



Environmental Impact Assessment Guidelines

Revised January 2010



Environment,
Labour and Justice

Environment Division
P.O. Box 2000, Charlottetown
Prince Edward Island
Canada C1A 7N8



Environnement,
Travail et Justice

Division de l'Environnement
C.P. 2000, Charlottetown
Île-du-Prince-Édouard
Canada C1A 7N8

RE: Amendments to Environmental Impact Assessment Guidelines

Revisions to the Environmental Impact Assessment Guidelines notes several amendments to the original Guidelines document. While the majority of the amendments may be considered minor, there are 3 significant changes, which are summarized as follows:

- 1) **Addition of Appendix “B” - Special Note for Wind Turbines.** This new section states that all new wind turbine project proposals must be accompanied with a proposal to transmit the power, specifically a power corridor proposal. The power corridor proposal will be considered a critical element of any wind turbine project. A wind turbine project will not be considered for approval without submission of a proposed power corridor route from the responsible electrical utility.

In the past, wind farms could receive EIA approval with no approved means of transmitting the power generated. With the wind facilities ready to start generating power, there would be pressure on regulators to complete a power transmission corridor review in an unreasonable amount of time. With this amendment, developers are forced to address the power transmission aspects of wind turbine development well in advance of the EIA approval being issued.

- 2) **Amendment to Public Notification.** This amendment increases the time span for which an EIA notification is advertised in a newspaper. The Guidelines previously stated that the newspaper advertisement had to run for a minimum of 1 day. The amendment states that, for Level II Notification (larger projects that require a public information session), the newspaper advertisement must run for 6 consecutive days. This extended time period provides the general public with ample notice of a proposed project and associated meetings. For Level I notification (smaller projects), the advertisement will run anywhere from 1 to 6 consecutive days, depending on the extent and complexity of the proposed project, with the duration to be determined at the discretion of the environmental assessment co-ordinator.

These extended advertisement times have been in practice by staff for a number of years and have now been clarified in writing with this amendment.

- 3) **Addition of Appendix “C” - Special Note for Transmission Lines.** The addition of Appendix C will help clarify and define EIA requirements for specific voltages of power lines.

For clarification on these or other amendments made to the Environmental Impact Assessment Guidelines, contact the Environmental Assessment Co-ordinator at (902) 368-5274.

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1. Introduction

Environmental Impact Assessment (EIA) is an important and effective planning tool for predicting the potential environmental consequences of proposed developments. It is a means to identify unwanted effects **before** they occur and determine appropriate mitigation measures.

The EIA process considers the physical and biological impacts of proposed developments on the environment: air, land, water, plants, animals and people. Its scope includes a review of the effects that could bring adverse changes to the natural environment and the resulting short- and long-term effects that these changes could have on people.

The Department of the Environment, Labour & Justice has prepared this guide, an update to the interim 1988 EIA Guidelines, to present the requirements under the EIA process for developers, planners and the public in a concise and simple format so that the process can be better understood.

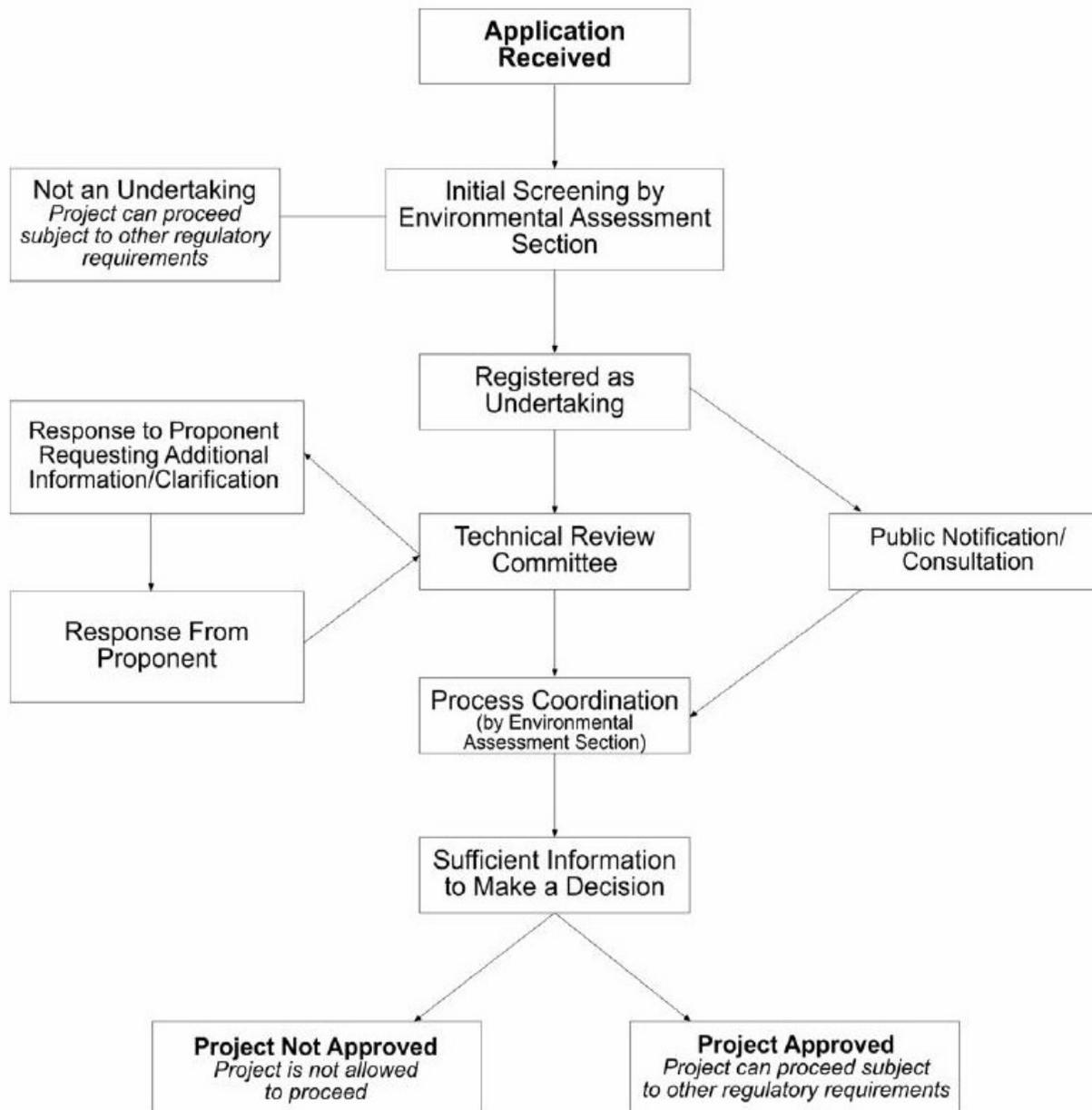
Part of the mandate of the Department of the Environment, Labour & Justice is to manage, protect and enhance the environment. The objective of the department is to carry out this mandate in a manner that ensures economic, social and recreational development is consistent with the maintenance of a healthy environment for present and future generations. This is achieved through the administration of the *Environmental Protection Act* and through the EIA review process.

