

Environmental Assessment Program

Frequently Asked Questions Updated February 2010

Introduction

The following is a list of questions that are commonly asked by both project Proponents and the public regarding Alberta's Environmental Assessment process.

List of Terms and Acronyms used in this Document

3PC – Third-Party Contractors

Director – the Environmental Assessment Director (unless otherwise specified)

EA Coordinator – Environmental Assessment Coordinator (in Alberta Environment)

EIA – Environmental Impact Assessment

EPEA – *Environmental Protection and Enhancement Act*

Regulatory Board – Alberta Utilities Commission, Energy Resources Conservation Board or Natural Resources Conservation Board

SIR – Supplemental Information Request

TOR – Terms of Reference

Questions

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Answers

1. What is the Environmental Assessment process for and who administers it?

Alberta Environment administers Alberta’s laws governing Environmental Assessment under Part 2, Division 1 of the [Environmental Protection and Enhancement Act](#) and Part 2, Division 2 of the [Water Act](#). The Environmental Assessment process allows companies and government decision-makers to examine the effects that a proposed project may have on the environment. The information gathered during the process helps the appropriate Regulatory Board determine if the project is in the public interest.

When a project requires an EIA report to be completed, an EA Coordinator is assigned to each project. The EA Coordinator is the “one-window” into the process and all questions and concerns should be directed to that person.

For more information follow the link to [Alberta’s Environmental Assessment Process](#).

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2. How do other provincial departments and the federal government participate in the Environmental Assessment process?

Project Proponents are encouraged to discuss their proposal as early as possible with provincial and federal departments who may have a regulatory requirement. The information needs of these departments for their specific approvals or permits may be partially met through their participation in the EIA review.

Experts from provincial and federal government departments review the EIA report and provide feedback to the EA Coordinator about the completeness of the information. The team will request more information when required, until satisfied that the EIA report meets the requirements of the TOR.

The review team may include one or more members of the following departments:

- Alberta Environment and 3PC staff (see [What Proponents Should Know About 3PC](#))
- Alberta Culture and Community Spirit
- Alberta Health and Wellness
- Alberta Sustainable Resource Development
- Alberta Tourism, Parks and Recreation
- Alberta Transportation
- Alberta Utilities Commission
- Energy Resources Conservation Board
- Natural Resources Conservation Board

Federal departments that may be involved include:

- Canadian Environmental Assessment Agency
- Environment Canada
- Fisheries and Oceans Canada
- Health Canada
- Natural Resources Canada

- Transport Canada
- Parks Canada

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3. *Are there cases where a federal EIA is required but not a provincial one?*

Yes this is a possibility since the provincial and federal legislation governing environmental assessment is different. Proponents who are told, or know, that there is no provincial EIA requirement should always confirm if there are federal requirements.

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4. *What are “discretionary activities”? Are there some discretionary types of activity that never require EIA?*

A Discretionary Activity is a proposed activity¹ that is not listed in the [Environmental Assessment \(Mandatory and Exempted Activities\) Regulation](#). The term discretionary is used because the Director has the *discretion* to require an EIA for the activity. If the Director decides that an EIA is required it is often referred to as a Discretionary EIA. For more information follow the link to [Alberta’s Environmental Assessment Process](#) (under the heading Is an EIA Required?).

Each project will be assessed on its own merit therefore it is not possible to state that certain types of activities will *never* require an EIA. However, recent experience suggests that most small in-situ oil sands projects (<2,000 m³/day), biodiesel plants, ethanol plants, hydrogen plants, tanks farms and oil terminals, transmission line

¹ See the definition of proposed activity in s. 39(e) of the [Environmental Protection and Enhancement Act](#). Note some activities like wind power projects are not listed in the Schedule of Activities in the Act and therefore cannot be subject to an EIA.

substations, and highway projects are not likely going to require an EIA.

Proponents who are uncertain if an EIA will be required for their project may ask the Director for a determination. Proponents will be required to provide information (e.g., the information in the [Project Summary Table](#)) about the project to help the Director make that determination.

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5. *What is a “voluntary EIA”?*

Alberta Environment’s process for deciding that an EIA is required for a discretionary activity can be lengthy so Proponents may volunteer to do an EIA rather than wait for the Director to make the decision, especially if they feel that the Director is likely to require an EIA report. This type of EIA is often referred to as a Voluntary EIA.

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6. *What projects require an EIA? Do expansions also require an EIA?*

The [Environmental Assessment \(Mandatory and Exempted Activities\) Regulation](#) identifies which activities require an EIA and which ones are exempted. See the question on discretionary projects for those activities not listed in the Regulation. For more information follow the [Environmental Assessment Process](#) link.

