Federal Environmental Assessment Reform Summit II

Executive Summary and Outcomes

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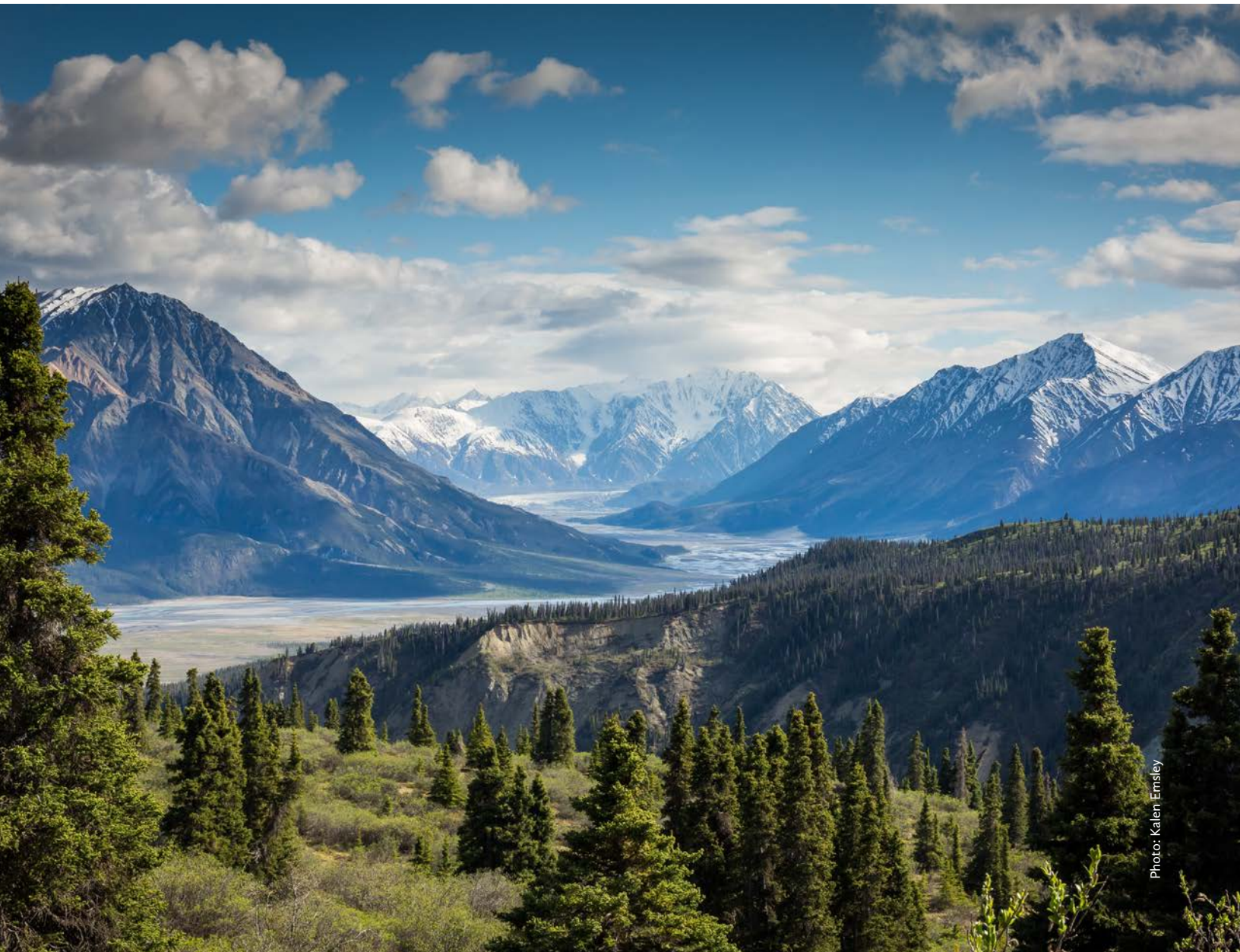

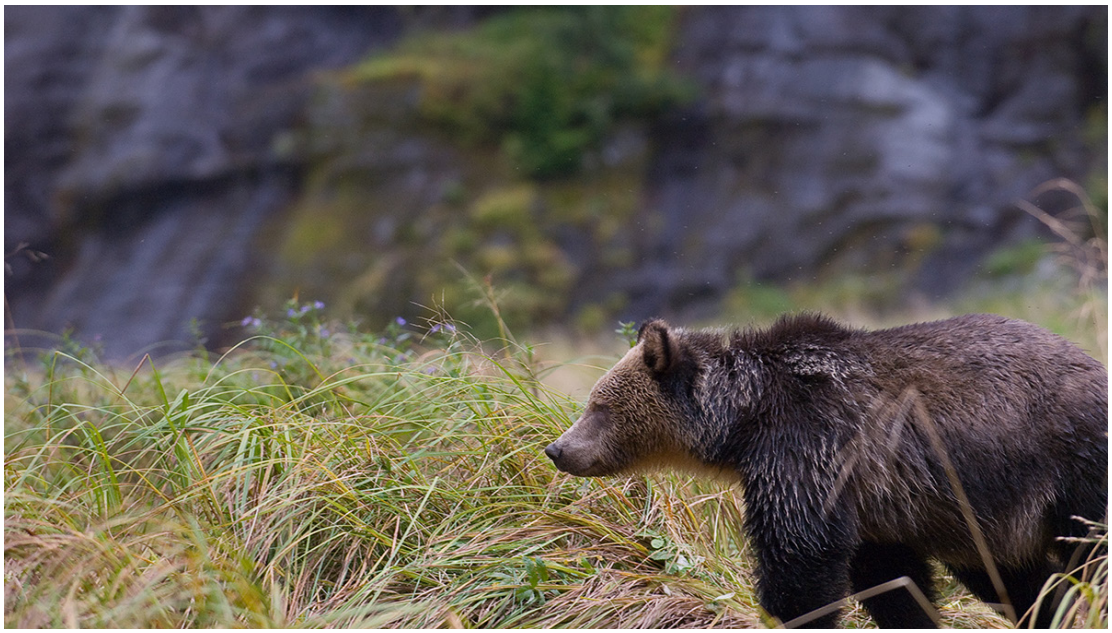

Photo: A. Wright

Executive Summary

On June 7-9, 2017, approximately 25 environmental assessment (EA) experts from across Canada gathered in Ottawa to discuss how to implement next-generation EA principles in Canadian legislation. Federal Environmental Assessment Reform Summit II (EA Summit II) builds upon the outcomes of Federal EA Reform Summit I (EA Summit I) held in May 2016, and in particular the 'Twelve Pillars of a Next-Generation Environmental Assessment Regime.' The Twelve Pillars, which reflect general consensus achieved at EA Summit I, can be found at http://wcel.org/EASummit.

EA Summit II attendees included practitioners, academics, lawyers, and Indigenous consultants and technical staff. It consisted of facilitated discussions on key issue areas that were informed by discussion papers prepared collaboratively by members of the Environmental Planning and Assessment Caucus of the Canadian Environmental Network, which can be found at http://www.envirolawsmatter.ca/easummit2.

The primary purpose of EA Summit II was to build consensus on how to implement key principles of next generation EA, the report of the Expert Panel appointed to review federal EA processes, and the reflections of leading-edge EA experts on that report.

The outcomes of EA Summit II presented here are offered as an input into the federal review of EA processes and related legislative reforms. Neither the issues discussed at EA Summit II, nor these resulting outcomes, are comprehensive; rather, they focus on what participants and organizers identified as the key issues and challenges encountered in federal EA processes, and what needs to be in legislation to achieve credible, fair, accountable and effective EA processes that respect Indigenous authority, promote reconciliation, ensure ecological integrity, and result in equitably distributed lasting environmental and socio-economic well-being.

Recommendations

Governance

Governance is key to achieving effective, accountable and transparent processes that the public and Indigenous peoples can trust. First and foremost, EA processes must embody a consent-based model, based on iterative decision-making from the beginning. To achieve this, the legislation should establish mechanisms for project, strategic and regional co-governance with Indigenous peoples, and collaboration with other jurisdictions. At the project level, lifecycle regulators like the National Energy Board (NEB) should not have EA authority. Instead, the legislation should establish a single EA Agency and an EA Commission to share responsibility for all federal environmental assessments. While lifecycle regulators should be consulted during EAs, they should not have EA process or decision-making authority. The Agency should be responsible for the early planning, conduct of EA and follow-up phases, while the Commission should be responsible for the review and decision-making phases. Additionally, the legislation should enable the appointment of review panels, with criteria for when they should be appointed. The Commission should make the final decision, subject to Ministerial override. For all assessments, the legislation should provide for the establishment of assessment-specific Multi-Interest Planning Committees and assessment-specific government committees in an Early Planning Phase. Additionally, the legislation should establish a standing Multi-Interest Advisory Committee (MIAC) to provide policy and guidance advice to the Agency and Minister, as well as a Canadian Environmental Assessment Research Council with a permanent EA Expert Advisory Committee established within it.

