages it and wants to hear the results.

Why Proponents Should Consult Aboriginal Groups

Aboriginal consultation promotes relationship building, encourages a transparent approval process and provides a critical mechanism for proponents and government to hear the concerns and ideas of Aboriginal groups.

The PPGTP strongly encourages proponents to consult with Aboriginal groups. Proponents play an important role in the consultation process; they are better able to provide project details in a local context. Additionally, many proponents have positive existing relationships with Aboriginal groups in the region. Proponents are often in a position to provide key outreach to Aboriginal groups on the proposed project, such as offering mill tours, open houses and speakers to discuss the project.

When proponents conduct a good consultation process, it reduces the research burden on the PPGTP and provides a mechanism to assess the level of interest or concern from Aboriginal groups about a particular proposed project. This can help to substantially expedite the PPGTP consultation process, while simultaneously improving the quality of consultation Aboriginal groups receive on the proposed project.

If proponents have conducted consultations with Aboriginal groups, in line with PPGTP guidance, this can often expedite the PPGTP consultation process, while improving the quality of consultation for Aboriginal groups.

If proponents receive written confirmation from Aboriginal groups that they have no interest in/concerns about the proposed project, the PPGTP may determine that further consultation by the PPGTP is not required.

What the PPGTP Expects of Proponents

1. Proponents electing not to consult:

The PPGTP encourages proponents to consult with Aboriginal groups because this can help expedite the project review process; however this is not a requirement of the program.

In the event that the proposed project *requires an environmental assessment*, but proponents elect not to consult with Aboriginal groups, the PPGTP requires a brief explanation of why consultation was not undertaken. This explanation can be provided in Section 9 of the EIS.

For project proposals *not requiring an environmental assessment*, where the proponent has elected not to consult, no further actions on behalf of the proponent are required.

2. Proponents electing to consult:

If proponents decide to engage Aboriginal groups, the PPGTP requires a summary of the process, as well as copies of any correspondence to and from Aboriginal groups, so the PPGTP can make an informed decision regarding Aboriginal interests in the proposed project.

In order to facilitate a timely and effective consultation process, the PPGTP requests that proponents:

1. **Identify** Aboriginal groups that may be impacted by the project or that may have an established or potential Aboriginal or treaty rights in the area of the project (including both the project site and the special boundary of any potential project impacts). Proponents are also asked to clearly identify any additional Aboriginal groups that were considered for consultation during the research process, and the reason why they were not included (i.e. “Traditional territory map from Aboriginal group does not cover the project area.”; “Reserve is at an excessive distance from project site (provide number of kilometres), with no evidence of historical occupancy in the region or modern rights/usage.”; “Modern land claim settlement does not extend to project site.”)
2. **Demonstrate** that proponents have engaged local Aboriginal groups and provided information to them on the project, including any anticipated positive and negative environmental impacts. This outreach *may* include, but is not limited to, the following optional steps:
 - a. sending information packages;
 - b. providing mill tours;
 - c. holding open houses about the proposed project;
 - d. offering to send a speaker to Aboriginal groups to explain the proposed project and take questions;
 - e. providing assistance to help Aboriginal groups understand technical or specialist language associated with the proposal
 - f. arranging Impact-Benefit Agreements with Aboriginal groups; and
 - g. promoting broader proponent-Aboriginal relationship building initiatives.
3. **Document** the steps taken, as well as any information provided to Aboriginal groups and any responses received, and provide the PPGTP with copies of any correspondence to and from Aboriginal groups and summaries of other relevant communications. If Aboriginal groups raised any issues or concerns to proponents, proponents should clearly indicate how they are being addressed (even if the action to address them is to relate them to the PPGTP).

4. **Provide** the PPGTP with the name of the person working for/with the proponent with responsibility for the Aboriginal consultation process, in case the PPGTP has follow-up questions.

If proponents have elected to conduct consultations with Aboriginal groups, documentation relating to this process may be included in an appendix in the project proposal (or EIS, if one is conducted as part of an EA process).

Additionally, if the project requires an environmental assessment, a brief summary of proponent actions is required in Section 9 of the EIS.

Researching Aboriginal and Treaty Rights

The PPGTP does not provide a list of Aboriginal groups for proponents to consult. Proponents are welcome to contact the PPGTP to see if any prior Aboriginal rights research is on file in relation to another project in the region. If the information is readily available, the PPGTP will certainly provide the names of Aboriginal groups to proponents. However, more than likely, proponents will be expected to identify potential Aboriginal rights holders in the region, and to provide these names to the PPGTP as part of the proponent's consultation process.