The process provides a valuable planning tool, both for the proponent of an undertaking and for the concerned regulatory agencies, by means of a co-ordinated and comprehensive review of the environmental issues associated with certain development proposals. It also ensures that the public and responsible authorities are aware of any environmental risks that may be associated with a proposed project.

At the end of an EIA, the project is either approved or denied by the Minister. If approved, the proponent receives an EIA approval that states the project may proceed according to conditions stated. It is important to note that the EIA approval only relates to environmental concerns of the project. There may be several other approvals required from other departments, agencies, governments, etc., before the project can proceed.

Below is a graphic representation of the EIA process. The rest of the guide will attempt to describe the process in detail so the reader can follow and understand the process from start to finish.

Environmental Impact Assessment Process



2. Regulatory Framework

Responsibility of the Project Proponent

Section 9 of the *Environmental Protection Act* describes the responsibility of the proponent in the EIA process. It sets out the requirements for a proponent of an undertaking to file a written proposal, as defined by the Minister, before the undertaking can proceed. This guidance document will attempt to expand upon the requirements of the legislation and describe the steps required to complete and submit the written document (otherwise referred to as an "environmental impact statement").

9. (1) *No person shall initiate any undertaking unless that person first files a written proposal with the Department and obtains from the Minister written approval to proceed with the proposed undertaking.*
- (2) *The minister, in considering a proposal submitted pursuant to subsection (1), may*
 - (a) *require the person submitting it to supply such additional information as the Minister considers necessary;*
 - (b) *require that person to carry out an environmental impact assessment and submit an environmental impact statement;*
 - (c) *notify the public of the proposal and provide opportunity for comment.*
- (3) *An environmental assessment and environmental impact statement shall/ have such content as the Minister may direct.*
 - (3.1) *An environmental impact statement shall/ be in such form as the Minister may direct.*
 - (3.2) *A person who is required to submit an Environmental Impact Statement (EIS) under subsection (2) shall/ pay such fees as and when may be required by the regulations for the Department's review of the EIS.*
- (4) *The approval required by this section is in addition to any other requirement imposed by the province or a municipality.*

Definition of an Undertaking

Subsection 1(p) of the *Environmental Protection Act* defines an undertaking as follows:

- (p) *"undertaking" includes any construction, industry, operation or other project or any alteration or modification of any existing undertaking which will or may*
 - (i) *cause the emission or discharge of any contaminant into the environment,*
 - (ii) *have an effect on any unique, rare or endangered feature of the environment,*
 - (iii) *have a significant effect on the environment or necessitate further development which is likely to have a significant effect on the environment, or*
 - (iv) *cause public concern because of its real or perceived effect or potential effect on the environment,*

but excludes all undertakings mentioned in sections 12 and 13 of the Act (regulatory requirements for bulk water removal and waste treatment/water supply systems, respectively)

Appendix A (page 23) includes a list of common undertakings that require EIA approval prior to proceeding. The list is not meant to be exhaustive, however it does provide proponents with a good idea of what types of projects require EIA approval. The next chapter (page 5) provides more information about the screening process that determines whether a project is defined as an undertaking.

Conditions of Approval

Section 28 of the *Environmental Protection Act* gives the Minister the power to add conditions to an EIA approval. Most project approvals are conditional, meaning that the undertaking is not in compliance unless the conditions stated in the approval are met by the proponent.