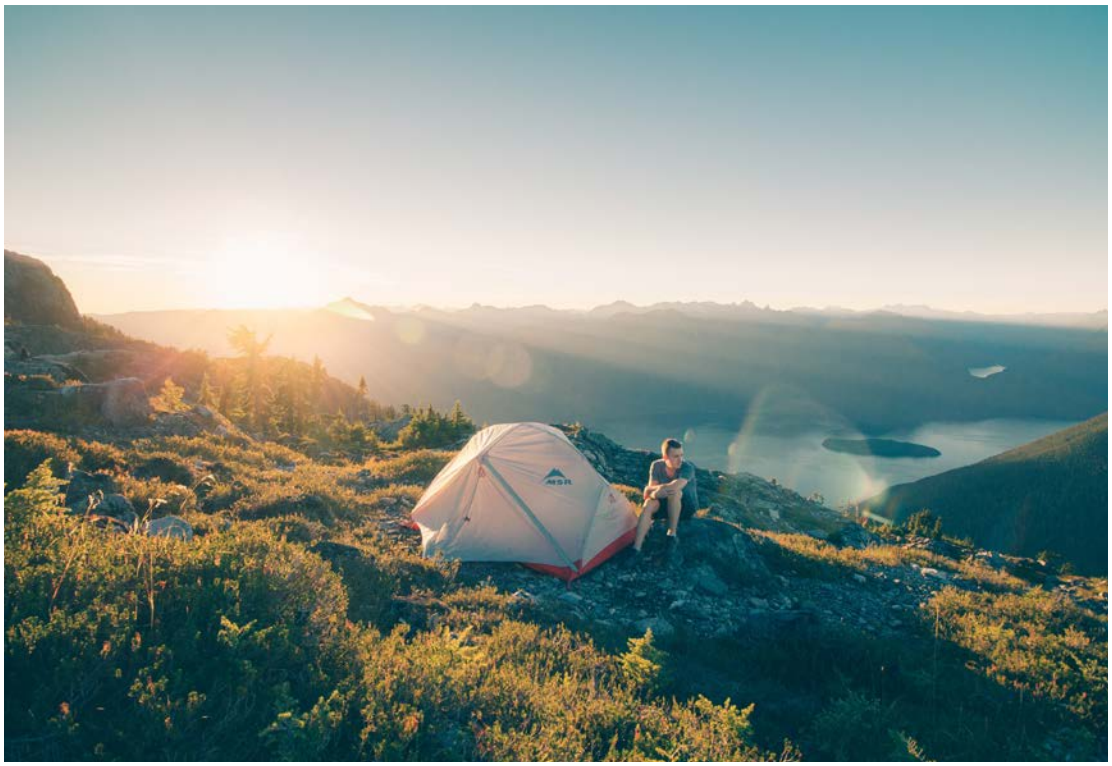

Photo: Glen Jackson

Multijurisdictional Assessment

Collaboration to the highest standard should be the goal, and substitution should not be an option. The Agency and Commission should have regional offices, and the federal government should provide financial incentives to the provinces to encourage collaboration. The legislation should explicitly recognize inherent Indigenous jurisdictions as authorities, with collaboration on two levels: 1) a general framework agreement (e.g., federal-provincial, Indigenous jurisdiction-federal); and 2) assessment-specific agreements. The legislative framework must be flexible, while ensuring that federal standards are upheld.

Regional and Strategic Assessments and Tiering

The legislation should provide for regional environmental assessments (REAs) and strategic environmental assessments (SEAs), and provide an off-ramp for SEAs of policy issues that arise in project EA. SEAs currently under the Cabinet Directive should be legislated. To ensure REAs and SEAs are done when appropriate, the Expert Advisory Committee should identify priority regions in Canada where they would be of particular value and recommend to the Minister a schedule for their implementation. The legislation should require a written response by the Minister to REA recommendations by the Expert Advisory Committee, or to a request by the public, another jurisdiction (including Indigenous authorities), Indigenous peoples or stakeholders. It should also require the Minister, based on the advice of the Expert Advisory Committee, to set a priority list of REAs to be conducted, and a minimum number that must be initiated each year.

In addition to the above, the legislation should include the following criteria for when the minister should order an REA or RSEA, and require the Minister to address these criteria in her written response to recommendations of the Expert Advisory Committee or a request from the public, another jurisdiction (including Indigenous authorities), Indigenous peoples and stakeholders:

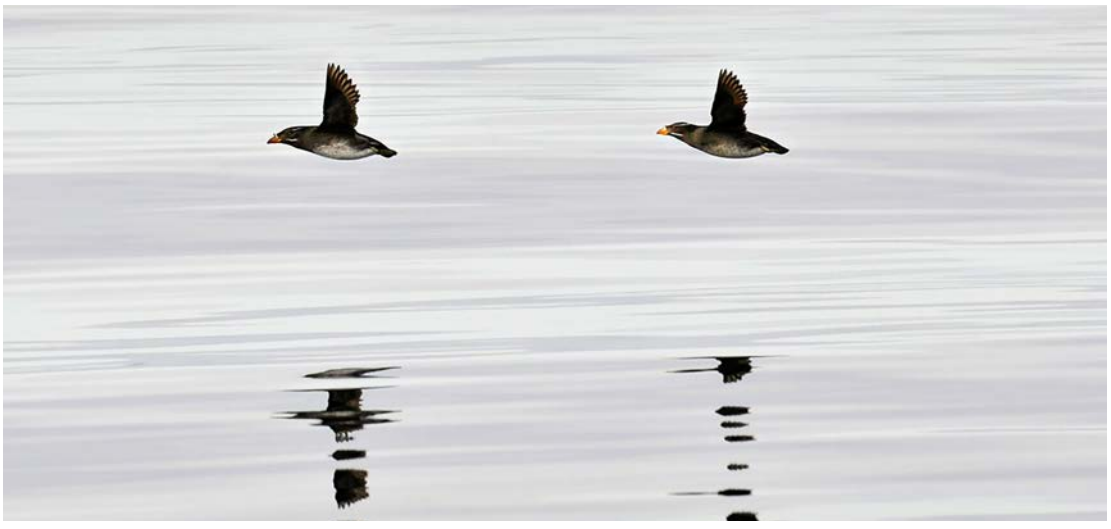

Photo: A. Wright

- When cumulative effects in a region are significant or otherwise hindering progress towards sustainability, or are affecting or likely to affect Indigenous peoples and their rights;
- When the Minister is informed of interest in, or plans for, new or intensified natural resource development, or significant development pressure with the potential to impact progress towards sustainability objectives is identified in a region, and federal decision making in respect of projects will be required in the future; and
- When the Minister is informed of significant socioeconomic or health concerns that may be linked to development in a region.

Cooperation among jurisdictions is preferred. The participation of other jurisdictions in cooperative regional assessments should include:

- federal financial assistance to a participating province(s);
- development of a joint vision of a sustainable future for the region;
- clarity in the law that the federal government may conduct its own REA regardless of other jurisdictions' participation;
- clear legislated timelines for arranging a coordinated assessment with affected jurisdictions, and the legislated ability to proceed without some or all of the other jurisdictions if cooperation fails to produce results within the legislated timelines; and
- legislated provisions for the involvement of the public in the development of any list or criteria for the designation of REA or SEA, as well as mandatory and adequate participant assistance.

Basic REA/SEA process requirements should include:

- Identifying proponents (feds, provincial, FN governments)
- Establishing scope of the assessment (geographic boundary, valued components, etc)
- Establishing funding agreements
- Establishing incentives for provinces to participate
- Identifying alternative development scenarios
- Recognizing that the process is iterative
- Indigenous collaboration and engagement
- Meaningful public participation
- Application of sustainability framework

Before legislation is in place, government should order an SEA of climate to provide guidance on how to consider climate at the project and regulatory levels and help ensure Canada meets its climate obligations.

Photo: TJ Holowaychuk

Project Assessment Triggering and Streams

Many more projects (approximately 1000 per year) than are currently assessed under the *Canadian Environmental Assessment Act, 2012* (*CEAA 2012*) should be required to undergo an EA; the number should be closer to the several thousand per year that were assessed under *CEAA 1992*. There should be a project list identifying classes of undertakings within federal jurisdiction that require an assessment, and the legislation should establish criteria for when project classes should be added to the project list and mechanisms for doing so, including by referral of the Expert Advisory Committee, the MIAC, Indigenous peoples, the public and stakeholders. Additionally, the legislation should enable the Minister to make regulations establishing additional assessment triggers. The legislation should require registration of all projects and activities that receive a federal environmental permit, and that registration be posted to an on-line public registry. It should allow for "abridged assessments" which are less onerous processes than comprehensive assessments, but the core elements of EA should exist in all assessment streams. The legislation should enable the Agency to 'bump up' and 'bump down' projects into different assessment streams, with criteria for when bumping up and down should occur and a matrix for making that determination following an initial scoping. Finally, there should be legislated triggers for undertakings not on the project list, such as for:

- International projects
- Projects involving a disposition of federal lands
- Projects in national parks
- Projects receiving regulatory permits and authorizations
- Projects receiving federal funding
- Projects with a federal proponent
- Projects that are not likely to have a transformational benefit or not likely to assist in the transition to GHG emission neutrality