For expansions to existing projects, the need for an EIA will be determined on a case-by-case basis based on the specific details of the project and expansion. One of the key factors to consider is the scope of the original EIA for the project (i.e., did it discuss the potential for the expansion and did it include an assessment of the effects of the expansion). Proponents should contact Alberta Environment early in their planning process to determine the appropriate regulatory requirements.

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7. *What is required to begin the Environmental Assessment process?*

To initiate the environmental assessment process, the Proponent must provide the following documents:

- First Nations Consultation Plan (if the [First Nations Consultation Guidelines](#) apply)
- [Project Summary Table and Project Location Map](#)
- Proposed Terms of Reference
- Terms of Reference Advertising Information
- Proposed Public Notice of the Proposed Terms of Reference

The Consultation Plan should be sent to the Aboriginal Relations Advisor assigned to the project. The remaining documents should be sent to the EA Coordinator assigned to the project, or to the attention of the Director.

The formal regulatory process begins with the release for public comment of the Proposed Terms of Reference for the project. However, Proponents are encouraged to contact Alberta Environment well in advance of this stage to determine the scope of the assessment, consultation requirements, current administrative and regulatory procedures, and if an EIA report is required.

Proponents should also contact:

- Other provincial and federal government agencies to determine the scope of assessment, appropriate sampling and analysis methodologies and any policies that need to be considered in the assessment
- Stakeholders in the area of the proposed development to determine the issues of local concern

Further information on this subject is available in [Preparing for and Submitting and Environmental Impact Assessment Report](#).

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8. *What kind of information is required in an EIA report?*

Section 49 of the [Environmental Protection and Enhancement Act](#) sets out general requirements for information to be included in an EIA report. However, the Final Terms of Reference issued by the Director specify the information requirements for the project.

An EIA report is a description of the Proponent's understanding of their project and its anticipated impacts on the environment and social and economic conditions in the region. The report assesses the significance of those impacts and identifies how those impacts will be mitigated. The EIA report also describes how the project will interact with other industrial and human activities in the area.

At a minimum, a normal EIA report will include the following:

- A description of the proposed project including the nature and scale of specific activities involved
- The location and environmental setting for the project, and baseline environmental, social and cultural information
- The potential positive and negative environmental, health, social, economic and cultural impacts of the proposed activity
- Plans to mitigate potential adverse impacts and to respond to emergencies
- Information on public consultation programs undertaken with respect to the proposed activity and actions taken by the Proponent to resolve public concerns

- An assessment of cumulative effects, which are the combined effects of the proposed project and other activities that are occurring or may be reasonably expected to occur in the subject area

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9. *What is meant by the terms “project-specific Terms of Reference” or “focused Terms of Reference”?*

Most projects should undergo the full scope of work reflected in recent TORs, particularly if they are in previously undeveloped areas or if they are a new type of activity. However there are instances where the full scope of work may not be warranted and the TORs should be focused on the features, environmental and socioeconomic setting and issues that are unique to the project.

A recent example of this was the [Synchrude South West Sand Storage Conversion Project](#). Since the project was located on a previously disturbed area and would not increase the footprint, and since there had been previous EIAs and a recent approval amendment, the TORs focused on the changes from existing conditions and their related effects rather than requiring an extensive assessment of baseline conditions.

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10. *When will Alberta Environment require First Nations consultation and what are the requirements?*

When land management and resource development decisions may infringe upon existing treaty or other constitutional rights, consultation with First Nations is required. Part III of [Alberta’s First Nations Consultation Guidelines on Land Management and Resource Development](#)

(the Guidelines) outlines Alberta Environment’s requirements.

When it is determined that consultation with First Nations is required, Proponents are directed by an Alberta Environment Aboriginal Relations Advisor to develop a First Nations Consultation Plan. The Consultation Plan will encompass the following:

- Proponent contact information
- A list of First Nations to be consulted
- Plain language project specific information
- Delivery methods for providing project information and direct notices to First Nations
- Any information regarding potential adverse impacts to First Nations
- Timelines and schedules for consultation activities
- Procedures for reporting to Alberta Environment on the progress and results of consultation

The Consultation Plan must be approved prior to posting the Proposed Terms of Reference for public comment.