28. *The Minister may, as the Minister considers necessary,*
- (a) revoke an order, including an environmental protection order, variance, management plans and exemption license, certificate, approval, permit, permission or other authorization issued under this Act;*
 - (b) impose terms and conditions on any order, licence, certificate, approval, permit, permission or any authorization issued under this Act; and*
 - (c) alter any terms and conditions of any order, licence, certificate, approval, permit, permission or any other authorization issued under this Act..*

Once an EIA approval is issued, the Minister has the power to enforce the approval and any conditions attached to it. A person who contravenes or violates any provisions of the *Environmental Protection Act* or any term, condition or provision of an approval or other authorization issued under the Act is guilty of an offence. The fines range from \$200 to \$10,000 for an individual, and \$1,000 to \$50,000 for a corporation. The fines can also include imprisonment for up to 90 days for both an individual or a director of a corporation.

Fees Regulations

In addition to the provisions in the *Environmental Protection Act*, the Environmental Assessment Fees Regulations came into effect on May 21, 2005. As of this date, all proponents of undertakings must include an application fee with their proposal. The fee amounts are detailed in Chapter 5 (page 8).

3. Is It an Undertaking?

It is the responsibility of the proponent to apply to the Department of Environment, Labour & Justice for EIA approval of any undertaking. **Approval is required in all parts of the province, even within municipalities that have their own official plans and bylaws (i.e., Charlottetown, Summerside, Stratford, etc).**

The first step in the application process is to determine whether the project being proposed should be considered an undertaking. There are generally three ways a proponent can determine if a proposed project may be considered an undertaking:

- The project type is included in the undertaking list in Appendix A (page 23);
- The project clearly meets the definition of an undertaking as defined in the *Environmental Protection Act* (page 3);
- The project is determined to be an undertaking by a representative of the Environmental Land Management Section of the Department of Environment, Labour & Justice during the screening process.

These three points are meant to be a way to include projects, not exclude them. Only the Minister or a representative of the department's Environmental Land Management Section can specifically exclude a project from being considered an undertaking.

If a proponent is unclear whether a project may be considered an undertaking, there are two ways to confirm its inclusion or exclusion:

- Contact a representative of the department's Environmental Land Management Section to confirm the inclusion/exclusion of a project as an undertaking.
- Submit a completed Project Information Form to the Environmental Land Management Section. The next chapter provides additional detail on the Project Information Form.

Appendix A (page 23) includes a list of the most common undertakings, but this is meant only to serve as a starting point as opposed to being an exhaustive list. Even if the proposed project is not listed, it is important to check with the Environmental Land Management Section to determine whether the department considers the proposed project an undertaking. There are often project types that are not on the list that are considered undertakings, and sometimes project types that appear on the list are not considered undertakings. This list may be updated periodically by the department to add or remove project types.

The definition of an undertaking as defined in the *Environmental Protection Act* was provided on page 3. As written, the definition is very broad and interpretation of the definition will depend greatly on the project proposed. It is sometimes difficult to ascertain if a project will have an environmental impact until some degree of assessment is carried out.

4. Project Information Form

Submitting a Project Information Form (Appendix C, page 27) is the first step of the EIA process. This form is meant to supply the Environmental Land Management Section with preliminary information about the proposed project. **The form must be signed by the proponent and the application fee included before the Environmental Land Management Section will begin the review process.**

It is sometimes useful for the proponent to speak with an employee of the Environmental Land Management Section about the submission as this can result in a better understanding of the proposed project and supplement the Project Information Form. Based on the submission from the proponent, an employee of the Environmental Land Management Section will screen the project to determine whether it fits the definition of an undertaking. This screening process involves reviewing the information included with the Project Information Form and considering the environmental issues surrounding the proposed undertaking.

The Project Information Form is meant to give the Environmental Land Management Section enough information to start the screening process. It is not intended as a means for the proponent to supply all of the information required for a proper environmental assessment. The form also provides the Environmental Land Management Section with the proponent's contact information.

When necessary, the department will consult with an interdepartmental Technical Review Committee (TRC) prior to determining whether the project is an undertaking. The department may also consult with municipal authorities, special interest groups or the public at large when considering project proposals.

When a decision is made whether or not the project is an undertaking, an employee in the Environmental Land Management Section will send an initial notification by mail advising the proponent of the decision. If the project is not considered an undertaking, the application fee will be returned to the proponent. If the project is determined to be an undertaking, the department will either start the assessment review process with the information that has already been provided, or ask the proponent for additional information that is necessary for the assessment review to proceed.

It is common for proponents who are confident that the proposed project will be considered an undertaking to submit an EIS along with the Project Information Form. Chapter 6 (page 9) covers the EIS in more detail.

Referral Reviews

If a project is not considered an undertaking (in other words, it is "screened out"), it is usually assessed as a "referral" project. A referral project is still reviewed by the Environmental Land Management Section, however it is typically subject to review by a smaller interdepartmental TRC. Where appropriate, recommendations concerning environmental issues are provided to the proponent or the approval authorities that referred the project to the Environmental Land Management Section. It should be noted that even when a project is screened out, it is still subject to all other statutory and regulatory requirements, as well as any commitments the proponent has made regarding specific environmental protection measures.

During the referral review, a project can sometimes be "upgraded" to an undertaking because of environmental concerns that arise during the review. For example, if during the referral process it was discovered that the proposal had a large water consumption aspect, the project may have sufficient environmental issues to reconsider it as an undertaking. There are currently no fees required for a referral review. However, if the referral is upgraded to an undertaking, the fee structure outlined in the next chapter applies.

5. Environmental Impact Assessment Fees

The Project Information Form requires the proponent to provide the estimated capital cost of the project, not including the land costs. The estimated project cost is used to determine the environmental assessment application fee. This fee is meant to recover some of the costs that are incurred by government when an assessment is carried out. The following table outlines the fee structure.