Sustainability Assessment

The legislation should set out sustainability-based decision-making criteria and rules, and allow the Minister to enact regulations establishing other requirements. The legislation should require transparent reasons for the Commission's decision and any exercise of the Ministerial override. The core elements of sustainability assessment include:

- A strong sustainability purpose
- Legislated decision-making criteria and trade-off rules
- Enabling provisions for establishing further criteria and rules in regulations
- Enabling provisions for the Agency to identify project-specific criteria and rules
- Consideration of alternatives to and alternative means

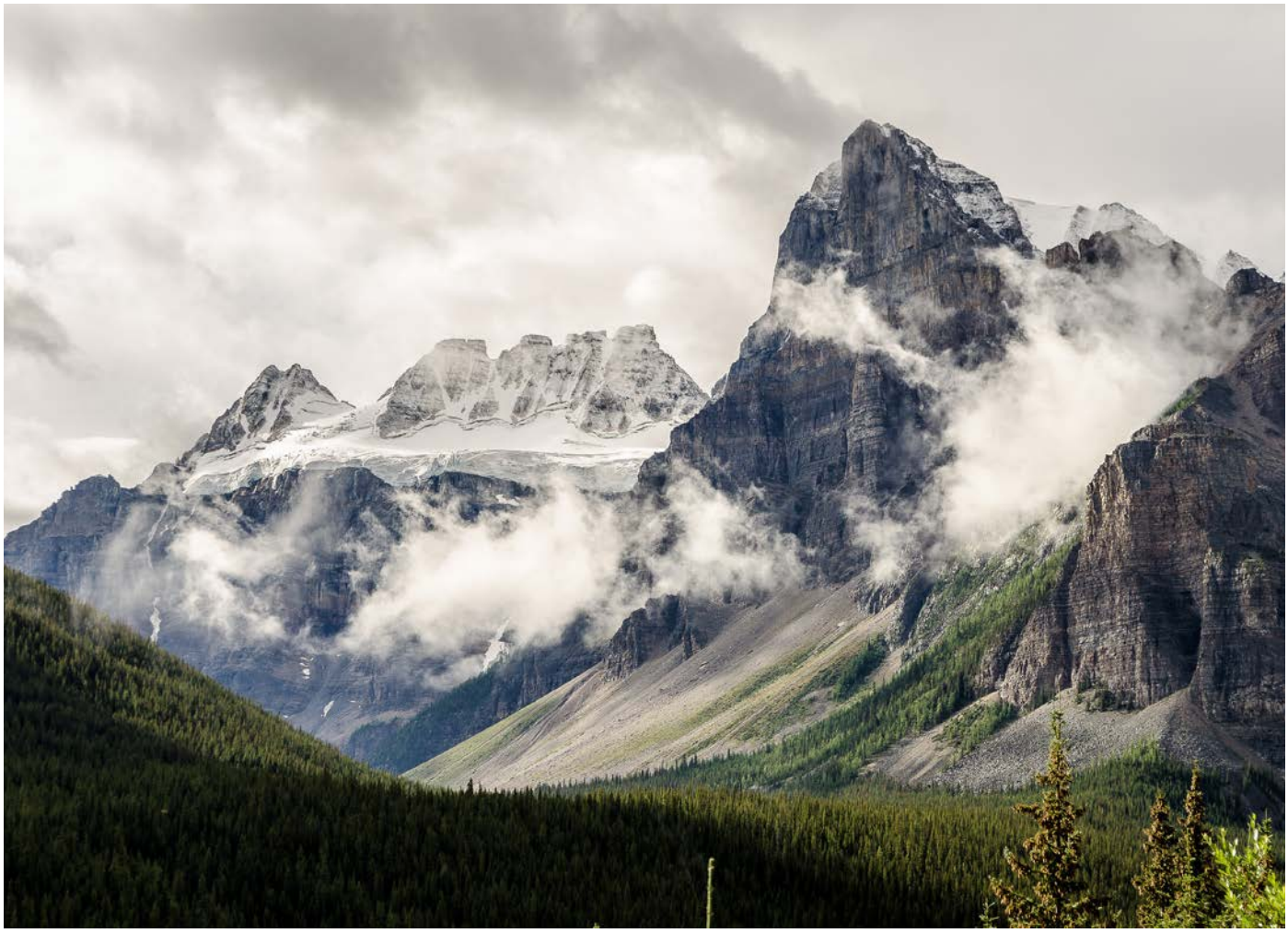

Photo: Matheus Bandoch

Early Planning Phase, Necessary Committees and Ongoing Participation

Formal, Agency-led assessment processes should be initiated early with the submission of a project notice by the proponent. The early assessment planning phase should identify, among other things, the membership of a Multi-Interest Planning Committee, assessment guidelines, studies and methodologies, a detailed project description, assessment plan, and participation and consultation plans. Legislation should enshrine principles of meaningful participation and establish that EA processes are open to all interested parties that want to participate in all EA phases, including follow-up and monitoring, in a deliberative manner and on a scale appropriate to the circumstances. The legislation should also allow for mediation and other alternative dispute resolution tools as an assessment stream and in order to facilitate participants' and jurisdictions' arrival at mutual understanding.

Conduct of Assessment

The legislation should mandate that decisions be based on best available evidence, including scientific knowledge, community knowledge and Indigenous knowledge. It should include standards for evidence in assessments, and there should be mandatory consideration of the distribution of risk and effects. The legislative framework should acknowledge the important contribution of Indigenous knowledge in EA and require the interfacing of Indigenous knowledge with science throughout assessments. There should also be expertise in Indigenous knowledge and the interface between the two traditions within the EA Agency and Commission. Evidence must be tested in a culturally-appropriate way and on the public record, and there should be a central repository (registry) of all EA data, along with a Chief Science Officer. Finally, the legislation should include a climate sustainability definition and principles.

Photo: Chris Montgomery

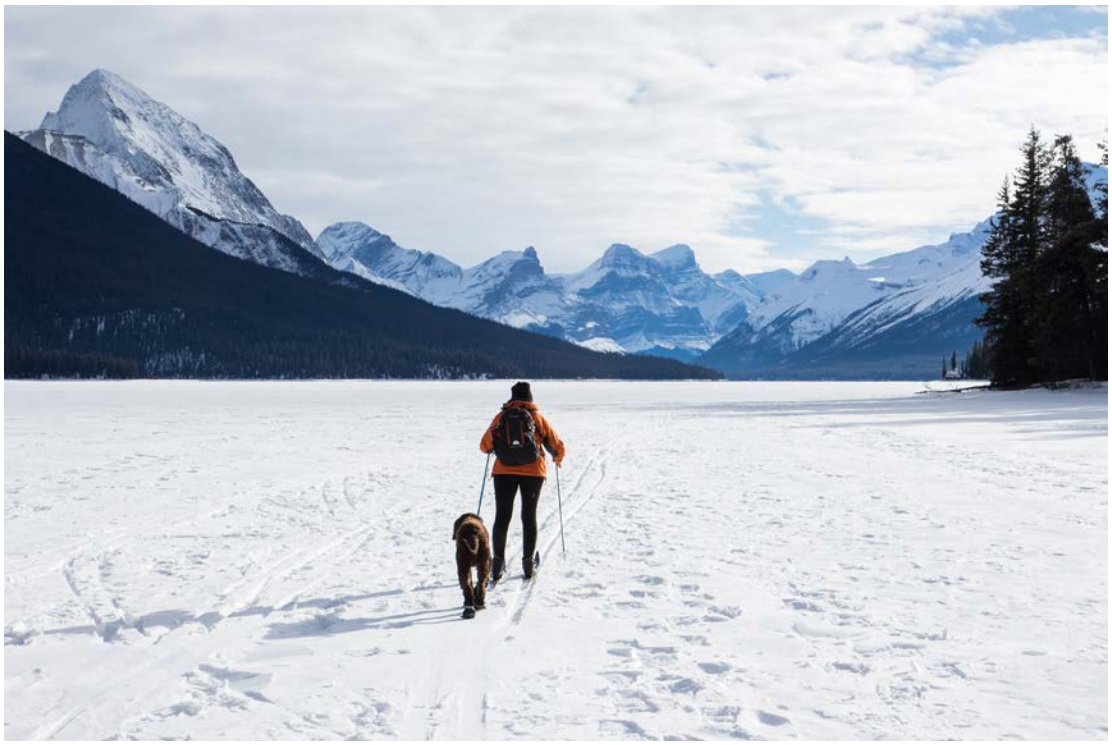

Photo: Jasper Guy

Decision-Making

The Agency and Commission should be responsible for facilitating collaboration and ensuring that the consent of Indigenous peoples is obtained on all interim as well as final decisions. The legislation should establish a right of appeal of process and final decisions, as well as compliance and follow-up activities, enable alternative dispute resolution, and establish a specialized body established to hear appeals. Decisions should be required to demonstrate the application of sustainability criteria and trade-off rules and reference the key supporting evidence that was considered and relied upon.

