



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale

Environmental Assessment and Energy Regulation



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Canada



Presentation Overview

- Current approach to energy EA and regulatory processes
- Tools for collaboration and harmonization
- Pilot projects
- Conclusions





Currently...

- Energy-related projects can be subject to:
 - Federal EA process
 - One or more provincial or Aboriginal EA process
 - Regulatory approvals in both jurisdictions (federal and provincial/territorial)

- This layering of approvals is a recipe for complexity, duplication, unnecessary delays, and confusion.





Currently...

- Immutable reality:
 - Shared constitutional jurisdiction on environment (federal, provincial and territorial)
 - Unlikely to change

- To address this, the focus has been on collaboration and harmonization.





Collaboration and Harmonization

- How we pursue this under CEAA:
 - Bilateral agreements with provinces
 - MOUs with offshore boards
 - Project-specific agreements
 - Joint Panels
 - Substitution (pilot project)
 - Strengthened accountability for Agency on major projects
 - The Cabinet Directive on Implementing the *Canadian Environmental Assessment Act*
 - Galore Pilot





Bilateral Agreements

- Purpose: facilitates a single cooperative EA and review process meeting the legal requirements of both federal and provincial governments
- Agreements in place with 7 provinces/territories (British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Yukon)





MOUs with offshore Boards

- Separate agreements between the federal government, provinces, and the offshore boards for the two offshore areas under the Canada-Nfld&L and the Canada-NS Accords.
- Aims to ensure that existing federal and provincial regulatory and EA responsibilities relating to large offshore oil and gas development projects are predictable and timely and are carried out in an effective and efficient manner.
- Signed in 2004





Joint Panels

- Purpose: to move forward cooperatively to conduct efficient and timely panel reviews
- Project specific agreements - helps to streamline and harmonize the EA process, outlines key roles and responsibilities, establishes timelines to render the process transparent.
- E.g. Jackpine and Horizon Oilsands, MacKenzie Pipeline, Sable Gas





Substitution

- Section 43 of CEAA - provides the MOE with authority to approve the substitution of another federal EA process for the review panel process under CEAA.
- Opportunities for substitution with the NEB explored since 1995
- Certain issues remain challenging:
 1. Post panel process – Cabinet approval
 2. Application and administration of participant funding
 3. Public participation in the context of more formal quasi-judicial hearings
- Brunswick Pipeline: pilot project to evaluate the merits of substitution to determine if and when it can be more effective than joint panels





Improved Accountability Framework

- Cabinet Directive on Implementing the *Canadian Environmental Assessment Act* (2005)
 - establishes common principles for determining what will be examined in a federal EA;
 - clarifies who is responsible for ensuring implementation of mitigation measures to prevent significant adverse effects; and
 - provides for involvement of senior officials to ensure a coordinated federal process.
- Recognizes the leadership role of Agency
- Galore Creek Mine: pilot project - the Agency plays a more enhanced role in the federal EA with an aim to fostering a timelier, more coherent EA process that supports a cooperative assessment in accordance with the Canada-BC bilateral





Conclusions

- Harmonization and better coordination are key to ensuring EA and regulatory processes do not create unnecessary delays for proponents
- Implementation of the Cabinet Directive will help improve the quality, timeliness, consistency and certainty of EAs
- Need to continue to explore options to further strengthen the accountability framework for federal EA

