

3. The Environmental Assessment Process

This section reviews the key considerations under each step identified in Table A-1.

Step 1: Determine whether or not an environmental assessment is required

To determine whether or not an EA is required, you must confirm that the proposal is a "project" under the CEAA. A project can be either:

- an undertaking in relation to a physical work, such as any proposed construction, operation, modification, decommissioning, or abandonment (for example, construction and operation of a new chancery, or removal of an underground fuel storage tank); or
- any proposed activity not relating to a physical work that is set out in the CEAA's *Inclusion List Regulation*.

Secondly, if you determine that you do have a project as defined by the CEAA, you must then establish whether or not it is excluded. A project may be excluded from the need to undergo an EA under the CEAA if:

- it is carried out in response to a national emergency for which special temporary measures are being taken under the *Emergencies Act*; or
- it is listed in the *Exclusion List Regulation* of the CEAA.

Finally, the project must involve an action that "triggers" the need for an EA under the CEAA. A trigger is when a federal authority exercises one or more of the following duties, powers or functions in relation to a project:

- proposes a project;
- grants money or other financial assistance to a project;
- grants an interest in land to enable a project to be carried out (that is, sells, leases, or otherwise transfers control of land); or
- exercises a regulatory duty in relation to a project, such as issuing a permit or licence, that is covered under the *Law List Regulation*.

The EA must be completed before the federal authority exercises any of these powers, duties or functions. If the essential details of the project are known, or will be known before the federal authority provides financial support, the federal authority must conduct the EA before such support is given.

Step 2: Conduct an environmental assessment "screening"

Most projects assessed by DFAIT employees under the POC Regulations will undergo only a screening. The *Comprehensive Study List Regulation* of the CEAA, listing major projects that must undergo a more thorough environmental assessment called a comprehensive study, does not apply to projects outside Canada.

Under a screening, you determine the scope of the project to be assessed, the need for and method of public involvement, and the need for any follow-up program. You have considerable discretion under a screening, including the power, upon completion of the screening report, to make the determination of whether or not to proceed with the project or whether further review is needed.

You may delegate responsibility for conducting the screening and implementing a follow-up program. For example, if you are providing funds to a third-party-project, the screening may be conducted by the proponent, a consultant or a foreign country. However, you cannot delegate the final decision whether or not to fund or otherwise support the project.