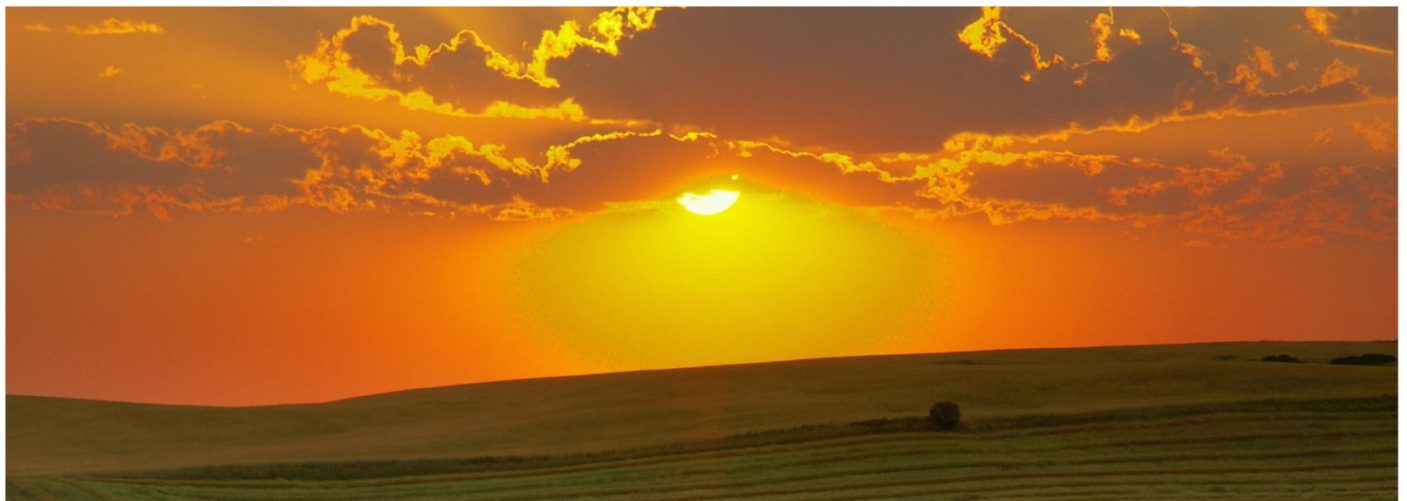


# Environmental Assessment in Saskatchewan



A High-Level Overview of the Environmental Assessment Process  
for Developments within Saskatchewan under  
The Environmental Assessment Act

June 2014

## FOREWORD

This document is a guideline only. It is a work in progress by the Ministry of Environment's Environmental Assessment Branch and subject to change. In all cases, proponents must ensure that their project complies with all applicable provincial and federal legislative and regulatory requirements. Proponents must ensure that all applicable environmental approvals are identified and obtained before starting construction.

## LIST OF ACRONYMS

<b>Acronym</b>	<b>Meaning</b>
the Act	<u>The Environmental Assessment Act</u>
the Agency	Canadian Environmental Assessment Agency
CEAA 2012	<i>Canadian Environmental Assessment Act, 2012</i>
CPF	<i>Government of Saskatchewan First Nation and Métis Consultation Policy Framework (CPF), June 2010</i>
DTC	Duty to consult
EA	Environmental Assessment
EA Branch	Environmental Assessment Branch
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
the Minister	Minister of Environment
the ministry	Ministry of Environment
SEARP	Saskatchewan Environmental Assessment Review Panel
TOR	Terms of Reference
TRCs	Technical Review Comments

## TABLE OF CONTENTS

FOREWORD.....	1
LIST OF ACRONYMS .....	2
TABLE OF CONTENTS.....	3
1 Introduction .....	4
2 Proposal Development .....	4
3 Application .....	5
4 Screening.....	5
4.1 Ministerial Determination.....	6
5 Scoping.....	6
6 Impact Assessment and Review .....	7
7 Public Comment .....	8
7.1 Duty to Consult.....	8
7.2 Public Meetings and Inquiries .....	9
8 The Minister’s Decision .....	9
8.1 Follow-up and Changes to Approved Developments.....	9
8.2 Legislative Authority .....	10
9 Federal Environmental Assessment .....	10
10 Other Resources and Contact Information .....	10
11 Related Documents and Links .....	11

This document has been prepared by the Environmental Assessment Branch. For further information, please contact [environmental.assessment@gov.sk.ca](mailto:environmental.assessment@gov.sk.ca), or visit [www.saskatchewan.ca/environmentalassessment](http://www.saskatchewan.ca/environmentalassessment).

