

# Developing an Environmental Assessment Process

## A Guidance Document

### 1 Project Initiation

Proponent submits a project description to First Nation Lands Department.

### 2 Is an EA Required?

First Nation determines if an Environmental Assessment (EA) is required. To determine if an EA is required, the First Nation may want to consider developing:

- A list of projects or project types that may result in adverse environmental effects and will require an EA (similar to the 'designated project list').
- A list of projects or project types that are unlikely to result in adverse environmental effects and will not require an EA (similar to the 'exclusion list').

### 3 Proponent Notification

First Nation notifies proponent:

- that no EA is required and they can proceed with their project.
- that an EA is required and they cannot proceed with their project until an EA has been completed.

### 4 Community Consultation

First Nation posts public notice advising membership that a potential project on-reserve is undergoing an EA and that Council will be required to make an EA decision (include project description in the public notice).

## 5 EA Criteria

First Nation provides the proponent with the EA criteria (factors to be considered in the EA Report). When determining the factors to be considered in the EA, First Nation should determine the level of assessment required (simple/screening level assessment, detailed/full assessment, other).

## 6 Proponent Prepares EA Report

Proponent conducts an EA based on the First Nation's EA criteria (proponent may need to contract an environmental specialist to complete the EA) and submits the EA Report to the First Nation for review.

## 7 Review of EA Report

First Nation reviews EA report. If necessary, the First Nation may want to request assistance from an environmental specialist to assist in this review.

### Request for Additional Information

- If additional information or studies are required, the First Nation should notify the proponent and provide them a list of the outstanding information. The proponent is responsible for gathering that information and updating the EA report, as appropriate.

## 8 Community Consultation on EA Report

First Nation posts a copy of the EA report for community review in the same manner as was done in Step 5 above. If significant concerns are received, the First Nation may want to direct the proponent to conduct community meetings to discuss those concerns. A summary of the results of community consultation should be included with the EA report for consideration by Council when making their EA decision.

## 9 EA Decision

Based on the EA report and after considering the results of community consultation and any other recommendations from the First Nation's committees and departments, the Council of the First Nation Council makes an EA determination:

Is the project likely to result in significant adverse environmental effects, taking into account mitigation? If yes, are those effects justified under the circumstances?

## 10 Notice of EA Decision

First Nation advises proponent and posts public notice to the membership of the EA decision:

- a. Council has determined that the project, taking into account mitigation measures, is not likely to result in significant adverse environmental effects. The proponent may proceed with the project as planned, provided they obtain any other necessary permits, approvals, etc. prior to commencing work.
- b. Council has determined that the project, taking into account mitigation measures, is likely to result in significant adverse environmental effects, but those effects are justified under the circumstances. The proponent may proceed with the project as planned, provided they obtain any other necessary permits, approvals, etc. prior to commencing work.
- c. Council has determined that the project, taking into account mitigation measures, is likely to result in significant adverse environmental effects, and those effects are not justified under the circumstances. The proponent may not proceed with the project as planned.

**Conduct any follow-up monitoring and reporting as necessary while project proceeds**