DALHOUSIE UNIVERSITY
FACULTY OF MANAGEMENT
School for Resource and Environmental Studies

Submission to the Environmental Assessment Expert Review Panel – "What would a fair, transparent, and trustworthy decision-making process look like?"

Prepared for:
The EA Expert Review Panel

Prepared by:
Gregory Bowser, B.Eng, MREM Candidate 2017

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Abstract

The environmental assessment process (EAP) has been actively used worldwide since it originated in the 1960s. It provides a framework for proponents and government to determine adverse environmental, social, and economic implications of projects. The EAP in currently under review by an Expert Panel appointed by the Minister of Environment and Climate Change. This submission to the Expert Panel will examine the current-decision making process and address the question "What would a fair, transparent, trustworthy environmental assessment process look like?". Current decision making processes do not fairly consult the public at both the front-end and the back-end. The Canadian Environmental Assessment Agencies registry is far from user-friendly, resulting in sub-par public engagement in the EAP. Decision statements provided for federal environment assessments (EA) are vague and only provide reference to relevant statutes, regulations, and guidelines but do not outline how project approvals are determined.

Six recommendations are made to the panel after conducting a literature review of relevant EAPs and investigating the history of EA in Canada. Recommendations include ensuring opportunity for timely participation within all EAPs and not just considering those 'directly affected'. Approaching public participation in this manner, especially if REAs are performed, will result in a fairer, transparent, and trustworthy decision-making process. Developing an accurate definition of 'cumulative effects', and, define thresholds for cumulative effects so that observed effects can be quantified, interpreted, and studied accurately using the scientific methods outlined in the literature. Nation-wide multi-jurisdictional REAs and CEAs should be performed to develop reports that contain accurate cumulative effects for each region in Canada. All documentation should be published in appropriate publically available databases. This will help to create a wealth of accumulated knowledge of the current state of cumulative effects and regional impacts within Canada. Information should be shared with other jurisdictions to aid in developing a scientifically sound approach to cumulative effects globally. Additionally, proponents should be mandated to use information determined in these assessments both when submitting registration documents and performing EIAs. A fee should be charged to proponents when submitting registration documents to use this information. The revenue produced should support the ongoing activities of the REA program suggested. Finally, the federal government should provide 'decision reports' in tandem with each decision statement. A framework for a quantitative analysis with performance metrics should be applied to showcase EIS compliance with guidelines, regulations, cumulative effects, and public and aboriginal input.

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1 Introduction

1.1 Context

The current version of the Canadian Environmental Assessment Act 2012 (CEAA 2012, or the Act) is considered broken by various stakeholders, legal practitioners, and academics that attended the Federal Environmental Assessment Reform Summit in May, 2016 (Johnston, 2016). The Act has evolved through contributions from various federal governments. The Liberal party of Canada promised Canadian citizens to revise the CEAA if elected on October 19th, 2015 – an election where the party won a majority.

A substantial portion of the mandate of the Federal Minister of the Environment and Climate Change (MoE), The Honorable Catherine McKenna, is to "immediately review Canada's environmental assessment processes (EAP) to regain public trust" (Rt. Hon. Justin Trudeau, 2015). The Expert Panel was established to conduct a thorough review of environmental assessment processes (EAPs). The review is to include "meaningful engagement and consultation of Canadians, Indigenous people, provinces and territories, and key stakeholders to develop recommendations on ways to strengthen and improve federal environmental assessment processes" (Expert Panel, 2016).

1.2 Question Addressed

The Expert Panel established seven themes for discussion and input. Collectively these themes contained 30 key questions that are to be addressed throughout the review process. I chose to investigate the second question under the "Decision and Follow-Up" theme, and, make recommendations to the panel regarding the outcome of my research. In my opinion, the question, "What would a fair, transparent, and trustworthy decision-making process look like?" (Expert Panel, 2016) is imperative to discuss if public trust is to be regained, and therefore, develop alternatives to the current decision-making processes.