## 1 Introduction

Saskatchewan's Environmental Assessment (EA) program provides a practical, comprehensive and integrated approach to decision-making. It is designed to systematically evaluate the ecological, socio-economic and cultural aspects as they relate to the environment of a development within a single framework, so that the real costs and tradeoffs at stake in a particular situation can be fully understood. The program ensures public access to information about proposed developments.

The Environmental Assessment Act (the Act) requires that a proponent receives the approval of the Minister of Environment (the Minister) before proceeding with a development that is likely to have significant environmental implications.

The Act defines development to mean any project, operation or activity, or any alteration or expansion of any project, operation or activity, which is likely to:

- have an effect on any unique, rare or endangered feature of the environment;
- substantially utilize any provincial resource, and in doing so, preempt the use, or potential use of that resource for any other purpose;
- cause the emission of any pollutants or create by-products, residual or waste products which require handling and disposal in a manner that is not regulated by any other Act or regulation;
- cause widespread public concern because of potential environmental changes;
- involve a new technology that is concerned with resource utilization and that may induce significant environmental change; or
- have a significant impact on the environment or necessitate a further development, which is likely to have a significant impact on the environment.

The Ministry of Environment's (the ministry) Environmental Assessment Branch (EA Branch) has prepared a suite of guideline documents to aid proponents and the public in navigating through the EA process. These documents have been developed to support the Act and to provide clarity and transparency into the EA process. An overview of the EA process is provided in Figure 1.



Figure1. Environmental Assessment Process Overview

## 2 Proposal Development

The first step in the EA process requires the proponent to decide whether it is necessary to submit a proposal to the EA Branch for their project.

Proponents are encouraged to refer to guidance documents in order to conduct a self-assessment of their project to consider whether a proposal is necessary prior to contacting the EA Branch. Self-assessment assists in identifying whether a project is likely to be a development under the Act and requires EA review. If the project appears to be a development under the Act, or if the conclusion is unclear, proponents are to submit an application for Ministerial Determination with a technical proposal to the EA Branch for review. The EA Branch has prepared information to aid proponents in developing their technical proposal to ensure that all necessary and relevant project information has been included. Submission of a complete proposal will ensure that projects can proceed through the EA process efficiently.

For more information about self-assessment, please refer to the Proponent Self-Assessment webpage and *Technical Proposal Guidelines* at [www.saskatchewan.ca/environmentalassessment](http://www.saskatchewan.ca/environmentalassessment).

---

### 3 Application

An online application is required from a proponent when a technical proposal is submitted to the EA Branch through the ministry's [online portal](#).

The following information is required at the time of application:

- contact information for the organization or individual applying;
- project information – a brief description of the project;
- geographical information – a brief description of the location of the project; and
- previous response from the ministry, if applicable.

If the applicant is not the owner of the project, a letter of authorization allowing the applicant to represent the owner will be required. This letter should be attached during the online application process for an environmental assessment screening.

For questions regarding the online application, please contact the ministry's Client Service Office at 1-800-567-4224.

### 4 Screening

Once a proponent has prepared and submitted a technical proposal, the EA Branch will conduct a review of the proposal – a process which is called screening. Screening is a case-by-case evaluation of the facts surrounding the severity of potential environmental impacts of a proposed project.

The EA Branch may distribute proposals requiring further review to the ministry's Technical Resources Branch, or more broadly to the Saskatchewan Environmental Assessment Review Panel (SEARP), a standing panel of representatives from provincial ministries and agencies, for a technical review. SEARP provides the EA Branch with the multidisciplinary expertise necessary to adequately evaluate and make decisions regarding the acceptability of potential environmental impacts from proposed developments.

