



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale



The role of traditional knowledge in consultation and environmental assessment: an integrative approach

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Canada



Outline

- Overview of the Agency and CEAA 2012
- Aboriginal consultation and expectations
- Key process steps of CEAA 2012
- Considerations
- Discussion



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Canadian Environmental Assessment Agency

■ The Agency:

- Administers the CEA Act and regulations
- Leads the Environmental Assessment
- Is the Crown Consultation Coordinator
- Manages the Canadian Environmental Assessment Registry
- Provides administrative and advisory support for review panels,
- Provides funding to enable Aboriginal and public participation in review panels and standard environmental assessments



CEAA 2012 Purpose

- **Protect the components of the environment under federal jurisdiction from significant adverse environmental effects.**
- **Ensure that designated projects are carried out in a careful and precautionary manner to avoid significant environmental effects.**
- **Promote cooperation and coordination with provinces and aboriginal peoples.**
- Ensure that opportunities are provided for meaningful public participation.
- Ensure that EAs are completed in a timely manner.
- Ensure that projects carried out on federal lands or outside Canada are considered in a careful and precautionary manner to avoid significant adverse effects.
- Encourage federal authorities to take actions that promote sustainable development in order to achieve or maintain a healthy environment and healthy economy.
- Encourage the study of cumulative effects of physical activities in a region and the consideration of those study results in EA.



Decision making

- Minister of the Environment issues a decision statement after an EA by the Agency or by a review panel

- Decision statement must include conclusion on significance of adverse environmental effects and set out mitigation and follow-up requirements
 - requires referral to Cabinet whenever environmental effects are significant (for EAs by responsible authority & panels) for a determination as to whether the effects are justified



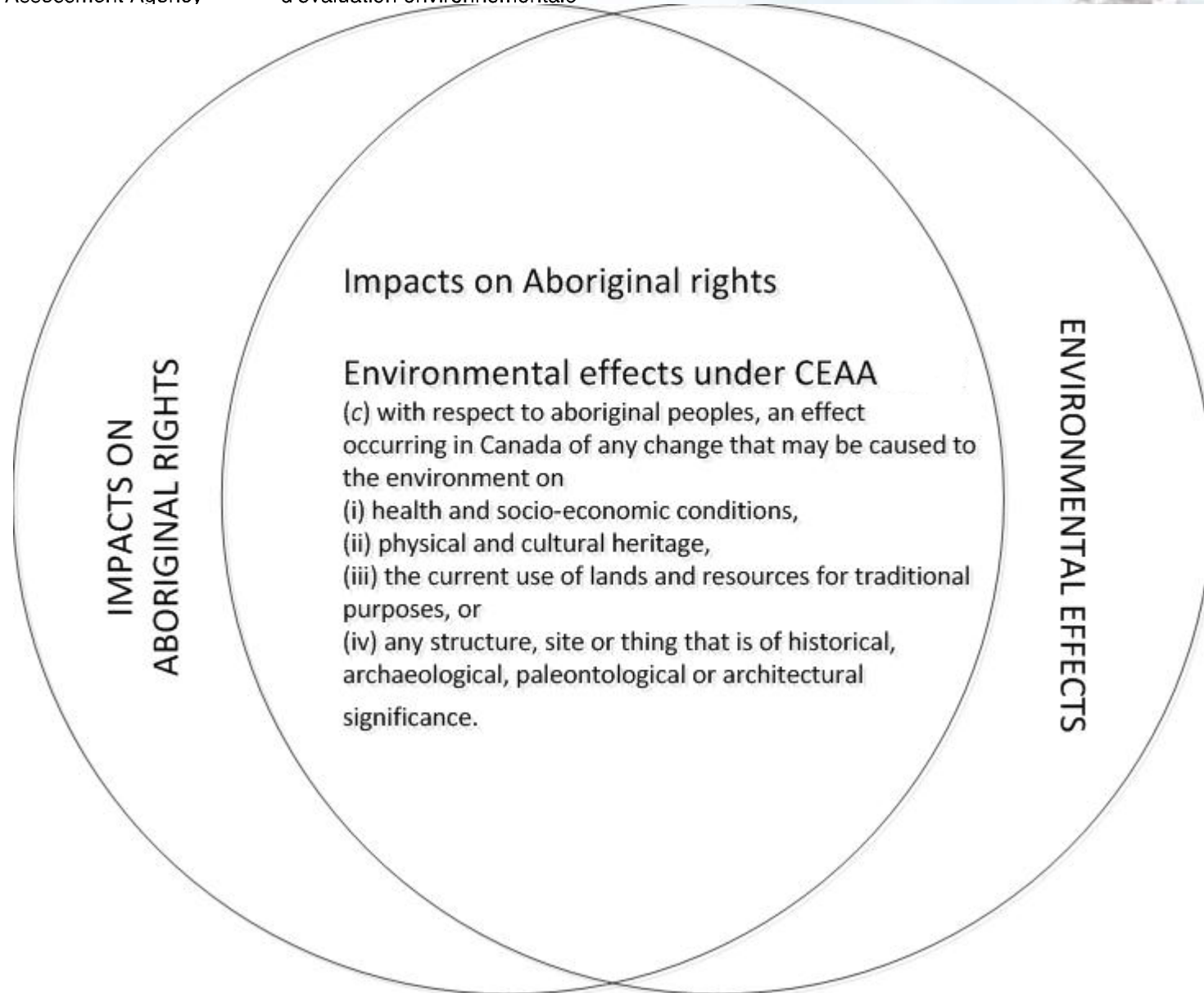
Enforcement

- Proponent prohibited from proceeding with a designated project that causes adverse environmental effects unless:
 - Agency has determined no EA is required
 - Proponent complies with the conditions in a decision statement
- Act includes provisions that allow for enforcement of the requirements of the Act (s.89-102)
- Fines range from \$100k to \$400k