There is no single "radius" around a project site where proponents should research the presence of potential Aboriginal rights holders because of substantial variations in the nature of proposed projects, their anticipated impacts, Aboriginal treaty status in the region, Aboriginal history and the provincial and regulatory context.

Proponents researching Aboriginal groups in the region should begin by determining the geographic boundaries of the anticipated project impacts. For example, if a project has a potential impact on air quality (even if this is a low level impact), the boundary of the project's anticipated impacts would be the air shed around the mill site. Alternatively, if a proposal involves increased water usage from a local creek or river, the boundary of anticipated impacts should extend downriver (potentially to the next substantive inflow of water into the river) and should include a border to either side of the river of a few kilometers (depending on the amount of water being used). Similar logic can be applied to projects with increased water effluent. Once the area of anticipated impacts is understood, proponents may wish to expand the area of research around the area of impacts by 10-50 km, depending on the scale of the anticipated impacts and whether or not the impacts will be temporary (i.e. increased trucking during construction) or permanent (i.e. tree removal for new infrastructure).

While technical experts at the mill may feel confident that a particular proposed project will have minimal impacts on the surrounding environment, proponents should be mindful of the fact that Aboriginal groups often face numerous "small" projects in a particular region or traditional territory, resulting in larger cumulative effects that can potentially adversely impact Aboriginal rights. This situation can result in a disjuncture between the level of interest Aboriginal groups have in a particular project and the level of interest the proponent's technical experts anticipate based on the project proposal. For example, an Aboriginal group may have a high level of concern about a project which is considered by technical experts to have negligible

environmental effects. A good consultation process can help all parties to appreciate alternative perspectives.

Once the area of anticipated project impacts is clearly defined, proponents should identify any Aboriginal groups in the region that: are engaged in a treaty process; have filed land claims; have existing land claim or treaty rights; have created traditional territory maps; or have made assertions regarding the use of the land or resources, such as claiming hunting rights in the region. Proponents are encouraged to also make use of academic, provincial and federal information to help identify potential Aboriginal rights, in the event that Aboriginal groups have not clearly stated their interests or rights in a region.

Another way to approach Aboriginal rights research is to simply begin at the project site and work geographically outward, identifying Aboriginal groups with stated interests in the region until the proponent reaches the stage where Aboriginal groups in all directions cease to claim traditional territory in the region.

Proponent Communications with Aboriginal Groups

The PPGTP does not provide a template letter for proponents to send to Aboriginal groups. Proponents are expected prepare their own communications, depending on the nature of their interactions and relationship with the Aboriginal groups they are consulting. However, the PPGTP encourages proponents to include the following information in their consultation packages/mail-outs (if conducted):

- An explanation of the proposed project (provided in plain non-technical language) clearly identifying any potential adverse environmental impacts, even if they are of a low nature (i.e. “The project is expected to result in a 2% increase in particulate emissions; however, even with this increase, the mill’s particulate emissions will remain well within provincially permitted levels.”);
- A timeline for responses from Aboriginal groups (recommended min. 30 days);
- Contact information for someone working for/with the proponent who will be handling any responses from Aboriginal groups; and
- Contact information for the PPGTP’s Aboriginal consultation point person, in the event that the Aboriginal group wishes to contact the Crown directly in response to this proposed project.

Third Parties in the Consultation Process

When there are parties other than the proponent and the PPGTP involved in the Aboriginal consultation process, it is important for proponents to clearly indicate this to the PPGTP early in the process. For example, if a project proposal is part of a larger initiative, requiring a provincial EA or permit, the Federal Crown may need to coordinate with the Provincial Crown to ensure that the duty to consult has been appropriately discharged.

In order to expedite the process, proponents should clearly identify to the PPGTP in writing any provincial role in the consultation process, as well as the role of any other parties such as

additional proponents or partners, and should provide the PPGTP with the contact information of the people within these organizations that will be responsible for the consultation process.

Proponents should clearly identify the role of any third parties in the consultation process, such as provinces or other proponents. This step should be taken early in the consultation process. Failure to do so can create delays.

Contacting the PPGTP

The PPGTP is available to proponents to answer questions and provide advice on the Aboriginal consultation process. If proponents have questions regarding Aboriginal consultation, they should contact the PPGTP at pulpandpaper@nrcan-rncan.gc.ca.