Environmental Assessment Fee Structure	
Cost of Proposed Project	Application Fee
Under \$200,000	\$100
\$200,000 to \$999,999	\$500
\$1,000,000 to \$2,499,999	\$2,500
\$2,500,000 and over	\$10,000

When submitting a Project Information Form, the proponent must also include the application fee with the submission. The fee must be paid in full before any further review of the project will proceed. In cases where the project cost increases or decreases during the assessment process, the department can require the proponent to pay an additional environmental assessment application fee or reimburse a portion of the application fee already paid.

Under the *Environmental Protection Act*, the Environmental Assessment Fees Regulations provide the department with the legislative authority to collect the fees. A copy of the regulations can be found at www.gov.pe.ca.

6. Environmental Impact Statement

An Environmental Impact Statement (EIS) is the document produced from studying the potential environmental impacts of a proposed project. It is required to properly assess a proposed undertaking. The principal objective of an EIS is to predict the impacts which can be expected, should the project proceed. This is accomplished by gathering necessary resource information, conducting field investigations (as required), and using scientific methods to evaluate potential interactions between the environment and activities associated with the undertaking.

The proponent is responsible for preparing the EIS and any associated costs involved with the study. An EIS should be a well-organized document which provides reviewers with enough information to understand what is being proposed and the environment in which the project is to be located. More often than not, the EIS is prepared by an independent consulting firm chosen by and paid for by the proponent.

Content of the Report

The following is a list of what an EIS document should contain. The proponent is encouraged to consult with the department where there are any questions or uncertainty. The items are meant as a general guide and there may be other applicable aspects of the project that may have to be reviewed. The proponent should ensure that all sections listed below are included in the report. Otherwise, delays in the review process will likely occur.

Proponent Information and Introduction

The proponent should clearly state who is proposing the project and provide their contact information. It should also be clear in this section who has performed the study and who prepared the report. It is often useful to list the qualifications of the individuals who have worked on the report.

Project Description

The report must describe in detail the proposed undertaking, such as the following:

- description of project
- dimensions of building (if applicable)
- site/building plans
- production rates
- by-products from the process (i.e., sewage, waste management, wastewater, etc.)
- all inputs and quantities of the inputs (i.e., water use, electricity, fuel sources, natural resources used, etc.)
- all outputs (i.e. waste produced, effluent discharge, etc.)
- additional projects required as a result of the project (i.e., treatment plants, road intersections, etc.)

Most development projects involve two stages - construction and operation.

Construction Phase

This section of the EIS should describe the construction activities associated with the proposed project. It should detail time frames, materials to be used, detailed plans of the development, mitigation measures proposed, etc.

Operational Phase

This section of the EIS deals with the environmental issues related to the operation of the project. For example, the project's waste management strategy should be dealt with in this section. The report should discuss the expected lifespan of the project and any planned updates to the facility over that time frame.

It is important to note that many projects require an Environmental Protection Plan and an Environmental Management Plan to be submitted to the Department of Environment, Labour & Justice for approval as a condition of the EIA approval. The Environmental Protection Plan deals with mitigation measures to be used during the construction phase of the project, while the Environmental Management Plan provides a long-term plan to deal with potential environmental issues during the lifespan of the project. These plans will be discussed further in Chapter 13 (page 21).

Description of the Environment

This section of an EIS should describe the environment in which the project is to be located. The type of information and level of detail provided in each part of the Description of the Environment section will vary according to the project, its location, and the natural features that may be impacted. Depending on the project and its location, this section of the EIS should include descriptions of:

Biological Environment

The EIS should describe vegetation at and around the project site, presence of wildlife in the project area and value of the project area as wildlife habitat. Fish and fish habitat should be addressed if watercourses may be affected. Occurrences of rare species (plants and animals) and habitat suitable for rare species should be identified, particularly where the project will affect uncultivated areas. Field evaluations may be required to supplement existing information.

Physical Environment

Unique landforms, slopes, runoff characteristics and soil types should be described, as well as the proximity of the proposed undertaking to streams or watercourses. Groundwater and surface water resources should be characterized if the project has any potential to impact them. Baseline surface and groundwater quality should be described where appropriate, and field evaluations may be required to provide site-specific data.

Human Environment

The EIS should address land use at and around the project area including information concerning existing infrastructure (roads, utilities), nearby residential and community features, any special land-use designations (e.g., parks, local zoning, etc.) significant cultural or heritage status, etc. If there is known contamination or other disturbances identified on the property, this should also be described.

Potential Impacts to the Environment

The EIS should describe the positive and negative effects which the project may have on the environmental features identified in previous sections of the proposal. The level of evaluation on particular subjects will vary according to project complexity and potential for interaction with particular environmental components. Other impacts may relate to animal or plant species.

These impacts could include the following issues:

- air quality
- sewage disposal
- sludge and wastewater management
- groundwater impacts and servicing
- surface water
- proximity and impact on environmental features
- waste management
- noise from construction equipment
- noise from infrastructure (i.e. wind turbines, etc.)

The report should discuss the proposed methods of evaluating the environmental impacts and the accuracy of the evaluation method. Depending on the nature of the proposed project, the environmental assessment co-ordinator may ask proponents to address additional specific issues related to the project.