Post-Assessment Monitoring, Tracking, Reporting, Compliance Assurance and Regime Evolution

The increased fines for non-compliance introduced in *CEAA 2012* should be retained. Conditions of approval should be measurable and quantifiable, and monitoring should occur for anticipated and unanticipated effects, with monitoring data tied to predictions and conditions of approval. There should be sufficient capacity and "boots on the ground" to monitor and enforce, with clear triggers for management intervention based on the results of monitoring. Legislation should enable the establishment of implementation, monitoring and follow-up committees. Adaptation should be better defined and include a range of response types, up to stopping the project in cases of irreversible or unmitigatable effects. Legislation should also require the regular review of compliance conditions and commitments made by the proponent in the assessment, as well as the renewal of EA authorizations, and follow-up information should be made available on the public registry.

Outcomes

Recommendation	Rationale	Comments	What would need to change
Governance			
1 – That EA processes embody a consent-based model, involving collaboration with Indigenous peoples at all stages.	Gives effect to federal policy commitment to implement the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and reduces conflict.	It is important to recognize that achieving Indigenous consent means consent during all stages of the EA; it is critical to obtain consent on early decisions (such as the scope of EA) as well as "final" decisions and follow up (decisions on implementation/modifications and adaptive management).	Legislative provisions that recognize and give effect to Indigenous jurisdiction, laws and rights in the context of impact assessment, based on a standard of free, prior and informed consent (FPIC). For more details about potential mechanisms see: https://www.wcel.org/blog/reflections-indigenous-jurisdiction-and-impact-assessment.
2 – That the legislation establish mechanisms for project, strategic and regional co-governance with Indigenous peoples, and collaboration with other jurisdictions.	Co-governance is key to nation-to-nation and Inuit-Crown relationships, implementing UNDRIP and reconciliation. As different nations will prefer different means of co-governance and have different capacities to be involved, the legislation will need to enable different forms.	For a suggested model, see West Coast Environmental Law's paper, "Paddling Together," Chapter 5 at https://www.wcel.org/sites/default/files/publications/2017-06-wcel-paddlingtogether-report.pdf This model proposes that existing or new co-governance bodies could be enabled by agreement to take on responsibilities of the Commission. In general, collaboration could take many forms, including regional co-governance bodies, collaboratively appointed commissioners, and collaboratively appointed review panels.	Legislative provisions enabling the Minister to appoint co-governance bodies in collaboration with Indigenous, and where possible, provincial governments.

Recommendation	Rationale	Comments	What would need to change
3 – That legislation establish an EA Agency and an EA Commission to share responsibility for all federal environmental assessments, including those currently administered by the National Energy Board and Canadian Offshore Nuclear Commission. While lifecycle regulators should be consulted during EAs, they should not have EA process or decision-making authority.	Having all undertakings subject to assessments under the same governing bodies would increase consistency and recognize that EA is a planning tool that is distinct from regulatory processes. Separating responsibility over different stages of the EA would provide greater assurance of accountability and reduce apprehension of bias. The lifecycle regulators lack the mandate, expertise, focus and credibility necessary to properly administer EAs. Rather, they should be involved as advisors to help guide assessments.	Who is ultimately in charge is essential to the credibility and robustness of processes and ultimate outcomes. Participants were concerned that if one Commission or Authority had responsibility for all process decisions, review and recommendations or decision, as well as public and Indigenous engagement, nation-to-nation and provincial collaboration, and consultation, that its efficacy and accountability would hinge too greatly on the quality of the Commissioners. Separating functions would create more oversight.	Legislation provisions establishing an EA Commission that is separate from the CEA Agency. Legislation continue the Agency with necessary changes/adjustments.
4 – That the Agency be responsible for the early planning, conduct of EA and follow-up phases, while the Commission be responsible for the review and decision-making phases.	Having the Agency be responsible for the Early Planning and Conduct of EA phases will help ensure the credibility and accountability of the Commission's review and decision.	The Agency could be responsible for all stages of smaller project EAs (i.e., lesser EA streams). The Commission should be independent in order to ensure credibility. The Agency must increase capacity (including in the regions) to perform its oversight function	Legislation set out the core functions of the Agency and Commission. Legislation enable the Minister to provide further direction to the Agency and Commission in regulation.

Recommendation	Rationale	Comments	What would need to change
5 – That the legislation enable the appointment of review panels to review and make recommendations to the Commission, and include criteria for when they should be appointed.	Panels will continue to be the most visible and important function of a renewed assessment system.	The role of panels should be greatly expanded from the Expert Panel's recommendations and from their use under *CEAA 2012* – akin to how they were used under *CEAA 1992*. Their credibility depends on their being open, evidence-based, transparent, and independent. They must be visibly separate from and independent of the Agency and Commission, must not be agents of the Crown either in law or in public perception, and must be enabled to call upon external experts when needed.	Legislation enable the appointment of review panels to review and make recommendations to the Commission, and include criteria for when they should be appointed.
6 – That the Commission make the final decision, subject to Ministerial override.	Having the Commission make the decision will help ensure that decisions are based on the application of sustainability criteria, rules and purposes, and reduce the apprehension that decisions are made in the political "black box." A Ministerial override will enable the government to intervene where appropriate – e.g., at the request of an Indigenous jurisdiction to ensure collaborative consent, and to ensure decisions reflect government policy.	An alternate model would be for the Commission to provide a draft decision to the Minister for her approval, amendment or rejection.	Legislation set out the decision-making process by the Commission. Legislation allow a Ministerial override and set out the conditions for and processes related to the exercise of that override.

Recommendation	Rationale	Comments	What would need to change
7 – That the legislation provide for the establishment of assessment-specific Multi-Interest Planning Committees (MIPCs) in the Early Planning Phase.	The MIPC is an important vehicle for obtaining general buy-in to processes and decisions. It would be an essential advisory body on the conduct of assessments, helping facilitate multijurisdictional assessment, inform project design, and advise on the information and analysis used in assessments.	Each MIPC should be co-appointed by involved jurisdictions, including Indigenous jurisdictions, and report to them. It would include stakeholders and community representatives, providing a critical forum for dialogue and consensus building. It would be the key driver of collaborative assessments, providing advice to the Agency and other involved jurisdictions on key elements of the assessment, including timelines, public engagement plan, scope of the review, studies needed and adequacy of the EIS. MIPCs would not, however, replace the need for direct government-to-government engagement to meet the Crown's constitutional obligations to Indigenous peoples.	Legislation enabling the Agency to collaboratively appoint MIPCs. Legislation enabling the Minister to make regulations regarding the composition, purpose, duties and functioning of the MIPC.
8 – That the legislation provide for the establishment of assessment-specific government committees in the Early Planning Phase comprised of key federal departments and regulators.	Government committees will help ensure that the appropriate scope of information, and appropriate information, is considered in assessments. They will also help ensure regulators have appropriate information and analysis from assessments in their regulatory permitting stages, achieving streamlining between assessment and regulatory stages.	Government committees are already appointed and should not be a new addition to EA processes. Committees should be comprised of Indigenous and provincial authorities in addition to federal departments and agencies.	Policy direction to the Agency to appoint/ convene government committees.

Recommendation	Rationale	Comments	What would need to change
9 – That the legislation establish a standing Multi-Interest Advisory Committee to provide policy and guidance advice to the Agency and Minister.	The former Regulatory Advisory Committee and current Multi-Interest Advisory Committee have been an important forum for achieving consensus across Indigenous, industry and environmental groups and providing guidance on key EA issues.	Current MIAC members have consensus on the helpfulness and utility of the MIAC in the legislative reform phase and beyond.	Statutory provision for the MIAC (not required but desirable).
10 – That the legislation establish a Canadian Environmental Assessment Research Council, and that a permanent Expert Advisory Committee be established within the CEARC.	The Expert Advisory Committee would provide much-needed guidance on which areas and policy gaps to prioritize as needing REA and SEA, and other expert, non-interest-based EA advice on an ongoing basis. The CEARC would help ensure leading-edge thinking on EA processes.	The former CEARC was widely regarded as playing an important role in the research and development of leading-edge EA. The role of the independent expert advisory committee is modelled after the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) in providing expert advice to the Minister. Matters would include recommendations on which projects should be on the project list, when REA and SEA are required, design and review of policies and procedures, and best practices.	The establishment of the CEARC, including the advisory committee and qualifications of its membership in legislation.
Multijurisdictional Assessment			
11 – Collaboration to the highest standard should be the goal.	Collaborative processes result in greater efficiencies, better information, analysis and decisions, and reduced disputes.	Small undertakings don't require an onerous process, making collaboration easier. May result in cost-savings from shared resources.	Preamble provision recognizing that collaboration to the highest standard is the goal. Preamble provision reinforcing the federal government's commitment to nation-to-nation relationships.

