

# Environmental Impact Assessment in New Brunswick



## Introduction

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This publication is meant to provide an overview of the purpose of Environmental Impact Assessment in New Brunswick and the Province's approach to coordinating these assessments.

## Environmental Impact Assessment – A Planning Tool

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Environmental Impact Assessment (EIA) is a process through which the environmental impacts potentially resulting from a proposed project are identified and assessed early in the planning process. EIA identifies steps that can be taken to avoid negative environmental impacts or reduce them to acceptable levels before they occur. EIA therefore, represents a proactive, preventative approach to environmental management and protection.

## EIA in New Brunswick

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New Brunswick's Environmental Impact Assessment Regulation was established in 1987. The EIA Regulation 87-83 falls under the *Clean Environment Act* and is the responsibility of the Minister of the Department of the Environment and Local Government. The Project Assessment Branch of the

Department is responsible for implementing the Regulation.

## Registration

Any individual, private firm or government agency that proposes an undertaking in New Brunswick that is listed in the Regulation's "Schedule A" must formally register details of their proposal in accordance with the EIA Regulation. (Examples of undertakings from this schedule include projects such as highway construction, power generation and mining.) The registering party is then referred to as the "proponent".

Throughout an EIA, there are points at which the public can become aware of and respond to a proposed project or development. These opportunities have been identified in the following section as "public consultation".

## The EIA Process

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There are two types of reviews that exist within the EIA Process:

- 1) Determination review
- 2) Comprehensive review

This section will identify and summarize the key requirements within each process.

### 1) **DETERMINATION REVIEW**

All registered projects undergo a



Determination Review, which is an environmental assessment aimed at identifying and evaluating the environmental issues and concerns associated with a proposed project.

The proponent must submit a document which describes the project, the existing environment potentially affected by the project, the anticipated environmental impacts and any proposed mitigative measures that, if implemented, would lessen, eliminate or avoid such environmental impacts.

The proponent is responsible for the cost of preparing the registration document, which typically requires professional expertise.

### **Coordination of Review**

The review of the registration document is coordinated by the Project Assessment Branch of the Department of the Environment and Local Government and is completed with the assistance of a specially constituted Technical Review Committee (TRC) comprised of experts from federal and provincial government departments and agencies and from District Planning Commissions or municipalities depending on the project location.

### **Key Steps**

#### **A) Public Consultation**

During the Determination Review, the

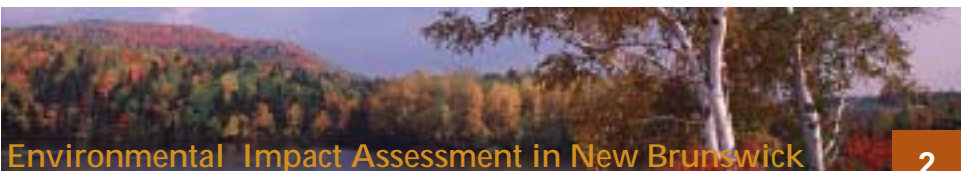
proponent must demonstrate that the potentially affected public, and other stakeholders have been given meaningful opportunity to provide comment. The proponent must provide a report of these comments including their responses, within 60 days of registration, to the Project Assessment Branch. The Department requires that minimum standards be met with respect to public involvement/ consultation as outlined in the EIA Registration Guide which is available from Department of the Environment and Local Government's web site at: [www.gnb.ca/0009/0377/0002/0001-e.asp](http://www.gnb.ca/0009/0377/0002/0001-e.asp)

#### **B) Technical Review**

During the Determination Review the proposal is thoroughly analyzed and modified in response to concerns and issues that result from the review. Additional information and/or environmental studies designed to address specific technical issues identified by the TRC may be required.

#### **C) Minister's Decision**

Once sufficient information about the proposal, including comments by the TRC and documentation of public and stakeholder concerns is received, the Minister will make a decision within 30 days. There are three possible outcomes:



### Certificate of Determination

If the Minister decides that there are no potential impacts or that potential negative impacts have been reduced or eliminated through changes made to the project or proposed mitigative measures as a result of the Determination Review, a Certificate of Determination is issued and the project is permitted to proceed subject to any conditions that are imposed in order to protect the environment. These conditions will be posted on the public registry. All other relevant provincial or federal legislation must still be complied with and all required permits and approvals must still be obtained.

### Project Denied

If the Minister decides that the project should not proceed, it may be denied with the assent of the Lieutenant-Governor-in-Council (i.e. the Provincial Cabinet).

### Further Study Required

If the Minister decides that further study is needed to assess the nature and significance of the potential environmental impacts, the project must undergo a Comprehensive Review.

## **2) COMPREHENSIVE REVIEW**

If the Minister deems that additional study is required, based on the results of the determination review, a

Comprehensive Review is conducted. A comprehensive review may also be initiated upon registration if the Minister deems that the initial nature of the project warrants this type of review. During a Comprehensive Review, the TRC continues to function and the Project Assessment Branch continues to coordinate the review process.

### **Key Steps**

#### **A) Guidelines**

The Minister releases Draft Guidelines to the public for review within 60 days of announcing that a Comprehensive Review is required for review and input.

EIA Guidelines outline the requirements of the Comprehensive Review and identify the important biological, physical and socio-economic issues that must be considered during the assessment.

#### **B) Public Input**

Once public input on the Draft Guidelines is obtained, the Guidelines are finalized and submitted to the proponent.

#### **C) Terms of Reference**

The proponent responds to the final Guidelines by preparing terms of reference for the Comprehensive Review, which outline specifically how the Guidelines will be addressed.



## D) Study and Report

The completion of a study and the preparation of a report are the responsibility of the proponent, which in most cases, is carried out by a team of consultants offering a variety of technical expertise.

The report contains information obtained through studies examining the predicted impacts of the project, their effect on the environment and the proposed mitigative measures. The TRC reviews the draft report and clarification of specific technical issues is requested by the TRC.

Once the Minister deems that the report satisfies the Guidelines, the proponent is required to submit a final version. The Project Manager with the input of the TRC prepares a General Review Statement summarizing the TRC comments on the document and how any issues were resolved.

## E) Public Consultation

Within 30 days of receiving the final report, the Minister releases it for public review, along with a Summary of the report and the General Review Statement. At the same time, the date(s) and location(s) of one or more public meeting(s) to discuss the EIA are announced by the Minister.

The purpose of the meeting(s) is to provide all interested parties with an opportunity to provide input about any

matter covered in the final report.

There are several public meeting formats possible, including the use of an independent Panel of experts appointed by the Minister to chair the meeting.

Following the public meeting, any interested parties have an additional fifteen days to submit written comments regarding the proposal. At the end of this period, a summary of public participation is prepared, based on the written briefs submitted to the Minister, transcripts of public meetings, and any additional comments received following the final public meeting. This summary is made available to the public.

## F) Cabinet's Decision

The Minister submits a recommendation concerning the project to the Lieutenant-Governor-in-Council. An approval or denial is subsequently issued.

## After the Determination Review or Comprehensive Review

At the conclusion of either review, the proponent must comply with all the terms and conditions attached to the certificate or the approval and with all other applicable statutory requirements.



## Harmonization With the Federal EIA Process

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The federal EIA process is documented in the *Canadian Environmental Assessment Act* (CEEA). Many projects must be assessed under CEEA as well as New Brunswick's EIA Regulation. The Province of New Brunswick and the Government of Canada work cooperatively in the review of projects undergoing EIA to ensure a streamlined review.

## Continuing Evaluation and Improvement

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It is recognized that New Brunswick's Environmental Impact Assessment Regulation is an important tool to promote proactive and informed decision making about proposed activities. Continuing efforts are made to make improvements where possible.

Recent improvements include:

- An on-line register of projects that provides up to date information on projects that have been registered with the Department of the Environment and Local Government
- The development of an enhanced EIA website including new sector specific guidelines, aimed at

assisting proponents in identifying the important environmental issues that must be considered in an EIA

- The formalized requirement by the proponent to consult with the public during the EIA determination review.