Mitigation of Any Impacts

Measures to avoid, minimize or manage impacts should be presented. If some mitigation measures have been included in the project description, they should be summarized in this section. Any impacts that cannot be mitigated should be identified. If impacts are not completely understood, it may be necessary for the proponent to undertake additional evaluation and to prepare specific contingency plans to be implemented if the impacts occur.

Public Consultation Plans

An important part of the EIA process is the public consultation that is carried out by the proponent. The proponent's plans for public consultation should be detailed in this section of the EIS. Chapter 8 (page 15) explains the basic public consultation process that a proponent is required to follow.

Conclusion Statement

The consultant or report writer must make a conclusion or recommendation on whether the project should proceed as described in the EIS report. It is important to have this statement, as it provides the department with a conclusion to assess. The Conclusion Statement must be concise and incorporate the mitigation measures that are planned for the project.

Submitting the Report

Up to 15 copies of the EIS report may be required from the department's Environmental Assessment Coordinator (number of copies to be determined by the Environmental Assessment Coordinator). The copies are then distributed to the TRC as detailed in the following chapter. An electronic version of the report suitable to display via the internet (i.e., PDF format) is also required.

Once the EIS report is submitted to the Department of Environment, Labour & Justice, it becomes a public document which people can access. The department makes the document available for public review and comment at the Charlottetown office (fourth floor Jones building, 11 Kent Street). While the public has access to view the document, they are not permitted to remove it from government premises or photocopy it. A summary description of the proposed project and the complete EIS will be posted on the department website as well. When submitting an EIS report, it is the responsibility of the proponent to identify any information that they consider privileged and confidential. The department will take this under consideration and determine whether the information should be available to the public as a component of the EIS report.

7. Environmental Review Process

Once the department receives an EIS report, the EIA review process is initiated. The environmental assessment co-ordinator refers the report to the Technical Review Committee. The role of committee members is to:

- review written proposals and provide technical input specific to their particular area of expertise;
- assist in the preparation of comments and provide direction for proponents to undertake additional studies or provide additional information where deficiencies exist in a proposal; and
- provide advice to the environmental assessment co-ordinator for the purpose of ensuring that environmental impacts and resulting mitigation measures have been addressed adequately within the EIS report.

The TRC may consist of any or all of the following representatives (depending on the project):

- PEI Department of Environment, Labour & Justice - Environmental Assessment Co-ordinator
- PEI Department of Environment, Labour & Justice - Environment Division
- PEI Department of Agriculture & Forestry - Forests, Fish and Wildlife Division
- PEI Department of Fisheries, Aquaculture & Rural Development
- PEI Department of Health & Wellness
- PEI Department of Transportation & Infrastructure Renewal
- PEI Department of Tourism & Culture
- Environment Canada
- Fisheries and Oceans Canada
- Other organizations as required

The circulation of the EIS report to the TRC varies depending on the specifics of the proposed project. The environmental assessment co-ordinator will determine which committee members receive the report based on the technical expertise required to evaluate the project. For example, a proposed manufacturing project with no issues related to the fishing industry may not be circulated to the Department of Fisheries, Aquaculture, and Rural Development or Fisheries and Oceans Canada.

Once the EIS report is sent to the applicable TRC members, they review the document with respect to their individual technical expertise and provide comments back to the environmental assessment co-ordinator.

The responses from the TRC members generally fit into the following categories:

- Additional information is required on various issues.
- Other environmental issues are identified that were not addressed in the EIS report.
- Based on the review, conditions should be attached to any approval.
- Based on the review, no approval conditions are required.
- The project should not be approved based on the submission.

Once all of the responses are received by the environmental assessment co-ordinator, the co-ordinator will review the comments and depending on the issues raised, the co-ordinator may ask the proponent to:

- provide additional information on various issues identified in the EIS report;
- evaluate issues that were not originally identified; and/or
- move on to the next step of the EIA process.

During the EIA process, it is sometimes beneficial to have meetings between the environmental assessment co-ordinator and the proponent, either on or off site. The TRC as a whole does not meet with the proponent, as this is the responsibility of the environmental assessment co-ordinator. A summary of the environmental assessment co-ordinator's role within the review process is provided in Appendix E (page 31).

The environmental assessment co-ordinator or a department staff member may visit the proposed site at any time during the review process, as well as after approval to perform compliance monitoring.

8. Public Consultation

Depending on the project, public consultation may be required as part of the EIA process. The purpose of public consultation is to:

- inform the public about the project and potential environmental issues;
- receive public input about environmental concerns regarding the proposed project; and
- identify environmental issues not previously addressed by the proponent.

The exclusion list provided in Appendix F (page 33) describes projects that are excluded from the requirement of public consultation. Projects on the exclusion list typically have few potential negative environmental impacts and often have significant potential environmental benefits.

All undertakings not on the exclusion list require a public consultation process. There are two levels of public consultation as explained below. The environmental assessment co-ordinator will inform the proponent what level of public consultation will be required for their project, based on the potential impacts of the project.

Level I Public Consultation

Level I public consultation applies to projects that may be of limited or no public concern and with few expected negative environmental impacts. It would involve:

- a notice posted on the department website to advise the public that a proposal has been received and to provide contact information for the public to contact the Environmental Land Management Section to provide comments or request additional information; and
- a **minimum** of one newspaper notice (maximum of 6 notices) to advise the public that a proposal has been submitted, and to provide contact information so the public can contact the Environmental Land Management Section to provide comments or request additional information.