1.3 Objective of the Report

My submission will contribute my ideas and perspective to the Expert Panel regarding the aforementioned question, from the lens of an environmentally conscious graduate student. The basis of my submission comes from my interest in environmental law and policy, my previous experience working in the oil and gas industry, and attending the public workshop in Halifax, NS, on October 3rd, 2016. A thorough review of academic and government literature, reports, decision-statements, current and previous legislation, and consultation with three experts in the area of EAP have assisted with developing of my proposed approach to creating a fair, transparent, and trustworthy decision-making process.

1.4 Layout

Relevant literature will be reviewed followed by the history and progression of the CEAA and related legislation. The issues with how the current state of decision-making in the federal EA process will be addressed. Three recommendations will be made to the panel. I am confident that collaboratively utilizing these recommendations will result in a fair, transparent, and trustworthy decision making process for federal EAs. Finally, my submission will conclude by overviewing the limitations of the proposals, followed with two appendices containing my concerns with amendments to the current legislation (Appendix A), and, environmental impact statements (EIS), EIS guidelines, comprehensive study reports (CSR), CSR guidelines, and decision statements.

2 Literature Summary

2.1 Academic Literature

EA is used to predict, identify, and develop mitigation or monitoring strategies for adverse environmental, social, and economic effects of proposed projects (CEA Agency, 2016). Today, the CEAA is not designed to address the comprehensive, integrated, and interconnected biophysical components that are considered to be the absolute minimum of scope for EAs globally (Gibson R. B., 2012). Recent literature supports active public engagement, sustainability objectives, focus on CEAs and SEAs in most jurisdictions (Morgan, 2012). Essentially, CEAA 2012 is a licensing tool for conventional projects (Gibson, Doelle, & Sinclair, 2016). CEAAs structure is a project-based approach that aims to approve 'less bad' projects that do not properly address alternative methods of the development of other projects. Literature supports EA legislation approving projects meet sustainability criteria, are holistic, and are prosperous for all stakeholders (Gibson, Doelle, & Sinclair, 2016).

The Next Generation Environmental Assessment project addresses tools such as strategic environmental assessments (SEA), regional environmental assessments (REA), and cumulative effects assessment (CEA) to be useful in providing better early-stage project guidance, yet, are currently under-utilized in current EA practices (Gibson, Doelle, & Sinclair, 2016). Next Generation Environmental Assessment also proposes that REAs, SEAs, project assessments, and regulations need to be tiered and integrated with policy and procedure, and focuses on 'collaboration and harmonization' in all levels of EA (Gibson, Doelle, & Sinclair, 2016). This type of sustainability approach will ensure cumulative effects to date be assessed effectively (Johnson, 2016).

Engaging public and Aboriginal stakeholders in the EA process is widely recognized to be key in achieving sustainability development (Chi, Xu, & Xue, 2014). While the facilitation of public participation is required

in the federal EAP, it has become limited due to the "directly affected" phrasing within CEAA 2012 (Fluker & Srivastava, 2016). Literature suggests that participation beyond written submissions to the panel is closer to a privilege instead of a right, especially considering that participants now must explicitly state how they are directly affected from the project that is being considered (Fluker & Srivastava, 2016).

While each component previously discussed (REA, SEA, CEA, public participation) have been identified to be important in future practice of EA, the framework for incorporation into EAPs needs to be addressed (Olagunju & Gunn, 2016). Social learning was determined to be the most common type of learning that participants in REAs have reported, specifically improvements in 'working relationships, local community interests, other stakeholders' sets of values and interests, and improved communication' were noted as the greatest benefits (Olagunju & Gunn, 2016). Policy-making stakeholders have also reported that technical learning of the 'complexities associated with regional environmental impacts and associated problems' were beneficial (Olagunju & Gunn, 2016). However, in order for REAs and CEAs to be effectively integrated and utilized efficiently and effectively there must be clear outcomes, outputs, and thresholds defined (Olagunju & Gunn, 2016) (Duinker, Burbidge, Boardley, & Greig, 2012).