Recommendation	Rationale	Comments	What would need to change
12 – Substitution is not an option.	Substitution is a disincentive to collaborative EA. Decisions are more informed, stronger and more trusted when decision-makers have been involved throughout the process as decision-makers.	The provinces may be more likely to come to the table if they know that the federal government will proceed with assessments and decisions whether or not the province collaborates, and that decisions are more likely to work for the provinces when they're based on collaboration. Indigenous authorities and EA processes should be recognised and accommodated on their own (Constitutionally protected) terms, either through collaborative processes and co-management bodies, or through nation-to-nation and Inuit-Crown negotiation.	Lack of an option for substitution in the legislation.
13 – There should be regional offices of the Agency and the Commission.	Regional presence facilitates collaboration through relationship-building, and better allows regional representatives (e.g., Indigenous) to sit as Commissioners.	Summit participants did not have unanimous consent on regional offices of the Commission – some expressed concern that it would be perceived as a financial burden. However, the Commission may be able to share regional offices with the Agency, provided that necessary firewalls exist between the two entities to ensure their independence from each other.	Establishment of regional Agency offices in each province. Establishment of Commission regional offices, or addition of Commission regional offices with Agency ones.
14 – The federal government should provide financial incentives to the provinces to encourage collaboration.	Financial incentives will help encourage provinces to come to the table.	Incentives can include funding to administer the EA. In the regional context, funding can include for land-use planning that aligns with and implements regional EA outcomes.	No legislative or policy changes, but explicit inclusion in the federal budget would be beneficial.

Recommendation	Rationale	Comments	What would need to change
15 – That the legislation explicitly recognize inherent Indigenous jurisdictions as authorities.	Necessary for implementing UNDRIP and the Truth and Reconciliation Commission's (TRC) calls to action.	UNDRIP specifies that Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions (Article 33 (1)), as well as to maintain and develop their own Indigenous decision-making institutions (Article 18). FPIC must be obtained through consultation with Indigenous peoples concerned "through their own representative institutions" (Article 19). Indigenous jurisdictions as recognized by UNDRIP may not be co-extensive with Indian Act bands and are not limited to bodies based on land-claims agreements. Their authority is inherent, rooted in their own distinct laws and legal orders. Indigenous nations will need to self-define who is an authority. Guidance from Indigenous peoples will be required on this point.	Legislation to specifically recognize Indigenous inherent authorities as jurisdictions.
16 – That collaboration happen on two levels: 1) a general framework agreement (e.g., fed-prov, Indigenous jurisdiction-fed); and 2) assessment-specific agreements.	General framework agreements encourage collaboration and set the basis criteria and standards. Assessment-specific agreements reflect assessment-specific needs and concerns.	Legislation must ensure the federal government upholds minimum standards in legislation in key areas: comprehensive scoping, sustainability framework, meaningful public participation, early notification, alternatives to and alternative means, Indigenous consultation, Indigenous consent (FPIC), while recognizing the need to uphold the decision-making authority of specific Indigenous jurisdictions through a consent-based approaches. General framework agreements provide an idea of who will be involved and enhance the likelihood that there would be adequate resourcing/staffing available, while reducing the negotiations required for assessment-specific agreements.	Legislation enabling the Minister to enter into agreements, or delegate that authority to the Agency. Legislation to establish criteria that agreements comply with federal legislative and policy standards.

Recommendation	Rationale	Comments	What would need to change
17 – Legislative framework must be flexible, while ensuring that federal standards are upheld.	Flexibility will assist in the design of collaborative processes that are tailored to the specific needs and circumstances of each assessment.	The Early Planning Phase is crucial for multijurisdictional collaboration.	
Regional and Strategic Assessments and Tiering			
18 – That SEAs currently under the Cabinet Directive be legislated.	Cabinet Directive SEAs rarely occur and when they do, they rarely meet process requirements. Legislation will help ensure they are done and done well.	SEAs corresponding to current Cabinet Directive EAs should include the core elements of EA, but exceptions must be permitted to recognize Cabinet confidence, confidentiality, etc.	Legislated assessment process for the current Cabinet Directive trigger.
19 – That the Expert Advisory Committee identify priority regions in Canada where REAs would be of particular value and recommend to the Minister a schedule for their implementation.	Advice of a non-interest based expert committee would greatly assist the identification of priority regions and issues, and make the conduct of REAs and SEAs more likely.	A successful model for making similar recommendations to the Minister is the Committee on the Status of Endangered Wildlife in Canada (COSEWIC).	Legislation establishing an Expert Advisory Committee and provisions establishing its functions.
20 – That the legislation require a written response by the Minister to REA recommendations by the Expert Advisory Committee, or a request by the public, another jurisdiction (including Indigenous authorities), Indigenous peoples or stakeholders.	A written response by the Minister ensures accountability and transparency.	Similar to the above, a successful model for ensuring Ministerial action, and transparent reasons for non-action, is the *Species At Risk Act* listing provisions.	A legislated provision requiring the Minister to provide a written response to a recommendation by the Expert Advisory Committee or request by the public, an Indigenous group, another jurisdiction, or stakeholder.

Recommendation	Rationale	Comments	What would need to change
21 – That the legislation require the Minister, based on the advice of the Expert Advisory Committee, to set a priority list of REAs to be conducted, and a minimum number that must be initiated each year.	The federal government will have limited capacity to undertake multiple REAs and SEAs per year. A schedule and minimum number will help prioritize and ensure REAs and SEAs occur.	The priority list may be established in regulation or by Order in Council.	A legislated provision enabling the Minister to establish a schedule of REAs to be conducted in regulation or by order.

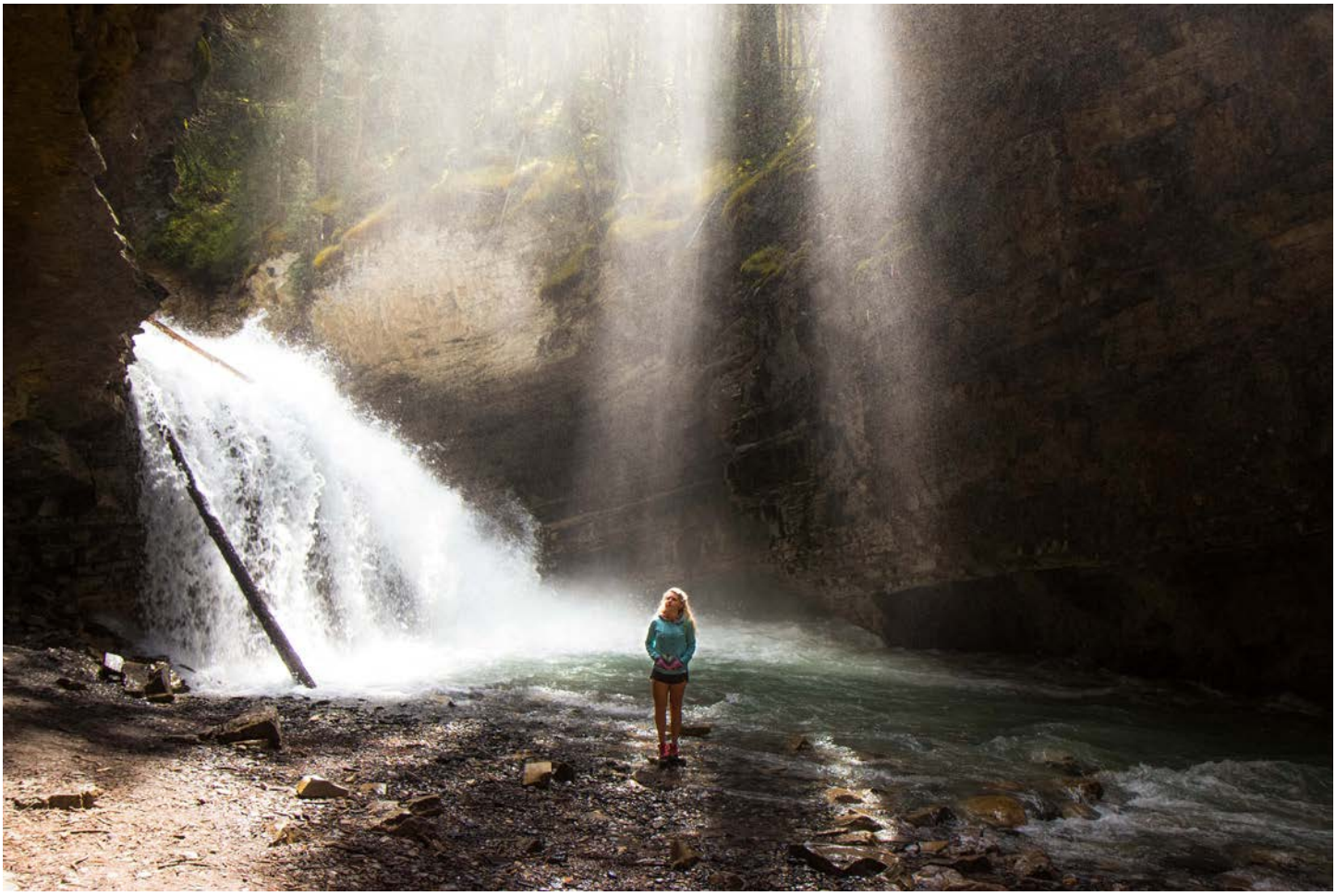

Photo: Kalen Emsley

Recommendation	Rationale	Comments	What would need to change
22 – The legislation should include the following triggers for when REA and SEA require a Ministerial response: • When cumulative effects in a region are significant or otherwise hindering progress towards sustainability, or are affecting or likely to affect Indigenous peoples and their rights; • When the Minister is informed of interest in, or plans for, new or intensified natural resource development, or significant development pressure with the potential to impact progress towards sustainability objectives is identified in a region, and federal decision making in respect of projects will be required in the future; and • When the Minister is informed of significant socioeconomic or health concerns that may be linked to development in a region.	Triggers will help guide Ministerial decisions on whether to order an REA or SEA and help ensure they are conducted where necessary and appropriate.	The triggers are triggers for consideration, not automatic. The Minister's decision may also be guided by factors to consider set out in the legislation.	Legislated triggers requiring a Ministerial response.