The department will set the standard for the newspaper notice, including the duration the advertisement must be run (see Appendix G, page 35), but all costs associated with its preparation and publication are the responsibility of the proponent.

A project that is deemed to follow Level I consultation requirements can be upgraded to Level II if significant concern is generated through the EIA process.

Level II Public Consultation

Level II public consultation requires the proponent to hold at least one public information session in the approximate locale of the proposed project. Following are the standards for the public information session:

- The proponent must supply written material at the meeting regarding the proposed project, including:
 - the EIS report for on-site review, and
 - project summary handouts.
- The proponent must provide audio/visual material on the proposed project such as:
 - maps of the area,
 - conceptual drawings of the proposed project, and
 - a formal presentation in the form of either an oral presentation or a video.
- The proponent must have qualified people at the meeting to answer questions about the project.
- The meeting must be properly advertised by the proponent in the Guardian, as well as the local newspaper, for 6 consecutive days, with content to be standardized by the department (see Appendix G, page 35). Posters and/or television or radio advertisements may also be used to advertise the meeting.
- Public comment forms must be supplied so the public can leave comments regarding the project. All forms submitted to the proponent must be forwarded to the department. The form must include the departmental contact information for people wanting to send their comments directly to the department. The form should be standardized to the sample provided in Appendix H (page 37).

A department representative will attend the meeting(s) to receive comments and respond to public questions regarding the EIA process. It is the responsibility of the proponent to respond to all technical questions raised about the project.

The public information session can occur no sooner than 14 calendar days after the proponent submits the EIS report to the department. Public consultation details (i.e., dates, times, etc.) and the EIS report will be posted on the department website.

Following the public information session, the public will have a minimum of 10 calendar days to submit comments on the project to the department, with the understanding that:

- The department will accept public comments past the 10-day window. However, if a decision is imminent or has already been made, consideration of late comments may be of limited value to the EIA process.
- Only relevant environmental concerns are taken into account during the EIA review process.
- It is the responsibility of the individual providing comments to ensure they are received by the department. The department does not automatically send letters of acknowledgment that the comments were received.

9. Minister's Decision

Once the environmental assessment co-ordinator receives all the relevant information regarding the proposed project from the various sources (i.e., the EIS report, the TRC comments, public input, etc.), the information is compiled and forms part of the screening document. The screening document is a tool used by the Minister to make a decision regarding the approval of the undertaking. The screening report that the environmental assessment co-ordinator creates generally provides the following information:

- background information on the project and proponent;
- an outline and discussion regarding the environmental issues associated with the project;
- mitigation measures proposed by the proponent;
- any terms and conditions that should form part of an approval; and
- a recommendation regarding approval of the project.

After reviewing the screening document, the Minister may make a decision. The possible outcomes are as follows:

- Project approval is deferred -more information is required to make a decision.
- Project is approved.
- Project is approved with terms and conditions.
- Project approval is denied.

Once the decision is made, the proponent will be notified of the outcome. If the decision is to approve the project, the proponent will receive an EIA approval letter signed by the Minister stating any terms and/or conditions that must be followed for the approval to be valid. It is important to note that the EIA approval only relates to environmental issues. The proponent may still be required to gain approvals from other provincial/federal departments or jurisdictions. For example, the issuance on an EIA approval for a project does not remove the requirement to receive a building permit from municipal or provincial authorities.

In special cases, the Minister has the power to request assistance from outside sources to help in the EIA decision-making process. Provincial legislation does not contain any mechanism to appeal the Minister's decision.

10. Expected Time Frames

This chapter describes the general expected time frames for the EIA process. It must be understood that the time frames will vary greatly depending upon the complexity of the project. It will also depend on how long the proponent takes to respond to requests by the department for additional information regarding the project.

A minimum of 8 to 10 weeks is usually required for an *average* undertaking. The expected time frame is broken into the following stages:

- The TRC review requires a minimum of three weeks, but can be much longer depending on how many times additional information has to be submitted for the TRC to review. Quite often, a long delay will occur when the TRC is waiting for the proponent to submit supplementary information requested by the environmental assessment co-ordinator.
- The public information session (recognized and attended by a representative of the department) can occur no sooner than 14 days after the proponent submits the EIS report to the department.
- There must be a minimum of 10 calendar days after the public information session for the public to submit written comments on the project to the department.
- Preparation of the screening report and the Minister's decision takes approximately two weeks.

11. Interaction Between Federal and Provincial Environmental Assessments

Some projects are subject to review and approval through both provincial and federal EIA processes. The federal environmental assessment process is prescribed in the *Canadian Environmental Assessment Act* (CEAA) and is typically triggered when the federal government:

- is the project proponent;
- sells, leases, or otherwise transfers control or administration of land to enable a project to be carried out;
- contributes money or any other form of financial assistance to a project (e.g., ACOA support); or
- exercises a regulatory duty in relation to the project (such as issuing a licence, permit and approvals) that is included in the Law List Regulations.

For a variety of reasons, it is not always possible to co-ordinate the provincial and federal EIA processes to proceed concurrently. However, when such an opportunity presents itself, every effort is made by both levels of government to do so.

12. Release of Information

Once an EIS report is supplied to the department, it becomes a public document. The public is permitted to view the report at the Department of Environment, Labour & Justice office (fourth floor of the Jones Building, Charlottetown). Anyone wishing to view the EIS report may do so during normal business hours, but they are not allowed to make copies of the document or remove it from the building. A summary description of the proposed project and the complete EIS will also be posted on the department website. When submitting an EIS report, it is the responsibility of the proponent to identify any information that they consider privileged and confidential. The department will take this under consideration and determine whether the information should be made available to the public as a component of the EIS report.