Current practice of CEA involves proponents focusing on mitigating individual stressors that are associated with the proposed project, how the identified individual stressors may interact with the same environmental components, and rarely with other stressors in the local spatial or temporal environment (Noble, 2012). This type of approach is flawed due to cumulative effects not being about individual stressors but the total effects on the environment and how those performing the CEA incorporate "reasonably foreseeable" future projects and activities into their assessment (Duinker & Greig, 2006). Literature provides substantive evidence that current practice of CEAs is flawed due to the lack of consistency between proponents and stakeholders understanding of the definition of cumulative effects, and, the differences in direction between the definitions in scholarly literature (Duinker, Burbidge, Boardley, & Greig, 2012). If CEAs and REAs are to become effective tools to determine the total environmental effects in a region, how effects become cumulative must be defined, as well as an expanded definition of what "reasonably foreseeable" projects should be considered in CEA. Collaborative engagement of relevant stakeholders to share knowledge of cumulative effects (development of predictive models based on observed cause-effect relationships) and development of thresholds to judge the significance of cumulative effects is also imperative for future CEA and REA processes (Duinker, Burbidge, Boardley, & Greig, 2012).

3 Evolution of Practice

3.1 Environmental Assessment Review Process

Canadian EA related policy discussions began in the 1960's when citizens started to become more interested and concerned about adverse environmental effects from larger projects (CEA Agency, 2016). Turning points identified during this time include:

1. The birth of the U.S. National Environmental Policy Act (NEPA) in 1969. (U.S. Government, 1969)
2. The United Nations Stockholm Conference on the Human Environment in 1972 occurred. The outcomes of this conference were:
    a. The birth of the United Nations Environment Programme (UNEP)
    b. The Stockholm Declaration consisting of 26 'environmental guiding principals' (Doelle & Tollefson, 2013).
    c. The Canadian cabinet made policy in 1973 commitment to review environmental effects from major projects (CEA Agency, 2016).
    d. In 1974 Canadian cabinet developed the Environmental Assessment and Review Process Guidelines Order (Doelle & Tollefson, 2013).

3.2 CEAA – 1995 - 2010

CEAA was introduced to parliament in 1990 as Bill C-78 (CEA Agency, 2016). The Act was passed by the Conservative government under Brian Mulroney in 1992, but acceptance into legislation was delayed due to development of 'key regulations' (Doelle & Tollefson, 2013). Amendments to the Act were made by the elected Liberal government under Jean Chrétien in 1993 and the CEAA was adopted into legislation officially in 1995 (Doelle & Tollefson, 2013).

The difference between CEAA 1995 and the EARP Guidelines was that the federal EA process was formalized with legislation and was no longer just cabinet policy (Doelle & Tollefson, 2013). The Law List regulations listing legislative and regulatory guidelines that provided a framework of how EAs would be triggered under CEAA 1995 was also an important difference(Doelle & Tollefson, 2013). The legislation also introduced the four different process options for conduction EAs (Doelle & Tollefson, 2013).

Legislative amendments were made to CEAA in 2003, 2006, and 2010, to sections 15 and 21 and effected the mandate of public participation in different EA processes.

3.3 CEAA – 2012

The new version of the CEAA, CEAA 2012 (the Act) was completely re-written under the Harper government. The Act is now a 'discretionary process' under the CEA Agency. Formerly, by definition, the Act was contained a 'legal test involving the definition of a project, the law list and various exclusions' (Doelle & Tollefson, 2013). Federal decision-makers and Responsible Authorities (RAs) were reduced to the National Energy Board (NEB), the Canadian Nuclear Safety Commission (CNSC), and the CEA Agency, the Department of Fisheries and Oceans (DFO) and other RAs were removed. Screening and comprehensive study processes were combined into a 'one size fits all' process, and, the mediation option was completely eliminated (it was never used). Finally, the scope of federal EAs was significantly narrowed, focusing on implications that fall under the direct regulatory authority of the RA.

4 Decision Making – The Problem

The current decision making process in EA (both at the EIS development and decision statement levels) have two issues I believe are the most important to address. I am referring to active, engaged, and meaningful participation throughout the various EAPs (REA, CEA, project-based EA), and decision statements that are clear, transparent, and have a measure of accountability.