Recommendation	Rationale	Comments	What would need to change
23 – That, to encourage the participation of other jurisdictions in cooperative regional assessments, there be: • federal financial assistance to participating province(s); • development of a joint vision of a sustainable future for the region; • clarity in the law that the federal government may conduct its own REA regardless of other jurisdictions' participation; • clear legislated timelines for arranging a coordinated assessment with affected jurisdictions, and the legislated ability to proceed without some or all of the other jurisdictions if cooperation fails to produce results within the legislated timelines; and • legislated provisions for the involvement of the public in the development of any list or criteria for the designation of REA or SEA, as well as mandatory and adequate participant assistance.	Incentives are key to encouraging the cooperation of other jurisdictions. At the same time, multijurisdictional cooperation should not be a requirement of federal REA and SEA.	Financial incentives will likely greatly assist with encouraging provincial/territorial cooperation and be a requirement for Indigenous collaboration. Developing joint visions of the future through the identification and assessment of alternative scenarios is a cornerstone of effective regional and strategic assessments that tier with land and resource use planning, project decision-making, and regulatory permitting.	Legislated provisions: • enabling the federal government to provide funding for cooperative REAs and SEAs with provinces, and funding to Indigenous governments for their collaboration; • clarifying that REAs should, and proactive SEAs may, identify and assess alternative development scenarios, and select the preferred scenario; • enabling the federal government to conduct federal-only REAs and SEAs; • establishing timelines for the Minister (or Minsters) to enter into collaboration agreements for REAs and SEAs; • requiring public notice and engagement periods for the development of criteria for the designation of REAs and SEAs; and • establishing Indigenous and public participant funding for engaging in the identification and listing of REAs and SEAs.

Recommendation	Rationale	Comments	What would need to change
24 – REA process requirements include: • Identifying proponents (feds, provincial, FN governments) • Establishing scope of the assessment (geographic boundary, valued components, etc) • Establishing funding agreements • Establishing incentives for provinces to participate; • Identifying alternative development scenarios • Recognizing that the process is iterative • Indigenous collaboration and engagement • Meaningful public participation • Application of sustainability framework	The processes are required for meaningful REAs.	It is important to distinguish REA from regional studies or land use planning. REAs entail identification and assessment of alternative development scenarios and result in direction for project EA and regulatory decision-making. Robust federal science is required to adequately do REAs and SEAs.	Legislation set out minimum process requirements and enable Minister to make regulations. Legislation provides that ecological thresholds/ management objectives/ outcomes from REAs will have mandatory application in subsequent project EAs and federal permitting Regulations or guidance provide further direction. Resources are allocated to support REA and SEA studies and processes.
25 – That there be an off-ramp for SEAs of policy issues that arise in project EA.	Off-ramping policy issues will help ensure they are considered broadly and lessen the burden on project EA.	There may be a need for speedy resolution of issues in order to provide certainty for proponents. Interim decisions may be required until in-depth study can be completed, and should be precautionary in nature.	Legislative provision or guidance allowing SEAs to be triggered during a project EA.
26 – That legislation establish mechanisms to ensure REA and SEA outcomes are tiered with strategic and project EAs and regulatory permitting.	Without legislated tiering, there is a risk that REAs and SEAs could become 'empty exercises.'	Tiering means that REA and SEA outcomes are applied in project assessment and regulatory decision-making, and that the outcomes of lower tiers of assessment and regulatory processes inform higher-level assessments.	Legislated requirement that project EAs and regulatory decision-making are consistent with the outcomes of REAs and SEAs.

Recommendation	Rationale	Comments	What would need to change
27 – That there be an immediate SEA on how to consider climate change in project and regional EA.	To provide guidance at the project and regulatory levels on how to consider climate in EAs.	This strategic assessment should not wait for the implementation of the new federal assessment Act, but rather be conducted on ad hoc basis now while the law reform effort continues and in order to feed into the law reform process and future project IAs.	Regulations or guidance on how to implement the outcomes of the climate SEA.
Project Assessment Triggering and Streams			
28 – That more projects be required to undergo an EA than currently assessed under *CEAA 2012* – closer to under *CEAA 1992* (approx. 1000 per year).	Project EA is a key tool for tracking cumulative impacts and helps Canada down the path of reconciliation through the consideration of activities impacting Indigenous peoples.	More EAs does not necessarily mean more EAs of the same intensity and length (see below).	See below.
29 – That there be a project list identifying classes of undertakings within federal jurisdiction that require an assessment.	A project list would provide certainty of when an EA is required.	A project list should capture projects with anticipated impacts within federal jurisdiction more broadly than the limited number captured by the EA Review Panel's recommendations, but should be used in combination with legislated triggers for assessment.	Legislative provision establishing a project list. Regulations setting out which project classes are identified on the list.
30 – That the legislation establish criteria for when project classes should be added to the project list, and mechanisms for doing so, including by referral of the Expert Advisory Committee, the MIAC, Indigenous peoples and the public/stakeholders.	Criteria and mechanisms for adding projects would help ensure that project classes are added where appropriate, and provide transparency in the process.	Criteria may include when projects are contributing to cumulative effects, upon request by Indigenous peoples, when projects are found to be impeding our carbon reductions strategies.	Legislated criteria.
31 – That the legislation enable the Minister to make regulations establishing additional assessment triggers.	The legislation should enable further additions and alterations.	Not all projects and activities that should be subject to federal EA need to be identified now.	Enabling legislation.

Recommendation	Rationale	Comments	What would need to change
32 – That there be legislated triggers for undertakings not on the project list, for: • International projects • Projects involving a disposition of federal lands • Projects in national parks • Projects receiving regulatory permits and authorizations • Projects receiving federal funding • Projects with a federal proponent • Projects that are not likely to have a transformational benefit or not likely to assist in the transition to GHG emission neutrality	Triggers help capture projects that have potentially significant environmental or cumulative impacts and help ensure achieving sustainability objectives. Climate triggers are necessary for ensuring Canada meets its international climate obligations and climate goals.	The *CEAA 1992* model provides a good starting place.	Legislated triggers in addition to the project list.

Photo: Sebasien Marchand

Recommendation	Rationale	Comments	What would need to change
33 – That the legislation require registration of all projects and activities that receive a federal environmental permit, and that registration be posted to the registry.	Registration is important for future identification of classes of projects that should be assessed. Registration helps track cumulative effects and ensure environmental considerations are considered by proponents.	Registration should include provision of key information and confirmation of consideration of issues (e.g., sensitive habitats, species at risk, siting, mitigation measures). Registration should be required of all projects and activities affecting federal environmental jurisdiction, even where there is no statutory power of decision (e.g., impacts on fish that, due to mitigation, do not require a HADD authorization); stream crossings and shoreline modifications that fall within designated restrictions, etc.).	At a minimum, legislated requirement for permits under *Fisheries Act* and *Navigation Protection Act* where undertakings potentially affect surface waters. Legislated requirement that proponents of all projects requiring a federal environmental permit or authorization must register the project with the Agency. Legislated requirement that the Agency post the registration promptly on the registry. Policy establishing the content requirements of the registration.
34 – That the legislation allow for "abridged assessments" which are less onerous processes than comprehensive assessments.	Abridged assessments will help provide certainty to proponents and enable more projects to be triggered than if only comprehensive assessment processes are provided for.	Abridged assessments should be used for smaller projects that do not have significant environmental or public concerns.	Legislated provision for an abridged assessment stream, with lesser process requirements compared to higher-level streams.

Recommendation	Rationale	Comments	What would need to change
35 – That the legislation enable the Agency to 'bump up' and 'bump down' projects into different assessment streams, with criteria for when bumping up and down should occur and a matrix for making that determination following an initial scoping.	Projects will have different impacts depending on siting, environmental sensitivities, cumulative impacts, whether there has been a regional or strategic assessment, etc. While enabling bumping up and down is important, criteria help ensure it happens appropriately.	Good scoping, e.g. using a tool like the Leopold Matrix, can assist with streaming determinations.	Legislated authority for Agency to bump up and down assessments, with criteria for bumping up and down.
36 – That the core elements of EA exist in all assessment streams.	Lesser assessment streams should be more efficient processes, not weaker processes.	The core elements include comprehensive scoping, sustainability framework, meaningful public participation, early notification, alternatives to and alternative means, Indigenous consultation, Indigenous consent (FPIC). All assessments require a solid evidentiary basis.	Legislation requires the core elements in abridged and comprehensive assessment streams.