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11. *What are the Public Notice requirements during the Environmental Assessment process?*

The Proponent is required to publish notices at several stages of the Environmental Assessment process in at least one issue of a newspaper that has general circulation in the area where the proposed activity is to be located. In most cases, notices are published in several newspapers, including at least one Aboriginal newspaper when the [First Nations Consultation Guidelines](#) apply. The newspapers are selected by the Proponent and approved by the Director.

The published notices include:

- Notice of Further Assessment (when the project is subject to the screening process)
- Notice of Proposed Terms Of Reference
- Notice of Environmental Impact Assessment report (typically combined with Public Notice of Application)

Alberta Environment is responsible for publishing the following:

- Notice of Final Terms of Reference

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12. At what stages may the public get involved in the Environmental Assessment process and who do they send their comments to?

The public may first be involved by providing comments on the Proposed Terms of Reference for the project to the Director. Notices, which provide deadlines and indicate the appropriate person to address those comments to, will be placed in local newspapers. Copies of all public comments are placed on the [Environmental Assessment website](#).

If the Director determines that a project that is not on the mandatory EIA list will require screening, the public will also have the opportunity to provide comments on the proposed project.

Members of the public may also provide comments to the Approvals Director on the *Environmental Protection and Enhancement Act* and *Water Act* applications associated with the EIA report. Anyone who wishes to obtain a copy of the Integrated Application should contact the Proponent directly.

The Public Notice of Application will set out deadlines for receipt of comments which must be sent to:

Director
Regulatory Approvals Centre
Alberta Environment
9th Floor, 9820 – 106 Street
Edmonton, Alberta T5K 2J6
Fax: (780) 422 – 0154

Finally, directly affected parties may participate in any hearings established by the Regulatory Board to determine if the project is in the public interest. More information on Regulatory Board processes is available:

- [Alberta Utilities Commission](#)
- [Energy Resources Conservation Board](#)
- [Natural Resources Conservation Board](#)

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13. What is an Integrated Application and who is it submitted to?

An Integrated Application is a single submission by the Proponent which includes:

- Environmental Impact Assessment (EIA) report
- *Environmental Protection and Enhancement Act* Application
- *Water Act* Application (where applicable)
- Alberta Utilities Commission, Energy Resources Conservation Board or Natural Resources Conservation Board Application
- EPEA Application fee

All large industrial projects require a number of government approvals before they begin operating. Submitting all the documents at once allows for concurrent review of information and reduces the duplication of information that would be required if the EIA report was submitted separately from the applications.

The EA Coordinator provides the Proponent with a distribution list that will specify the number of CDs and printed copies of the Integrated Application that need to be sent out and to whom they need to be sent.

The application fee must be sent to the Regulatory Approvals Centre along with a copy of the Integrated Application. The cheque must be made payable to the Minister of Finance. The documents and fee must be sent to:

Regulatory Approvals Centre
Alberta Environment
9th Floor, Oxbridge Place
9820 – 106 Street
Edmonton, Alberta T5K 2J6

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14. What happens during the Integrated Application review process, and how do the Proponents interact with the government's review team?

Typically, meetings between Proponents and reviewers are held throughout the process to provide opportunity for discussion of technical and policy issues. This will happen at the beginning of the review, and may happen during the SIR phase(s). Proponents are encouraged to contact the EA Coordinator to discuss these opportunities and the appropriate timing. The intent of the meetings is to further the understanding of the project and clarify the nature of SIRs.

SIRs are the formal questions asked by the regulatory review team about the Proponent's Integrated Application. The SIRs and the Proponent's responses form part of the Integrated Application and are publicly available.

If the review team has questions about the responses that were provided by the Proponent for the first round of SIRs, there may be one or more subsequent rounds of

SIRs. In addition, questions may be asked if the Proponent provided any updated project information with the response to the first SIR.

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15. What happens if a proposed project is changed during the Environmental Assessment process?

If the project changes significantly after the Final Terms of Reference are published but before the EIA report is submitted, the Proponent may be required to develop new TORs. The EIA report must then be based on the new TORs. If the changes are relatively minor the Proponent can prepare the EIA report based on the original TORs and incorporate into the EIA report any additional information that will address the changes to the project. The EIA report should clearly indicate what has changed and why. The Proponent should consult with the EA Coordinator to discuss the impacts of the changes.

If the project changes during the review of the Integrated Application, the Proponent can either submit a project update as part of the original Integrated Application or provide a project update as part of the SIR response. Submission of additional information will likely increase the overall project review time.

Proponents whose project changes radically, and/or who will take considerable time to prepare and submit project changes, should consider re-starting the regulatory process with a new TOR.

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16. If a project is discontinued in the midst of the review, can a Proponent resubmit the old application and start the process from where they left off?