Under CEAA 2012 projects that fall under the regulatory authority of the NEB only require public consultation of citizens that are 'directly affected' from potential project effects, and, those that fall under the CEA Agency and CNSC are subject to limited timelines imposed by the RA. Limiting public participation in the EAP, in any way, will directly affect the legitimacy of the results of the EA. If the decision-making process is to be fair, trustworthy, and transparent it is imperative that opportunities for public engagement for all interested parties be invited to participate in the EAP. The public must be engaged in not only project-based EAs, but also REAs and CEAs. I will focus on the two processes I do not consider fair, transparent, or trustworthy with regards to decision-making. The first is the requirements set out by the RA when proponents submit their registration document. Currently the requirements for determining potential adverse environmental effects are established by the respective RA and the proponent prior to the completion of the EA and submitting the EIS. The timeline for the review of proposed adverse effects from the project to determine whether an EA is required is short and more baseline information should be considered (especially with larger projects). The second is the lack of clarity with regards to how the decision is made to approve or reject the project following the completion of the EIS.

I have reviewed ten projects with completed EAs that are listed on the CEA Agency's website. The projects reviewed have span from the early 2000's to present day. Comprehensive study reports (CSR) and guidelines, EIS reports and guidelines, and corresponding decision statements were considered. Please refer to Appendix B – EIS, EIS Guidelines, CSR's, Decision Statements for further review. Decision statements for project EAs in Canada lack explanation of how the decision is made for projects to proceed. No framework or statement regarding how EISs compare to their guidelines and regulations are available. I would consider this a translucent, untrustworthy process of providing decisions to major projects.

5 Proposed Solution

5.1 Regional Environmental Assessment and Cumulative Effects Assessment Strategy

Conducting nation-wide REAs and CEAs should be considered as a major component of the new EAP legislation. Mandating the federal government to work with provincial jurisdictions to produce regional impact statements (RIS) that utilize the scientific approach for conducting CEAs outlined by (Duinker, Burbidge, Boardley, & Greig, 2012) for regions in each province will benefit all stakeholders. In order to do this effectively the definition of what a constitutes a 'cumulative effect' must be determined in order to ensure that all assessments are conducted using the same principals. Thresholds for cumulative effects must be determined and published so that the significance of observed effects can be quantified and further development of mitigation and monitoring strategies can be implemented.

The REA strategy must actively engage the public, NGOs, Aboriginal communities, academics, proponents, consultants, and any other interested parties. The resulting reports should contain current cumulative effects for each region, comprehensive lists of valued ecosystem components (VECs), and identification of both areas of concern (exceeded thresholds) and areas where development could prosper (low observed cumulative effects. Ideally there should be a RIS database where all reports are posted and made available to the public and proponents, as well as a database containing observed cause-effect relationships of cumulative effects from various human-environment interactions. The development of knowledge accumulation and sharing of the information in a format that allows the information to be used in other CEAs is recommended in various literature regarding CEA (Duinker, Burbidge, Boardley, & Greig, 2012).

Using this approach will not only result in a better understanding of the current state of cumulative effects in Canada, but it will also provide a fair, transparent, and trustworthy decision-making process if executed correctly. As stated, all reports should be made available to the public and proponents for review. Proponents should be required to provide proof of using the results in their registration documents and

completed EIS, and, should be charged a fee to do so. A proportion of the proposed capital cost of the project is one suggestion of how implement this fee. This policy would help finance conducting the REA approach and would ensure that the public voice is heard prior to determining if a project will require a federal EA. Increased transparency within the decision-making framework will likely be a result as well as there will be plenty of opportunity to contribute to REA and CEA processes. The REA and CEA processes should be performed on a continual basis. Consistent cumulative effects and regional information should be published and analyzed, resulting in development of more effective mitigation and monitoring strategies, and proponents will be held accountable for previously unseen regulatory infractions.

5.2 Decision-Making Framework Document

Current decision statements for project EIS are vague, ambiguous, and lack explanation of approval. I propose that in addition to a 'decision statement' that a report regarding EISs performance with guidelines, public input, and cumulative effects determined through the REA processes be published. An analytical framework containing performance metrics, a 'decision report', outlining how the decision was determined needs to be an obligation to the public if we are to see a truly fair, transparent, and trustworthy decision-making process on the back-end of the EAP. The frame of this document should address all potential EIS elements, however, not every EIS will have every component. A governing document will create transparency for the decision process. All EIS components should be evaluated an scored. I propose a scoring scale from one to ten; 'one to three' corresponding to 'extremely inadequate to inadequate', 'four to six' being 'satisfactory', 'seven to eight' representing 'properly addressed all required outcomes', and, 'nine to ten' thriving with 'exceptionally exceeds guidelines, regulatory requirements, public input, and provides a sustainable outcome(s) after mitigation and monitoring are considered'. A framework of this nature to will foster a transparent decision making process. The report should be made publically available when the decision statements are released. I am confident that RAs must already engage in a similar process 'behind the scenes' while determining project approval. If fair, transparent, and trustworthy decision making processes are valued the current government (this question was put forth by the government, after all), it is crucial that information regarding how decisions are made be publically available.

6 Recommendations and Practical Limitations

6.1 Limitations

The most significant limitations to complete multi-jurisdictional REAs, I believe, are time (completion of the assessments), money, and implementing effective policy and guidelines prior to commencing the assessments. Prolonged development and implementation of REA policy would be expected due to the inter-jurisdictional approach that would be required. Currently there are different policies, legislation, and

regulations in provincial, federal, and territorial jurisdictions. Ensuring that a nation-wide CEA and REA standard be achieved would be critical in ensuring the accuracy and validity of the information determined in the assessments.

Creating a fair, transparent, trustworthy decision making process will require a level of accountability that the federal government may not be comfortable with. By publicizing a 'decision report' the government is leaving themselves open for criticism from any party that opposes disagrees with the assessment of how the EIS measured up to guidelines and other criteria. This limitation will require a change in culture, especially with respect to environmental and economic considerations within the various regulatory bodies that are in charge of approving projects.

6.2 Recommendations

Creating a fair, transparent, trustworthy decision making process for EA will require an approach that involves CEA, REA, increased public participation, and a change in how decision statements are produced. I am recommending the following to the Expert Panel:

1. Ensuring opportunity for timely participation within all EAPs and not just considering those 'directly affected'. Approaching public participation in this manner, especially if REAs are performed, will result in a fairer, transparent, and trustworthy decision-making process.

2. Developing an accurate definition of 'cumulative effects', and, define thresholds for cumulative effects so that observed effects can be quantified, interpreted, and studied accurately using the scientific methods outlined in the literature.

3. Conducting nation-wide multi-jurisdictional REAs and CEAs to develop RISs with accurate cumulative effects for each region in Canada.

4. Publishing all reports within corresponding databases to create a wealth of accumulated knowledge of the current state of cumulative effects and regional impacts within Canada. This information should be shared with other jurisdictions to aid in developing a scientifically sound approach to cumulative effects globally.

5. Mandate proponents to use information determined in these assessments when submitting registration documents and performing EIAs and charge a fee that should be used to support the REA program.

6. Provide ‘decision reports’ in tandem with each decision statement. A framework for a quantitative analysis with performance metrics should be applied to showcase EIS compliance with guidelines, regulations, cumulative effects, as well as public and aboriginal input.

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7 Appendix A – Section's of Legislation

7.1 CEAA 2003

"WHEREAS the Government of Canada seeks to achieve sustainable development by conserving and enhancing environmental quality and by encouraging and promoting economic development that conserves and enhances environmental quality;

WHEREAS environmental assessment provides an effective means of integrating environmental factors into planning and decision making processes in a manner that promotes sustainable development;

WHEREAS the Government of Canada is committed to exercising leadership within Canada and internationally in anticipating and preventing the degradation of environmental quality and at the same time ensuring that the economic development is compatible with the high value that Canadians place on environmental quality;

WHEREAS the Government of Canada is committed to facilitating public participation in the environmental assessment of projects to be carried out by or with the approval or assistance of the Government of Canada and providing access to the information on which those environmental assessments are based"[1]

"4. (1) The purposes of this act are

(d) to ensure that there be opportunities for timely and meaningful public participation throughout the environmental assessment process."[2]

7.2 CEAA 2010

"12.3 In carrying out duties under section 12.2, the federal environmental assessment coordinator may

(a) establish and chair a committee composed of federal authorities that are or may be responsible authorities for the project and those that are or may be in possession of specialist or expert information with respect to the project;

(b) after consulting with the authorities referred to in paragraph (a), establish time lines in relation to the assessment; and

(c) in consultation with the federal authorities that are or may be responsible authorities, determine the timing of participation."