Photo: Justin Roy

Recommendation	Rationale	Comments	What would need to change
Sustainability Assessment			
37 – That the core elements of sustainability assessment include: • A strong sustainability purpose • Legislated decision-making criteria and trade-off rules • Enabling provisions for establishing further criteria and rules in regulations • Enabling provisions for the Agency to identify project-specific criteria and rules • Consideration of alternatives to and alternative means	Legislated purpose, criteria and rules will help provide certainty. However, the framework needs to be flexible and allow for learning through regulatory changes.	Guidance will be necessary for how to apply the criteria and rules, and to assist proponents, the Agency and other jurisdictions, and stakeholders in ensuring there is sufficient information and analysis to inform the application of the criteria and rules.	Repeal of significance and justification decision-framework. Legislated sustainability purpose. Legislated decision-making criteria and trade-off rules. Enabling legislation to enact criteria and rules in regulation and to identify them on an assessment-specific basis. Guidance on the application of the sustainability framework.
38 – The legislation should set out sustainability-based decision-making criteria and trade-off rules, and enable the Minister to enact further criteria and rules in regulations.	It will be important to protect core criteria and rules in legislation, but regulations should allow for the establishment of more detailed criteria and rules.	There is general consensus that the criteria defined in the Summit discussion paper should be entrenched in legislation.	See above.

Recommendation	Rationale	Comments	What would need to change
39 – Legislation should require transparent reasons for the Commission's decision and any exercise of the Ministerial override.	Detailed reasons are necessary for transparency and accountability.	Reasons for decision should include an explanation of the application of criteria and rules.	Legislation require the Commission to provide detailed reasons for decision, including how it applied the sustainability criteria and trade-off rules. Legislation require the Minister to provide detailed reasons for any exercise of the Ministerial override, including the application of criteria and rules.
Early Planning Phase, Necessary Committees and Ongoing Participation			
40 – That formal, Agency-led assessment processes be initiated early with the submission of a project notice by the proponent, and direction regarding what constitutes early participation.	Early initiation facilitates multijurisdictional collaboration, helps better inform project design, helps inform assessment scope and processes, and helps provide certainty through early identification of the issues and early public and Indigenous engagement.	"Early" can be defined as when a proponent first contacts a regulator, "prior to large time and financial investments being made" and "before any benchmark decision is made". It should also in part be self-identified by the proponent. Guidance for various sectors and circumstances can assist with identification of when to register a project notice with the Agency. The project notice should include the general information about the project, e.g., concept, purpose, alternatives. Not as detailed as a "project description" under existing processes.	Legislated requirement to register a project notice with the Agency early in the process, before decisions have been made regarding fundamental aspects of the project (e.g., alternatives). Guidance on what "early" means for various sectors and circumstances.
41 – That the early assessment planning phase identify, among other things, the MIPC, assessment guidelines, studies and methodologies, a detailed project description, course of assessment (e.g., panel or Agency-led), and participation and consultation plans.	A formal assessment planning phase would help strengthen EA processes while introducing efficiencies and reducing conflict.	"Early" means both proponent-led engagement and planning, and Agency-led engagement and planning. While they may overlap, it is essential that the formal assessment planning phase be run by the Agency.	Legislated outcomes and process steps, with guidance on the contents of those outcomes and aspirational timelines for achieving them.

Recommendation	Rationale	Comments	What would need to change
42 – That there be an early peer-review of the conduct of assessment work plan.	To better discipline the development of the workplan and guidelines.	The workplan should also be reviewed by the MIPC and government committee. It is important that those who are conducting and reviewing assessments discuss as early as possible the basic approach to be adopted to enhance the likelihood that the quality of work can be maximized at the outset of the process (rather than having the credibility of the assessment studies and analyses be questioned in a confrontational fashion towards the end)	Regulation or guidance to require MIPC, government committee and peer-review of the assessment workplan.
43 – That the legislation enshrine principles of meaningful participation.	To ensure that participation opportunities are meaningful and broadly accessible.	Early and ongoing participation, as well as having the potential for participation to impact decisions, are key principles of meaningful engagement. See Appendix A for suggested principles of meaningful public participation.	Legislated principles of meaningful public participation (see Appendix A).
44 – That the legislation establish that IA processes are open to all interested parties that want to participate.	Assessments result in better processes and decisions, as well as greater buy-in, when there are no legal barriers to participation.	Open to all means that there is no room in the new law for a bias towards those directly affected by a project or undertaking.	Legislated provision establishing the right of any member of the public to participate in EA processes.
45 – That the legislation contain provisions that require opportunities for public participation, including deliberative forums, throughout all EA process, including follow-up and monitoring, on a scale appropriate to the circumstances.	To ensure meaningful public participation throughout all stages of EAs.	Full transparency in decision processes will be a critical pre-condition.	Legislated requirements for public participation throughout all stages of assessments, including follow-up, and guidance on ensuring that participation opportunities are deliberative and appropriately scaled.

Recommendation	Rationale	Comments	What would need to change
46 – That the legislation allow for mediation and other alternative dispute resolution tools as an assessment stream and to facilitate participants' and jurisdictions' arrival at mutual understanding.	Mediation may be a useful tool for dealing with non-consensus.	Although available under *CEAA 1992* as a stream option, it appears that mediation was never used. Nevertheless it could be a useful option where other streams are not applicable, to address complex or disputed issues, or to facilitate multi-jurisdictional cooperation.	Legislated provision enabling the use of mediation, potentially with factors or criteria in law or guidance for where mediation should be sought.
47 – That the legislation require that the IA Authority establish mandatory and adequate participant assistance for major and complex proposals for regional, strategic and project assessment processes.	Funding is essential for meaningful, engaged participation, including to hire experts and lawyers (where necessary), produce information and compensate for time spent engaged in an assessment.	Applies to major and complex proposals; assistance may be discretionary for smaller proposals. The legislation should be clear that funding is available for stakeholders, rights-holders, and public interest intervenors to provide them with the opportunity to hire outside expertise and otherwise be prepared to engage effectively in deliberative forums.	Legislated requirement for a participant funding program and participant funding for all levels of assessment that is commensurate with the scale and nature of the assessment.
Conduct of Assessment			
48 – That legislation mandate that EA decisions be based on best available evidence, including scientific knowledge, community knowledge and Indigenous knowledge.	The insertion of this language will help ensure that the conduct and decisions of EA are based on "facts, science, and evidence" as per the federal government mandate. It also makes clear the intention that evidence includes a wide range of inputs.		Explicit language in the Act regarding the commitment to evidence-based decision making based on best available science and Indigenous knowledge.

Recommendation	Rationale	Comments	What would need to change
49 – That legislation include standards for evidence in assessments.	EA proponents currently use different standards of practice to identify risk, impacts. There is a need to be clear in statute about methodologies/ principles to help ensure a standardized approach that is rigorous so that you can compare project impacts across a region.	Legislation should reflect the principle that assessments should use rigorous standards to define impacts. There should also be guidelines that establish clear expectations regarding the evidentiary basis for the conduct of the assessment.	Legislated principle for methodological standards. Guidelines that establish clear expectations regarding the evidentiary basis for the conduct of the assessment.
50 – That there be mandatory consideration of distribution of risk and effects.	To provide greater certainty and guidance to proponents on the geographical and generational distribution of effects.	To date, who a project may impact and to what extent is seldom differentiated and quantified.	Legislation to require the distribution of risk and effects (e.g., through sustainability criteria). Guidance on the distributional scope.
51 – That the legislation enshrine climate sustainability definition and principles.	To ensure that EA decisions appropriately consider climate implications and ensure our trajectory towards our short and long-term climate obligations.	Considerations of climate in assessments should include domestic climate targets and international commitments, as well as accounting for the cost and distribution of climate risks and impacts.	Legislated climate sustainability definition and principles. Could form part of sustainability criteria.

Recommendation	Rationale	Comments	What would need to change
52 – That the legislative framework require that the relationship between Indigenous knowledge and Western knowledge be honoured in all phases of IA, in collaboration with, and with the permission and oversight of, Indigenous peoples, and require the interfacing of Indigenous knowledge with science throughout assessments.	Indigenous knowledge makes valuable contributions to EA information and analysis and is a likely requirement for collaboration with Indigenous peoples.	For there to be a healthy interface between Western knowledge and Indigenous knowledge, those responsible for the conduct and review of the assessment need to: i) be skilled in their own field ii) be able to engage respectfully with Indigenous knowledge iii) escape silos of 'Western knowledge' Care should be taken to avoid "integration" that could result in subordination, or perception thereof. An outstanding question is: How do we approach disagreements between Indigenous knowledge and Western science? This question could be addressed through agreed-to co-governance arrangements.	Legislated principle recognizing the value of Indigenous knowledge. Establishment of an Indigenous advisory body within the Agency to advise the Agency and Commission. Legislative requirement to give Indigenous knowledge equal weight. Guidance for weaving traditional and Western/ scientific knowledge.
53 – That there be expertise in IK and the interface between these two traditions within the EA Agency and Commission.	To facilitate and ensure the braiding together of the two systems of knowledge.	Agency and Commission expertise will require training. At a minimum, an in-house Indigenous advisor would be beneficial. Facilitating this objective is an important rationale for establishment and maintenance of co-governance bodies to fulfill Commission roles where agreed by the Crown and Indigenous peoples.	Establishment of an Indigenous advisory body within the Agency to advise the Agency and Commission. See also point 6 above.
54 – Evidence must be tested and on the public record.	To ensure its credibility, accuracy and efficacy and continuous testing of evidence and predictions.	Testing must occur in culturally-appropriate ways.	Legislation should require rigorous and transparent review of expert evidence, including by experts outside government.