The duty to consult and EA

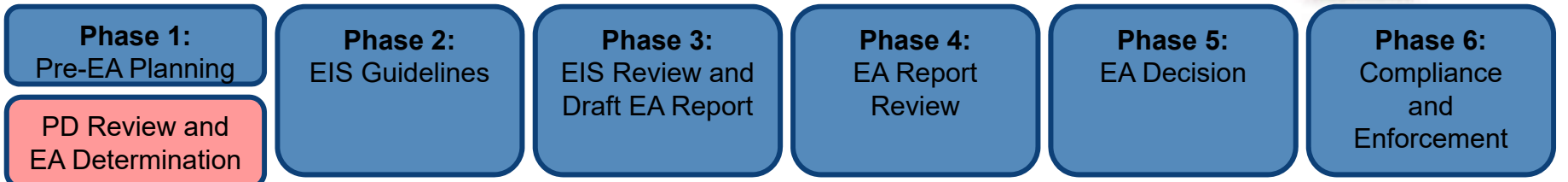
- The Minister of the Environment's Environmental Assessment decision under CEAA 2012 is considered to be Crown conduct that gives rise to a legal duty to consult.
- The information collected to inform the assessment of environmental effects will often overlap with the information needed to understand the nature of any adverse impacts of the project on potential or established Aboriginal or Treaty rights.



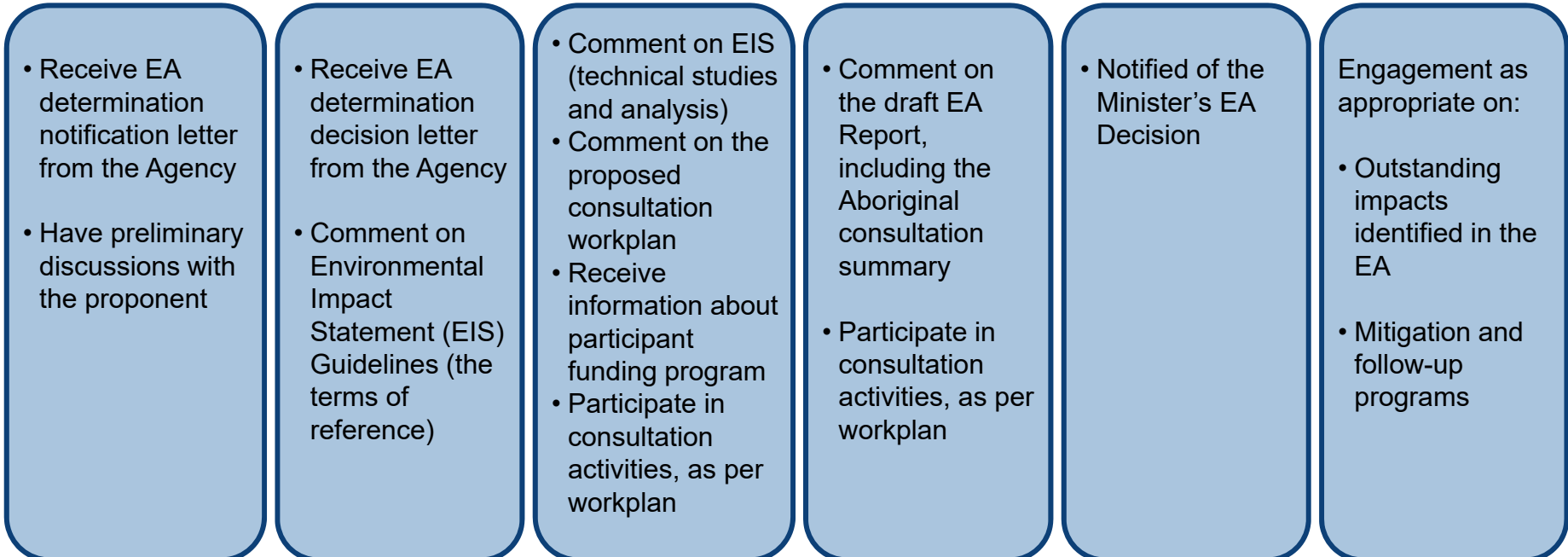


INTEGRATION OF ABORIGINAL CONSULTATION INTO THE ENVIRONMENTAL ASSESSMENT PROCESS

Environmental Assessment Process



Key Consultation Activities for Aboriginal Groups





Incorporating traditional knowledge into the EA

- What form of traditional knowledge is best for EA?
- When should the proponent begin collecting information?
- Can biophysical VC's act as stand-ins for current use?



Considerations

- Incorporating results into the EA
- Role of government, proponents and First Nations in mitigation/accommodation
- Resources
- Participants



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Questions?

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