SEARP members provide technical and regulatory expertise focusing on, but not limited to, areas within that member ministry or agency's jurisdiction.

The technical proposal may also be forwarded to federal government departments for comments, should their involvement be required.

Following the technical review, the EA Commissioner will make a determination on whether an Environmental Impact Assessment (EIA) is required, and the EA Branch will advise the proponent accordingly. The Act requires the Minister to give notice that an EIA is being conducted. The proponent has the option to arrange for public notification themselves.

The EA Branch ensures the screening process is timely; however, if insufficient information has been provided in the technical proposal, the EA Branch will request additional information. The EA Branch may also request that the proponent make specific commitments (i.e. commitments regarding environmental studies or mitigation measures) and/or conduct public information meetings before a determination can be made.

## 4.1 Ministerial Determination

The Act authorizes Ministerial Determinations be made on whether a project is a development, as defined in the Act. The Ministerial Determination provides legal certainty concerning the requirement to undergo an EIA.

The Act authorizes enforceable terms and conditions in Ministerial Determinations to ensure adequate environmental safeguards are in place for projects not requiring an EIA. Proponents will be notified of the Minister's Determination as well as reasons for the determination. These documents will also be placed on the ministry's website to provide transparency in decision-making.

If the Minister determines that a project is not a development, the project can proceed provided that it is implemented as described in the technical proposal and meets all other statutory and regulatory requirements under municipal, provincial and federal law.

For more information about the screening process and the SEARP, please refer to the *Technical Review Guidelines* at [www.saskatchewan.ca/environmentalassessment](http://www.saskatchewan.ca/environmentalassessment).

---

## 5 Scoping

If it is determined during the screening phase that a project is a development, as defined in the Act, Ministerial Approval is required before proceeding with the project. An EIA will be required for the development before the Minister makes a decision on the project.

When an EIA is required, proponents will be asked to prepare a Terms of Reference (TOR), also called a scoping document, for their project. Scoping identifies the key impacts to be studied and establishes the TOR for the EIA.

The EA Branch will work with the proponent to ensure that all pertinent environmental (ecological, socio-economic and cultural) issues are addressed adequately in the proponent's TOR.

A TOR template is available for proponents. It is intended to serve as a general starting point and framework for building the specific TOR that will guide the conduct of the EIA and preparation of the Environmental Impact Statement (EIS) for the project.

The TOR will outline the specific studies that the proponent will undertake and the information that will be obtained as part of the EIA, as well as how this information will be presented and evaluated in the EIS. The EA Branch will review the TOR, will circulate to SEARP for review and will provide comments to guide the proponent in the preparation of their EIS. Additional information may be required with the intent of addressing all issues accurately and adequately in order to avoid revision of the EIS.

For more information about scoping and the TOR process, please refer to the *Guidelines for the Preparation of the Terms of Reference* at [www.saskatchewan.ca/environmentalassessment](http://www.saskatchewan.ca/environmentalassessment).

---

## 6 Impact Assessment and Review

When the EA Branch receives an EIS, an EA Administrator coordinates an interdepartmental and intergovernmental technical review of the EIS through SEARP. The review process may engage various academic resources, federal government departments, local governments, etc. Reviewers are asked to provide advice on the adequacy, accuracy and completeness of the EIS.

If the EIS is found to be lacking important information, the EA Branch will prepare a summary of deficiencies and information gaps. Information deficiencies are organized into four categories:

- **Type I** – Deficiencies considered sufficiently important to justify withholding a decision under the Act. Deficiencies, related to information necessary for a complete understanding of project-related effects and basic environmental trade-offs associated with a development, must be addressed prior to the EIS being released for public review.
- **Type II** – Deficiencies not considered sufficiently important to justify withholding a decision, but which, should an approval be granted, must be resolved before subsequent regulatory approvals are issued.
- **Type III** – Relatively minor issues, clarification of which will add to the quality and accuracy of the EIS.
- **Type IV** – Poor phrasing or representation of proponent’s commitments that could create problems for compliance or enforcement of commitments.