If the scope of the project has not changed, the Proponent can notify Alberta Environment that they would like the review to resume. The Proponent can then provide any missing information as part of the SIR response. If significant time has elapsed since the original application, the Proponent may be required to provide a project update and it will be reviewed in the same manner as the EIA report.

If the project has changed the Proponent should consider re-starting the regulatory process with a new TOR.

If the Proponent has formally withdrawn their project from the regulatory process then they must start the full Environmental Assessment process over.

The Proponent should consult with the EA Coordinator to discuss the impacts of the changes. Ultimately, the Director will determine the outcome on a case-by-case basis.

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17. If a Proponent has two (or more) projects in the same area – can they do a single EIA for both projects?

Regulators, stakeholders and First Nations all greatly appreciate full disclosure of a Proponent's long-term development plans. This disclosure allows people to get a better sense for the cumulative effects in a region. Conceptually, therefore it makes sense to combine projects into a single EIA.

A single EIA works well for projects to be developed in phases – e.g., multiple phases of an in-situ project or multiple pits for a mine.

Recent experience, however, with geographically separate and distinct projects combined into a single EIA hasn't been as positive. Proponents are urged to carefully consider the potential drawbacks of a combined EIA and to discuss the option with the EA Coordinator, Environmental Assessment Director and Approvals Director. Potential drawbacks include:

- Regulators are likely to require separate regulatory applications and to issue separate regulatory approvals for each project
- The EIA completeness decision must be issued for the two projects at once, therefore the Proponent cannot decide partway through the review to focus on one project and hold off on the other
- The EIA report should be written as if the two projects are one, rather than just compiling two separate EIAs into one document

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18. What does EIA report completeness mean and what happens after that? Can an EIA be “re-opened” after completeness?

When the government's review team is satisfied that they understand the nature of the project and the Proponent's description of the potential effects and mitigation, they will inform the Director. The Director will then consider the information and determine if the EIA report is complete. If it is deemed complete, the Proponent and the appropriate Regulatory Board will be advised.

The Director's decision that the EIA report is complete does not mean that Alberta Environment or the other review agencies support the project or accept the Proponent's description of the potential impacts and mitigation strategies.

Once the EIA report is deemed complete, it is used by the appropriate Regulatory Board to determine if the project is in the public interest. The public interest test may be determined through a hearing. Then the regulatory approvals process begins. At this stage, the Proponent may be seeking approvals for the project from the Regulatory Board, Alberta Environment, Alberta Sustainable Resource Development and potentially several other government departments.

An EIA cannot be *re-opened* or revised after the Director has deemed it complete. The proponent may, on their own initiative update the project and may at the same time update the assessment of effects and mitigation plans, or they may be asked by the Regulatory Board to provide additional information and update the assessment of effects and mitigation plans.

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19. How do the Regulatory Boards determine if a Project is “in the Public Interest”?

The Regulatory Boards do not have a fixed formula for determining whether a project is in the public interest. They must balance the economic, social and environmental effects when making their decision.

At a minimum, a project must provide an economic benefit to the Proponent, and to the broader community; in many cases the project will also benefit the region, the province and beyond. As well, the Regulatory Board must be convinced that a project will not result in serious harm to the social fabric of the community, the natural environment or the health of the members affected by the project.

For more information on the Natural Resources Conservation Board’s decision process see section 6.1 of the decision report

on the [Arclin Canada Ltd. Formaldehyde Production Plant](#).

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Comments and Suggestions

If you have comments on this document, or would like to suggest additional questions send an e-mail to

environmental.assessment@gov.ab.ca

Environmental Assessment Contacts

Further information about Alberta’s Environmental Assessment process can be obtained from:

Environmental Assessment Team
Alberta Environment
111 Twin Atria, 4999 – 98 Avenue
Edmonton, Alberta T6B 2X3

Phone: (780) 427-5828

Fax: (780) 427-9102

Email:

environmental.assessment@gov.ab.ca

Website:

<http://www.environment.alberta.ca/1274.html>

or from the nearest Alberta Environment Regional Office.

Canadian Environmental Assessment Agency Contact Information

Information about the Canadian
Environmental Assessment process can
be obtained from:

Canadian Environmental Assessment
Agency
Alberta and Northwest Territories Office
61 Airport Road NW
Edmonton, Alberta T5G 0W6

Phone: (780) 495-2037

Fax: (780) 495-2876

Email: ceaa.alberta@ceaa-acee.gc.ca

Website: <http://www.ceaa.gc.ca>