The EIS report is accessible to allow the public to review the document and comment on the environmental suitability of the proposed project. The EIS report must also be available for review at any public information sessions.

On November 1, 2002, the *Freedom of Information and Protection of Privacy Act* was proclaimed by the Province of PEI. The Act has two purposes:

- to make government more open and accountable to the citizens of P.E.I.; and
- to ensure that the personal and confidential business information held by government is protected.

As a guide, the following records are not normally released by the department or through the freedom of information and protection of privacy process:

- comments/reports from the TRC representatives;
- screening reports and other advice to the minister; and
- project documents or portions of the project document that are classified as having confidential proprietary business information.

Proponents should be aware that certain information related to a project submission will be available to the public. For most projects, the following information will be posted on the department website:

- the proponent's name;
- location of the proposed project;
- description of the project;
- departmental contact information to obtain further information about the project;
- public consultation dates, times, locations, etc.; and
- the EIS report.

13. Monitoring

Most EIA approvals are conditional on requirements that the Minister considers necessary to ensure the project does not have significant negative effects on the environment. One of the conditions is often related to monitoring. For example, there may be a condition to carry out a groundwater monitoring program to detect if there are any changes in the quality of groundwater in the project area through the life of the undertaking.

Departmental inspections may occur during and after construction for many projects. This is done to verify that the EIA approval conditions and any other environmental protection and regulatory requirements are being satisfied.

In addition to conditions related to monitoring, many EIA approvals will require the proponent to provide an Environmental Protection Plan and an Environmental Management Plan. An Environmental Protection Plan describes how the proponent will ensure the environment is protected during the construction phase of the project. An Environmental Management Plan describes the long-term management of the project in relation to the environmental protection of the area. It is meant to be updated periodically to provide a current working plan for the project. In some cases, an Environmental Management Committee is established to oversee that the Environmental Management Plan is implemented and effective. Typically, the Environmental Management Committee consists of department staff, proponent representatives and one or more private citizens to represent persons living in the project area.

14. Contact Information

For more information regarding the environmental review process, contact the following:

Environmental Assessment Co-ordinator
PEI Department of Environment, Labour & Justice
11 Kent Street PO Box 2000
Charlottetown, PE CIA 7N8
(902) 368-5274

Environmental Assessment Officer
PEI Department of Environment, Labour & Justice
11 Kent Street PO Box 2000
Charlottetown, PE CIA 7N8
(902) 368-5049

List of Common Undertakings

Agricultural

Manure storage facilities
Dairy operations
Beef operations
Hog operations
Food processing plants
Potato washing facilities
Meat processing plants
Slaughter plants
Rendering plants
Abattoirs
Bulk fertilizer plants
Mink farms
Mushroom facilities
Livestock lagoons
Poultry barns

Energy

Power plants/generating facilities
Wind turbines *
Transmission lines **
Pipelines

Fisheries

Fish processing plants
Fish hatcheries
Fibreglass boat building facilities
Aquaculture facilities
Mussel processing facilities

Forestry

Sawmills
Wood treatment plants
Pulp mills
Large-scale forest clearing plans

Manufacturing

Manufacturing - industrial facilities
Cement plants
Fibreglass manufacturing facilities
Chemical extraction plants
Neutraceutical manufacturing facilities

Transportation

Causeways and large bridges
Airports
Major highway developments

Mining

Gas wells
Gas exploration activities
Mines
Seismic programs

Recreation

Golf courses
Marinas
Ski hills
Large resorts
Racetracks for motorized vehicles

Waste Management

Landfills
Compost operations (indoor and outdoor)
Construction and demolition debris sites
Soil Remediation projects
Recycling plants
Incinerators
Soil mixing facilities
Transfer stations

*Special Note for Wind Turbines, See Appendix B

** Special Note for Transmission Lines, See Appendix C

Special Note for Wind Turbine Projects

A single wind turbine whose energy output is less than 1 megawatt (MW), or a combination of wind turbines whose energy outputs do not equal or exceed 1 MW are excluded from the EIA process.*

All wind turbine project proposals must include a means for transmitting the power. If a new transmission line is required to transmit the power from the new wind turbine(s), the power corridor proposal must also be included as part of the original EIA submission. **A wind turbine project will not be considered for approval without submission of a proposed power corridor route from the responsible electrical utility.**

*NOTE: Even though they are excluded from the Department of Environment, Labour & Justice's Provincial EIA process, proponents need to ensure that their projects meet with all other provincial department's requirements i.e. building permit requirements, as well as federal and municipal requirements.

Special Note for Transmission Line Projects

Transmission lines are those lines which carry a voltage of 69 kV, 138 kV, or greater. An EIA is not required for general or emergency maintenance on existing transmission lines. The proponent should consult with the Environmental Land Management Section if major maintenance is planned on any transmission lines to confirm if an EIA is required.

An EIA is not required for the construction of “distribution lines”. Distribution lines are those lines which carry a voltage less than 69 kV. General, emergency, or major maintenance to distribution lines will not require an EIA.

It should be noted that even though certain types of power line construction and maintenance do not require an EIA approval, it is incumbent upon the proponent to obtain all other necessary permits, licenses and/or approvals required by law to carry out the continued construction and maintenance activities.