The proponent will be directed to conduct additional studies or provide additional information to address deficiencies and submit a revised EIS, which typically involves a submission of an addendum to the initial EIS. In cases where multiple addendums are submitted, a complete revised EIS may be required for ease of review.

When the EA Branch is satisfied with the adequacy of the EIS, a summary of all of the technical review comments is created.

The final Technical Review Comments (TRCs) are issued to assist the public in reviewing the EIS and the government decision-makers in evaluating the environmental acceptability of the project.



TRCs will provide information regarding potential environmental impacts, the significance of those impacts and the effectiveness of the proposed mitigation measures. If government disagrees with some of the proponent's conclusions, these issues will be discussed in the TRCs.

For more information about the impact assessment and review process, please refer to the *Technical Review Guidelines* at [www.saskatchewan.ca/environmentalassessment](http://www.saskatchewan.ca/environmentalassessment).

---

## 7 Public Comment

Public participation is an important part of the EA process. One of the criteria used to determine if an EIA is required for a particular project is whether the project is likely to cause widespread public concern because of potential environmental changes. The proponent is asked to engage the local community in early discussions about the proposed project as the technical proposal is prepared, and continue the involvement as the EIA is conducted.

At an early stage in the EIA, the proponent should undertake a program of public involvement to identify issues that local residents feel should be addressed in the EIS. This program should be reflected in the TOR. Public input should be used to identify potential effects of the project to evaluate the significance of those effects and jointly plan mitigation and enhancement measures.

Public involvement is not simply one-way communication from the proponent to the public. The proponent should actively solicit input from the general public in the area of the proposed project, and other individuals or groups that may have an interest, utilizing their traditional and local environmental knowledge where appropriate. These groups might include landowners, community associations, municipal governments, First Nations, Métis communities, regional planning agencies, and special interest groups concerned with economic development, social change, environmental protection or resource management matters. The results of this public involvement process should form an integral part of the EIA and should be fully documented in the EIS along with the proponent's response to the public's concerns.

Following the completion of the government's technical review, the EIS and the TRCs are released and the government issues a public notice asking for comments. The EIS and TRCs are available for public review and written comment for 30 or 60-calendar days.

### 7.1 Duty to Consult

The Government of Saskatchewan has a legal obligation to implement processes of EA for developments as defined in the Act. Where the Minister's Decision on a development leads to actions that have the potential to adversely impact Treaty and Aboriginal rights and the pursuit of traditional uses, the ministry has a duty to consult (DTC) with First Nations and Métis communities in advance of the decision.

The *Government of Saskatchewan First Nation and Métis Consultation Policy Framework* (CPF) establishes the province's policy on consultation with First Nations and Métis communities. Various procedural aspects of consultation will be assigned to proponents to assist the province in fulfilling its DTC.

Undertaking the DTC during the EA process helps the ministry to ensure decisions made by the Minister consider the interests and concerns raised by First Nations and Métis communities, where the exercise of Aboriginal or Treaty rights may be adversely impacted.

For more information about consultation within the EA process, please refer to the *Proponents Guide: Consultation with First Nations and Métis in Saskatchewan Environmental Impact Assessment* at [www.saskatchewan.ca/environmentalassessment](http://www.saskatchewan.ca/environmentalassessment). For information on voluntary engagement before the EIA process, please refer to the *Proponent Handbook, Voluntary Engagement with First Nations and Métis Communities to Inform Government's Duty to Consult Process*, available at [www.gr.gov.sk.ca/Consultation/Proponent-Handbook](http://www.gr.gov.sk.ca/Consultation/Proponent-Handbook).

---

## 7.2 Public Meetings and Inquiries

Aside from various meetings that may have been held by a proponent as the EIA is conducted, the Minister may call for additional public information meetings to assist in gathering all relevant information relating to a proposed development. The Minister may also appoint persons to conduct an inquiry into any aspect of the proposed development. A board of inquiry asks for public comment and may gather further information on those issues included in the project's TOR or EIS. A report containing the board's recommendations is submitted to the Minister. The Minister can order additional meetings or call an inquiry at any time before making the final decision on whether to approve the development.

## 8 The Minister's Decision

Ultimately, the Minister must decide whether there will be adequate safeguards and protection for the environment if a development proceeds. The decision is based on safeguards provided through the design of the development, the proponent's commitments to mitigate likely impacts, the constraints that may be placed on the development through subsequent regulatory requirements, or the Minister's ability to constrain the project through conditions of approval. The Minister can approve the development, impose terms and conditions on any approval or refuse approval altogether. Ministerial accountability is legislated through the Act. On making his decision, the Minister must provide written reasons to all interested parties explaining the decision reached regarding a development.

### 8.1 Follow-up and Changes to Approved Developments

The Ministerial Decision will outline terms and conditions to be met over the duration of the project. If a proponent of a previously-approved development intends to make a change to their project, further approval must be obtained for the proposed change prior to the change being made. The necessary process to gain a decision on the environmental acceptability of a proposed change is found in the Act. The Minister can approve the change, refuse to approve the change, or direct the proponent to seek approval through the full EIA process in order to investigate the implications of the proposed change.

## 8.2 Legislative Authority

If a development is proceeding in violation of the Act, the Minister may seek an injunction to stop the development or prosecute the offence. If, in the opinion of the Minister, the terms and conditions of the ministerial approval are not in compliance, the Minister may investigate or inspect the project, or require additional information to assess whether the approval terms and conditions are being met.

## 9 Federal Environmental Assessment

The EA Branch works closely with the Canadian Environmental Assessment Agency (the Agency), the Canadian Nuclear Safety Commission and the National Energy Board when proposed projects required federal involvement. The federal and provincial EA processes, guided respectively by the *Canadian Environmental Assessment Act, 2012* (CEAA, 2012) and The Environmental Assessment Act are coordinated where possible utilizing established protocols and milestones for projects with joint federal and provincial jurisdiction. This approach aligns with the one project-one assessment model for the proponent and the public while not affecting the independent decision-making of the two levels of governments, or hindering any statutory or process requirements by either legislation.

Projects initiated before the proclamation of CEAA, 2012 continue to be subject to the Canada-Saskatchewan Agreement on Environmental Assessment Cooperation. This agreement establishes administrative processes to carry out cooperative environmental assessments and describes the roles and responsibilities of the parties.

For more information about federal EA requirements, please refer to the Agency's website at [www.ceaa.gc.ca](http://www.ceaa.gc.ca).

---

## 10 Other Resources and Contact Information

This document is published by the Minister of the Environment under the authority provided by The Environmental Assessment Act.

Proponents are advised to contact the ministry for further explanation and clarification of any uncertainties regarding the information provided in this document. Proponents will also benefit from review of other resource materials concerning EA in Saskatchewan at [www.saskatchewan.ca/environmentalassessment](http://www.saskatchewan.ca/environmentalassessment).

Environmental Assessment Branch staff and other ministry officials are available to advise on any matters related to EA in Saskatchewan. For further information regarding EA in Saskatchewan, please contact:

Director, Environmental Assessment  
Environmental Assessment Branch  
4<sup>th</sup> Floor, 3211 Albert Street  
Regina, SK S4S 5W6  
Tel.: 306-787-6132  
Fax: 306-787-0930  
Email: [environmental.assessment@gov.sk.ca](mailto:environmental.assessment@gov.sk.ca)

## 11 Related Documents and Links

The following documents are available on the Government of Saskatchewan website at:

[www.saskatchewan.ca/environmentalassessment](http://www.saskatchewan.ca/environmentalassessment)

*Technical Proposal Guidelines*

*Technical Review Guidelines*

*Guidelines for the Preparation of the Terms of Reference*

*Proponents Guide: Consultation with First Nations and Métis in Saskatchewan Environmental Impact Assessment*

The Government of Saskatchewan First Nation and Métis Consultation Policy Framework (CPF) is located at [www.gr.gov.sk.ca/Consult-Policy-Framework](http://www.gr.gov.sk.ca/Consult-Policy-Framework)