Recommendation	Rationale	Comments	What would need to change
55 – That there be a central repository (registry) of all EA data, including baseline and monitoring data.	To ensure data is available for and accessible by everybody.	The registry should be a public, searchable, comprehensive electronic library, and include environmental assessment case materials, including baseline and monitoring data, documentation of impact predictions and monitoring findings, records of decisions and justifications, and related case law.	Legislation to establish a central, public, searchable registry of information and require that all information, including data, be included on it.
56 – That the Commission include a Chief Science Officer.	To help develop the culture and practice of scientific integrity in IA processes.	As recommended by the Expert Panel appointed to review federal EA processes.	Establishment in the legislation of a Chief Science Officer, and provisions setting out its functions.
Decision-Making			
57 – That the Agency and Commission be responsible for facilitating collaboration and ensuring that the consent of Indigenous peoples is obtained on all interim as well as final decisions.	The Expert Panel's finding that FPIC as described under UNDRIP establishes Indigenous peoples as decision-makers with power to give or withhold consent is correct and should be ensured under EA law and policy.	The Crown has constitutional and other legal obligations to Indigenous peoples. Further, how nation-to-nation and collaborative decision-making occurs must be negotiated with individual nations in the context of specific regional, strategic and project assessments. For example, the Paddling Together model, noted above, suggests that co-governed assessment could be enabled through conduct of assessment and implementation agreements between the federal, provincial and Indigenous jurisdictions. For a discussion of other options for upholding Indigenous jurisdiction in assessment see: https://www.wcel.org/blog/reflections-indigenous-jurisdiction-and-impact-assessment. Nation-to-nation and reconciliation are whole-of-government obligations and duties; however, they also need to be meaningfully woven throughout EA processes, decisions and follow-up. Could result in cost-savings due to decreased need for dispute resolution (e.g., litigation).	Legislation to require the Agency and Commission to ensure that the consent of Indigenous peoples has been sought and obtained on interim and final decisions. Legislation to enable dispute resolution by a new tribunal or new environmental division of the Federal Court (see 59-61 below). Legislation to require the Agency and Commission to enter into ADR at the request of an Indigenous authority.

Recommendation	Rationale	Comments	What would need to change
58 – That the Expert Panel appointed to review federal EA processes' recommendation that "decisions reference the key supporting evidence they rely upon, including the criteria and trade-offs used to achieve sustainability outcomes" be implemented (p 47).	To ensure that decisions are based on the best available information, transparent, credible, and help ensure progress towards sustainability.	The criteria and trade-off rules should be developed with the objectives of 1) providing clear policy direction at the outset of the decision, 2) contending with uncertainty, and 3) ensuring transparency. Such clarity will be vital for guiding IA decisions and incentivize decision making based on the information and analysis considered during IA reviews.	Legislated requirement to demonstrate how decision criteria and trade-off rules have been applied, and to reference the key supporting evidence relied upon in decision-making.
59 – The legislation should establish a right of appeal of process and final decisions, as well as compliance and follow-up activities.	The credibility of EA depends in part on the meaningful ability to challenge interim and final decisions. A tribunal or FC division needs to have EA literacy and the ability to weigh the application of science.	Potential long-term cost-savings as the tribunal or FC division develops literacy and precedents; potential cost-savings from allowing appeals of interim decisions that catch problems at the outset rather than after lengthy faulty processes.	Legislative provision establishing a right of appeal of process and final decision.
60 – That legislation establish either an appeals tribunal or an environmental division of the Federal Court to hear appeals of interim and final decisions.	See comments above.	This tribunal or FC division could and should be mandated to hear appeals under all federal environmental laws. Cost-savings would accrue from having the tribunal or FC division shared by relevant departments.	Legislative provision establishing an appeals tribunal.
61 – That legislation enable alternative dispute resolution (ADR).	ADR can facilitate multijurisdictional collaboration and broader stakeholder consensus-building.	ADR should be provided by the appeals tribunal. May result in cost-savings through avoidance of litigation.	Legislative provision enabling ADR and appointing the appeals tribunal to provide ADR.
Post-Assessment Monitoring, Tracking, Reporting, Compliance Assurance and Regime Evolution			
62 – That increased fines for non-compliance introduced in *CEAA 2012* be retained.	To better ensure compliance.	None.	Legislative provision establishing fines large enough to incentivize compliance (e.g., $400,000).

Recommendation	Rationale	Comments	What would need to change
63 – That legislation prescribe a time period after which the results of an EA are considered lapsed and must be updated through a new EA.	To help ensure that projects reflect best available technology, and current policies, community and economic realities, and state of environment.	Where projects are initiated following delay, but before the EA has expired, there should still be opportunities to integrate, consider and evaluate new information and technologies.	Legislated time limit on EA authorizations and a provision for initiating a subsequent EA.
64 – That conditions of approval be measurable and quantifiable.	To ensure ability to assess compliance.	Further thinking is required on what to do when conditions that complied with aren't effective.	Legislation define conditions as being measurable and quantifiable.
65 – That monitoring be for anticipated and unanticipated effects, and monitoring data be tied to predictions and conditions of approval.	To identify need for adaptation and to ensure learning.	Broad hypotheses and indicators are required to ensure monitoring can identify and allow a response to unanticipated effects.	Legislation define monitoring as including for unanticipated effects, require the Agency and Commission to apply monitoring data, and enable the Commission to revoke approvals.
66 – That there be sufficient "boots on the ground" to monitor and enforce, with clear triggers for management intervention based on the results of monitoring.	To ensure ability to enforce compliance.	Project implementation committees may also be appointed to monitor effects and compliance, and may be paid for by the proponent. These committees can be comprised of members of the MIPC. Support for Indigenous monitoring and enforcement could be an effective tool, as well as could help build capacity. Legislative mechanisms are recommended to require that results of monitoring are acted upon, including: (a) by setting out circumstances in which risks identified through monitoring should trigger immediate management intervention, and (b) through mandatory periodic updates to regional impact assessments.	Sufficient federal funding to relevant federal departments and agencies, as well as to Indigenous peoples.

Recommendation	Rationale	Comments	What would need to change
67 – That legislation enable the establishment of implementation, monitoring and follow-up committees.	To enable collaborative, rigorous and transparent monitoring and follow-up.	In some cases, the MIPC may be transformed into a monitoring and follow-up committee.	Legislative provision enabling the establishment of monitoring and follow-up committees, and their appropriate resourcing.
68 – That adaptation be better defined and include a range of response types, up to stopping the project in cases of irreversible or unmitigatable effects.	To better ensure the appropriate application of adaptive management.	Monitoring for unanticipated effects requires a broad hypothesis and allows you to look at things outside of what was predicted. Adaptive management has been problematic and consistently misused. Stronger guidance is required for its application.	Legislative provision for adaptive management; clearer requirements in regulation.
69 – That legislation require the regular review of compliance conditions and commitments made by the proponent in the assessment, and the renewal of EA authorizations.	To determine if projects are meeting conditions of approval and commitments, and whether effects are as predicted.	The Agency could be responsible for tracking compliance, but decisions to revoke or not review authorizations should be made by the Commission.	Legislated requirements for periodic review of conditions of approval, set time limits on EA authorizations and providing for the Commission to not renew an authorization in the case of ongoing non-compliance or ineffectiveness of adaptive management.
70 – That follow-up information be made available on the public registry.	To track effects and whether effects are as predicted, and to enable continuous learning.	Understanding whether effects are as predicted is important for making accurate future predictions.	Legislation to require the Agency to provide all follow-up information on the public registry.

Appendices

Appendix A – Principles of Meaningful Public Participation

The following are ten principles of meaningful public participation recommended by the Multi-Interest Advisory Committee established by the Minister of Environment and Climate Change to assist with the review of federal EA processes.[1] They are:

- Participation begins early in the decision process, is meaningful, and builds public confidence;
- Public input can influence or change the outcome/project being considered;
- Opportunities for public comment are open to all interested parties, are varied, flexible, include openings for face to face discussions and involve the public in the actual design of an appropriate participation program;
- Formal processes of engagement, such as hearings and various fora of dispute resolution, are specified and principles of natural justice and procedural fairness are considered in formal processes;
- Adequate and appropriate notice is provided;
- Ready access to the information and the decisions at hand is available and in local languages spoken, read and understood in the area;
- Participant assistance and capacity building is available for informed dialogue and discussion;
- Participation programs are learning oriented to ensure outcomes for all participants, governments, and proponents;
- Programs recognize the knowledge and acumen of the public; and
- Processes need to be fair and open in order for the public to be able to accept a decision.

1 Multi-Interest Advisory Committee, "Advice to the Expert Panel Reviewing Environmental Assessment Processes" (9 December 2016) at 41-42, online: http://eareview-examenee.ca/view-submission/?id=1481330791.1676.

Appendix B – Summit II Participants

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