**Project Information Form
follows on the next page**



Environment,
Labour and Justice

Application for an Environmental Impact Assessment

(Pursuant to Section 9(1) of the *Environmental Protection Act*)

Personal information on this form is collected under Section 31(c) of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, c. F-15.01 as it relates directly to and is necessary for evaluating applications for an Environmental Impact Assessment. If you have any questions about this collection of personal information, you may contact the co-ordinator, Environmental Land Management Section, Prince Edward Island Department of Environment, Labour and Justice, (902) 368-5474.

This form allows the proponent to provide a general summary of the proposed project so that the Environmental Land Management Section can determine whether it is an undertaking. All sections must be completed. If the project is determined to be an undertaking, the proponent will be required to provide an Environmental Impact Statement.

Proponent Information		
Name (if corporation, please specify):		
Mailing Address:		
		Postal Code:
Tel (w):	Tel (h):	Fax:
Email:		
Principal Contact Person (if applicable):		
Official Title:		
Tel (w):	Tel (h):	Fax:

Project Information
Description:

Location		
Property Tax No.:	Community:	
County:	Road Name or Route No.:	Civic Address No:

***Attach an appropriate scale property map indicating the site location.**

Related Documents

Provide a list of supporting documents provided with this application and/or indicate documents to be provided later:

Funding

List government agency(s) where funds are being requested:

Estimated Project Cost

What is the estimated final cost of the project? (not including land costs):

--

Application Fee

Application fee amount based on the estimated project cost and the following fee structure: \$

	Fee Structure	
	Cost of Project	Fee
	Under \$200,000	\$100
	\$200,000 to \$999,999	\$500
	\$1,000,000 to \$2,499,999	\$2,500
	\$2,500,000 and over	\$10,000

Signature

_____	_____
Date	Signature of Proponent

Return the completed application form, along with the application fee, to:

Environmental Assessment Co-ordinator
 Environmental Land Management Section
 Department of Environment, Labour and Justice
 PO Box 2000
 Charlottetown, PE C1A 7N8

Make cheques payable to "Minister of Finance, Energy and Municipal Affairs".

Please Note: Your application will not be processed until the application fee is received.

For assistance with this form, please call the Environmental Land Management Section at 368-5474 or visit our office (4th floor, Jones Building, 11 Kent Street, Charlottetown).

Summary of the Environmental Assessment Co-ordinator's Role in the Environmental Assessment Process

- Receives the Project Information Form and the EIS report from the proponent.
- Screens the project to determine whether it is considered an undertaking.
- Determines which TRC members are requested to review a proposed project.
- Sends the EIS report to the TRC members.
- Conducts site visits/meetings.
- Acts as a liaison between the proponent, the department and the TRC.
- Answers questions from the public and the proponent regarding the EIA process.
- Attends public information sessions.
- Compiles information from the TRC responses.
- Corresponds with the proponent as required.
- Prepares the screening report for the Minister.

Public Consultation Exclusion List

Manure Storage Facilities

Manure storage facility projects are excluded from public consultation as they are typically environmental improvements to a farm operation. The construction and operational requirements for manure storage facilities are detailed in the 1999 Guidelines for Manure Management on P.E.I. These guidelines help to ensure that these facilities are constructed and operated in a consistent manner across the province.

Minimum Standards for Newspaper Advertisements

Level I Public Consultation

The following minimum standards are required for any newspaper advertisement meant to advise the public that a proposal has been submitted and provide departmental contact information so the public can contact the environmental assessment co-ordinator to provide comments or request additional information:

- The advertisement must run in the Guardian, and in some cases the local newspaper, for at least one day and up to 6 consecutive days, with the duration of the placement to be approved by the environmental assessment co-ordinator.
- The advertisement must:
 - describe the project;
 - list the department contact information for the public to contact regarding the proposed project;
 - advise the public that the EIS report is available for public viewing at the Department of Energy, Labour & Justice, and on the department website; and
 - be no smaller than four inches by three inches.

Level II Public Consultation

The following minimum standards are required for any newspaper advertisement meant to advise the public of an upcoming public information session required as part of the EIA process:

- The advertisement must run in the Guardian, and in some cases the local newspaper, for a duration of 6 consecutive days prior to the public information session.
- The advertisement must:
 - describe the project;
 - list the department contact information for the public to contact regarding the proposed project; indicate the location, date and time of the public information session;
 - advise the public that the EIS report is available for public viewing at the Department of Environment, Labour & Justice, and on the department website; and
 - be no smaller than four inches by three inches.

Public Information Session Sample Form for Public Comments

_____ Date

Proponent: (Proponent Name) _____

Project: (Project Description) _____

As part of the Environmental Impact Assessment process, (proponent name) has filed an Environmental Impact Statement report with the PEI Department of Environment, Labour & Justice. This document is available for review at the Department of Environment, Labour & Justice, 4th Floor Jones Building, 11 Kent Street, Charlottetown, and on the department website.

The public may provide written comments on the proposed project to the Department of Environment, Labour & Justice for a period of 10 days following the public information session. It is the responsibility of the person submitting comments to ensure that they are received by the department within the 10 days.

Comments may be written in the space provided below and submitted by:
Email to: jbcarr@gov.pe.ca or
Mail to: Attention: Jay Carr - Environmental Assessment Officer
Department of Environment, Labour & Justice PO Box 2000
Charlottetown, PE CIA 7N8

Comments: