

# 12 Pillars of a New Canadian Environmental Assessment Framework



If your company is planning to engage in a major development project, such as building a new plant or closing an existing one, it might have to get an environmental assessment. The primary goal of an environmental assessment is to determine a proposed project's potential impact on the surrounding environment and identify the measures the developers must take to eliminate or reduce the project's risk of actual harm to the environment.

But environmental assessments raise many issues'Which projects need one' What if a project requires an assessment under both federal and provincial environmental law' What role, if any, do First Nations and others who may be impacted by the project play in the assessment process'

West Coast Environmental Law, which provides legal information, guidance and support to individuals, communities and organizations seeking to protect their water, lands and air, hosted the Federal Environmental Assessment Reform Summit in May 2016.

Attended by over 30 experts from across the country, the Summit explored leading-edge solutions to key issues facing environmental assessment in Canada, including how to:

- Implement the UN Declaration on the Rights of Indigenous Peoples in environmental assessment
- Coordinate assessments conducted by federal and provincial governments
- Implement a meaningful climate test in federal environmental assessment.

West Coast compiled the key principles that Summit participants reached consensus on into 12 integrated 'pillars' of environmental assessment. They are:

1. **Sustainability as a core objective:** All assessments ensure the long-term health of the environment and social values. Equitable distribution of risks, impacts and benefits.
2. **Integrated, tiered assessments starting at the strategic and regional level:** Participatory and sustainability-based assessments at the regional, strategic and project levels, and each of those levels inform the other.
3. **Cumulative effects assessments done regionally:** Cumulative effects

assessment is regional, focuses on environmental health, and looks to the past, present and future.

4. **Collaboration and harmonization:** Jurisdictions harmonize their assessments to the highest standard, collaborating on processes and decisions wherever possible.
5. **Co-governance with Indigenous Nations:** Collaborative assessment and decision-making processes are based on nation-to-nation relationships, reconciliation and the obligation to secure the free, prior and informed consent of Indigenous peoples.
6. **Climate assessments to achieve Canada's climate goals:** A climate test ensures that projects keep Canada on track to meeting its climate change commitments and targets.
7. **Credibility, transparency and accountability throughout:** Laws set out criteria, rules and factors to guide assessments and discourage politicized decisions. An independent body conducts assessments and the public has the right to appeal decisions.
8. **Participation for the people:** Meaningful public participation is early, ongoing, accessible and dynamic. It occurs at all levels of assessment and has the ability to influence outcomes.
9. **Transparent and accessible information flows:** All relevant information is easily accessible to the public, shared between different levels of assessment and remains available for future use.
10. **Ensuring sustainability after the assessment:** After projects are approved, the law requires robust follow-up, monitoring, adaptive management, compliance and enforcement.
11. **Consideration of the best option from among a range of alternatives:** Assessments consider alternative scenarios, including the 'no' alternative.
12. **Emphasis on learning:** The assessment regime fosters opportunities for learning, to ensure more informed and better decisions now and into the future.