[1] *An Act to Amend the Canadian Environmental Assessment Act*, SC 2003, c 9, Preamble, para 1-4.
[2] *An Act to Amend the Canadian Environmental Assessment Act*, SC 2003, c 9, ss 4(1)-(2).

"Minister's power to establish scope of project

15.1 (1) Despite section 15, the Minister may, if the conditions that the Minister establishes are met, determine that the scope of the project in relation to which an environmental assessment is to be conducted is limited to one of more components of that project.

Availability

(2) The conditions referred to in subsection (1) must be made available to the public.

Delegation

(3) The Minister may, in writing and subject to any conditions that the Minister may specify, delegate to a responsible authority in relation to a project the power conferred on the Minister by subsection (1) in respect of that project.

Project of class of projects

(4) The delegation may be in respect of a project or class of projects."[3]

"Public consultation

21. (1) Where a project is described in the comprehensive study list, the responsible authority shall ensure public consultation with respect to the proposed scope of the project for the purposes of the environmental assessment, the factors proposed to be considered in its assessment, the proposed scope of those factors and the ability of the comprehensive study to address issues relating to the project.

Report and recommendation

(2) After public consultation, as soon as it is of the opinion that is has sufficient information to do so, the responsible authority shall

(a) report to the Minister regarding

(i) the scope of the project, the factors to be considered in its assessment and the scope of those factors,

(ii) public concerns in relation to the project,

(iii) the potential of the project to cause adverse environmental effects, and

(iv) the ability of the comprehensive study to address issues relating to the project; and

(b) recommend to the Minister to continue with the environmental assessment by means of a comprehensive study, or refer the project to a mediator or review panel in accordance with section 29.

[3] *An Act to Amend the Canadian Environmental Assessment Act*, SC 2003, c 9, ss 15(1)-(4) as it appeared on July 2010.

Minister's decision

21.1 (1) The Minister, taking into account the things with regard to which the responsible authority must report under paragraph 21(2)(a) and the recommendation of the responsible authority under paragraph

Public Participation

21.2 Where a project has been referred to a responsible authority under paragraph 21.1(1)(a), the responsible authority shall ensure that the public is provided with an opportunity, in addition to those provided under subsection 21(1) and section 22, to participate in the comprehensive study**, subject to the decision with respect to the timing of the participation made by the federal environmental assessment coordinator under paragraph 12.3(c)"**[4]

7.3 CEAA 2012

"Federal Authority

(7) A federal authority must not exercise any power to perform any duty of function conferred on it under any Act of Parliament other than this Act that could permit a designated project to be carried out in whole or part unless

(b) the decision statement with respect to the designated project that is issued under subsection 31(3) or section 54 to the proponent of the designated project indicates that the designated project is not likely to cause significant adverse environmental effects or that the **significant adverse environmental effects that it is likely to cause are justified in the circumstances.**"[5]

7.4 National Energy Board Act 2010

"Certificates

(52) The Board may, subject to the approval of the Governor in Council, issue a certificate in respect of a pipeline if the Board is satisfied that the pipeline is and will be required by the present and future public convenience and necessity and, in considering an application for a certificate, the Board shall have regard to all considerations that appear to it to be relevant, and may have regard to the following:

(e) any public interest that in the Board's opinion may be affected by the granting or the refusing of the application."[6]

[4] *An Act to Amend the Canadian Environmental Assessment Act*, SC 2003, c 9, ss 21(1), 21(2), 21.1(1)-(2), 21.2 as it appeared on July 2010.
[5] *Canadian Environmental Assessment Act,* SC 2012, c 19, s. 7(b)
[6] *National Energy Board Act,* RSC 1985, c N-7, s. 52 as it appeared on July 2010.

8 Appendix B – EIS, EIS Guidelines, CSR's, Decision Statements

8.1 B.C. Hydro - Site C Clean Energy Project (CEA Agency) (B.C.)

- Environmental Impact Statement (CEA Agency, 2013)
- EIS – Guidelines (CEA Agency, 2012)
- Decision Statement (CEA Agency, 2014)

Comments: Brief statement of approval (roughly a page and a half). Conditions and explanation restate the EIS guidelines in condensed terms.

8.2 BlackRock Metals Inc. – BlackRock Mining Project (CEA Agency) (QC)

- Environmental Impact Statement (BlackRock Metals Inc., 2013)
- Scope of Assessment and Comprehensive Study Guidelines (CEA Agency, 2011)
- Comprehensive Study Report (CEA Agency, 2014)
- Decision Statement (CEA Agency, 2014)

Comments: Shortest decision statement reviewed thus far. One paragraph referring responsibility to the DFO and a paragraph outlining the requirements of monitoring implementation for six VECs. No clear description regarding approval.

8.3 Cenovus Energy – Shallow Gas Infill Development Project (CEA Agency) (AB)

- Environmental Impact Statement (EnCana, 2007)
- EIS Guidelines (CEA Agency, 2006)
- Decision Statement (CEA Agency, 2012)

Comments: Decision referred to federal EA requirements and decisions regarding environmental effects. The project was declined due to a decision regarding adverse environmental effects not being justified. No clarification as to which, vague, prohibits the proponent from carrying out any related activity related to project.

8.4 IAMGOLD Corp. - Côté Gold Mine Project (CEA Agency) (ON)

- Environmental Impact Statement (AMEC, 2014)
- Environmental Impact Statement Guidelines (CEA Agency, 2013)
- Decision Statement (CEA Agency, 2016)

Comments: The first decision statement reviewed where the approval came from Catherine McKenna. This decision follows a similar format to the B.C. Hydro decision statement. Reference to the triggering clauses

of the CEAA are mentioned, followed by, what I interpret to be, a summary of monitoring requirements of key VECs and potential areas of environmental harm. No overall description of how the decision was made was provided.

8.5 Keltic Petrochemical / LNG Facilities (CEA Agency) (N.S.)

- Comprehensive Study Report (Keltic Petrochemicals Inc., 2007)
- Decision Statement (CEA Agency, 2008)

Comments: The EA was performed in joint between the DFO and TC and a comprehensive study report was created. The MOE's approval was short and vague, sending the project back to DFO and TC as they were designated to be the RA's. No elaborate explanation of approval was provided other than the project had adequate public consultation and did not appear that adverse environmental effects would occur.

8.6 Nalcor Energy – Labrador-Island Transmission Link Project (CEA Agency) (NL)

- Environmental Impact Statement (Nalcor Energy, 2012)
- EIS – Guidelines (CEA Agency, 2011)
- Decision Statement (CEA Agency, 2013)

Comments: Similar scenario to section 8.3; project approval with minimal commentary with the exception of required implementation and regulation of monitoring plans to ensure minimal adverse environmental effects. No framework for overall decision making provided.

8.7 Shore Gold Inc. – Star Orion South Diamond Project (CEA Agency) (SK)

- Comprehensive Study Scoping Document (CEA Agency, 2010)
- Environment Impact Statement Summary (Shore Gold Inc., 2013)
- Comprehensive Study Report (CEA Agency , 2014)
- Decision Statement (CEA Agency, 2014)

Comments: Re: sections 8.3, 8.4, 8.5, identical decision statement format.

8.8 Stornoway Corp. – Renard Diamond Mine Project (CEA Agency) (QC)

- Environmental Impact Statement Summary (Stronway Diamond Corporation, 2011)
- Comprehensive Study Report (CEA Agency, 2013)
- Decision Statement (CEA Agency, 2013)

Comments: Similar decision to sections 8.3 and 8.4. Assessed comprehensive study report, recommends

monitoring program implementation and regulation, no framework of how decision was made.

8.9 Strateco – Matoush Uranium Exploration Project (CNSC) (QC)

- Environmental Impact Statement (Strateco Resouces, 2009)
- EIS – Guidelines (CNSC Evaluating Committee, 2009)
- Decision Statement (Feldman, 2012)

Comments: Brief statement of approval. Only 7 conditions required. No explanation as to basis of approval.

8.10 Taseko Mines Ltd. – Prosperity Gold-Copper Mine Project (CEA Agency) (B.C)

- Environmental Impact Statement (Taseko Mines Ltd., 2009)
- Environmental Impact Statement Guidelines (CEA Agency, 2009)
- Decision Statement (CEA Agency, 2010)

Comments: One paragraph vague explanation on the decision to not move forward with the project.