## Additional Information

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For further information regarding Environmental Impact Assessment in New Brunswick, or regarding a particular project, please contact:

Project Assessment Branch  
Sciences and Planning Division  
Department of the Environment  
and Local Government  
P.O. Box 6000  
Fredericton, NB E3B 5H1  
Tel: 506-444-5382, Fax: 506-453-2627  
E-mail: [eia-eie@gnb.ca](mailto:eia-eie@gnb.ca)

Or any Department of the  
Environment and Local Government  
Regional Office

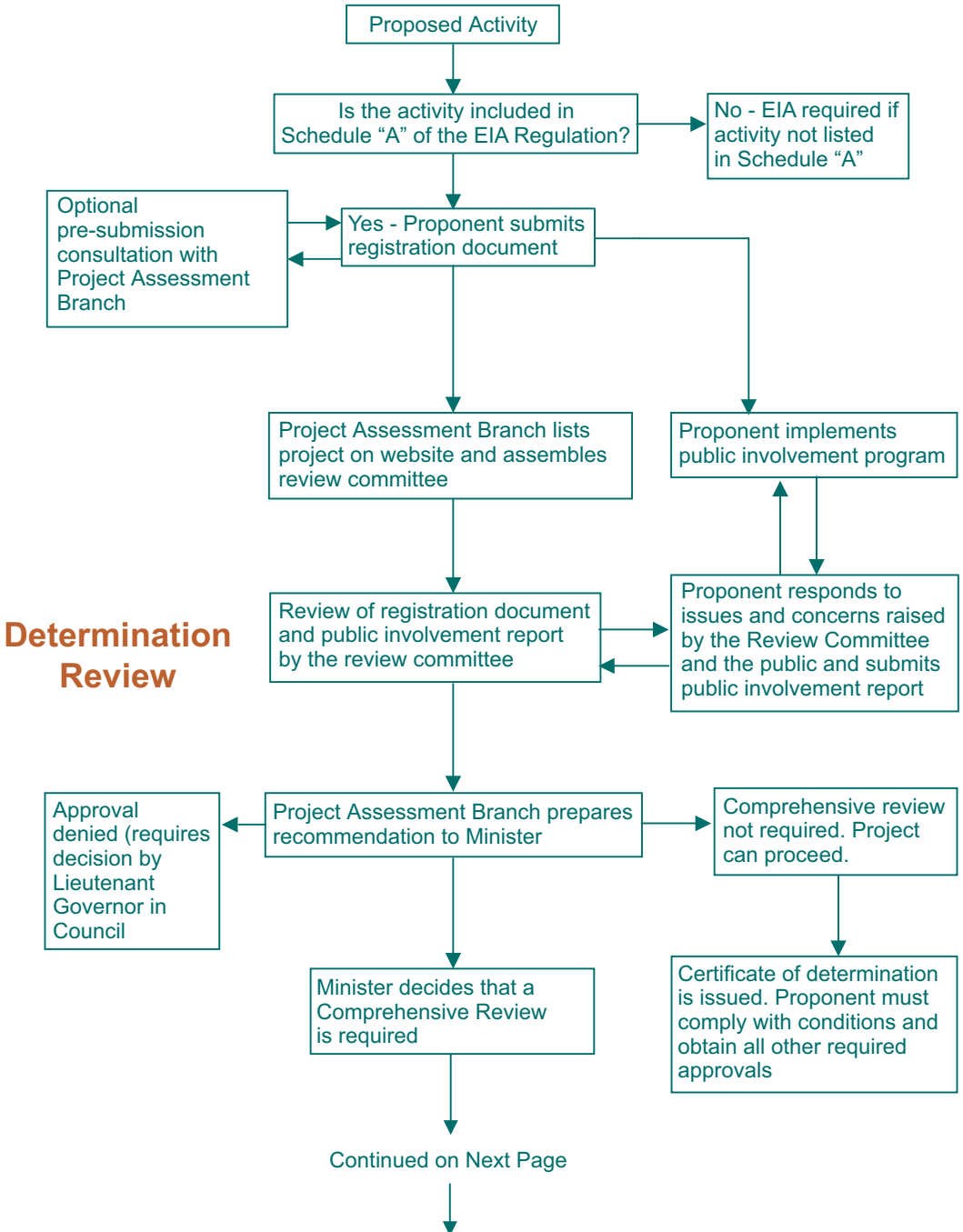
Or visit the following web pages:

Department of the Environment and Local  
Government EIA web site:  
<http://www.gnb.ca/0009/0377/0002>

EIA Regulation, Department of Justice:  
<http://www.gnb.ca/0062/regs/87-83.htm>



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