

Technical Review Guidelines



A Guide to the Technical Review Process for
Environmental Impact Assessments within Saskatchewan
under *The Environmental Assessment Act*

June 2018

FOREWORD

This document is a guideline only. It is a work in progress by the Ministry of Environment's Environmental Assessment and Stewardship Branch and subject to change. In all cases, proponents must ensure that the 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

Acronym	Meaning
the Act	<i>The Environmental Assessment Act</i>
EA	Environmental Assessment
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

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Appendix A – Environmental Assessment Review Process

This document has been prepared by the Environmental Assessment and Stewardship Branch.

For further information, please contact environmental.assessment@gov.sk.ca or visit www.saskatchewan.ca/environmentalassessment.

1 Introduction

The purpose of this guideline is to outline the technical review process for environmental impact assessments (EIA) in Saskatchewan. This guideline also aims to clarify the role of the Saskatchewan Environmental Assessment Review Panel (SEARP) in the environmental assessment (EA) process.

This document will focus on the technical review occurring at the screening, scoping and review stages of the EA process, shown in Figure 1.



Figure 1. Environmental Assessment Process Overview

The Environmental Assessment Act (the Act), and related procedures, provide a coordinated review of environmental issues associated with projects and developments in the province. The EA process ensures that economic development proceeds only when adequate environmental safeguards are in place and opportunities for public consultation and input are provided. Environmental assessment is a review process that is upstream of regulatory processes. The Minister of Environment's (the Minister) decision to approve a development is an approval-in-principle, not intended to duplicate regulatory programs. Therefore, in accordance with the Ministry of Environment's (the ministry) results-based approach to managing environmental issues and concerns, the EA process focuses on projects with unusual, unique or potentially significant risks that require special attention. The EA process acts as an umbrella to ensure all relevant impacts for such projects are addressed by filling gaps in regulation to ensure risks are avoided or managed appropriately.

The EA process in Saskatchewan is an inter-ministry program assigned to the Minister and led by the ministry. The Act requires that environmental impact statements (EIS) are prepared and circulated for review by ministry staff and other ministries and agencies as necessary.

A government-wide commitment to the delivery of the EA program with decisions shared across ministries ensures coordination among participating ministries and agencies, and delivers multidisciplinary, integrated and adequate evaluation to assist in the Minister's decision-making.

2 Saskatchewan Environmental Assessment Review Panel

2.1 Definition

The SEARP is a panel consisting of representatives from various provincial ministries and agencies with environmental and socioeconomic interests or responsibilities. They provide the multidisciplinary expertise required to adequately evaluate potential environmental impacts from proposed developments. Panel members are appointed to SEARP by their respective Deputy Ministers.

2.2 Mandate

The cross-government, inter-ministerial nature of the EA process requires timely involvement of all government ministries and agencies with an interest in the potential environmental impacts of a proposed project. The panel's review process is formalized in the Act, which requires a government review of an EIA. Together, the SEARP members provide a multidisciplinary assessment of the potential impacts of a project and improve the quality of the proposed environmental enhancement and mitigation measures.

2.3 Scope and Responsibilities

Each appointed SEARP member is the principle contact for their respective ministry or agency in the EA program. The role of each member is to provide technical expertise focusing on, but not limited to areas within that member's agency jurisdiction. Panel members are asked to provide input based on their knowledge and expertise, and that of other staff within their agencies.

Panel members perform a technical review during the EA process by providing advice, evaluating potential impacts and advising of regulatory requirements of a proposed activity.

Within the established timeframe set by the ministry, SEARP members provide written comments identifying any environmental concerns raised regarding the project. The panel member is expected to clearly indicate the basis for these concerns and their relative significance. In addition, the SEARP members may obtain assistance from staff within their agencies when reviewing proposals. Such requests should be made early in the process in order to avoid undue delays for the proponent.

Panel members will communicate directly with the EA Administrator assigned to a specific project. The ministry will keep SEARP members informed of the project's status throughout the process. In turn, panel members should communicate EA outcomes to others within their agency to increase awareness of upcoming projects and anticipate necessary regulatory actions.

The ministry stores all relevant documentation as it pertains to specific projects and the EA Process. The ministry uses the Client Relations Management (CRM) system to manage and track applications, maintain simplified and central document control and record keeping, and to ensure internal review timelines. The

SEARP members are responsible for storing their individual records including any internal correspondence or analysis used to complete final comments and pertinent to future permit requirements.

Depending on the nature of each specific project, the participation and input of SEARP members may be required during:

- review of technical proposals;
- review of Terms of Reference (TOR);
- review of an EIS; and
- meetings with the proponent.

A detailed illustration of the EA review process is provided in Appendix A.

3 Review of Technical Proposals

The ministry will provide a preliminary ranking of technical proposals, based on the likelihood to meet the definition of a development within section 2(d) of the Act. Projects are ranked as Tier 1, Tier 2 or Tier 3, based on location, potential environmental impacts, level of anticipated public concern and previous experience with the industry or technology.

3.1 Tier 1 Projects

Projects that likely do not meet the definition of a development within section 2(d) of the Act will be categorized as Tier 1. The ministry conducts a technical review and may include additional expertise from within the ministry to confirm this categorization. Examples of projects that may be categorized as Tier 1 include:

- city subdivision expansions;
- highway intersection upgrades; and
- utility installations in pre-disturbed right of ways.

The EA Commissioner, who is appointed by the Minister, will determine whether the project is deemed a development. The proponent and reviewers will be informed accordingly.

SEARP's Role

The majority of Tier 1 proposals will not require SEARP review. Alternatively, Tier 1 proposals may be sent to one or more panel members (e.g. the Water Security Agency) for a quick confirmation on specific issues, as necessary. If a SEARP member is asked to review a Tier 1 proposal, their review will focus on the questions posed by the EA Administrator.

3.2 Tier 2 Projects

Projects that may have potential to meet the definition of a development within section 2(d) of the Act, and require a full EIA, will be categorized as Tier 2. Examples of projects that may be categorized as Tier 2 include:

- transmission lines;
- major agricultural processing facilities (e.g. canola crushing, ethanol, etc.);
- waste processing facilities; and
- oil and gas activities in sensitive areas.

SEARP's Role

Tier 2 proposals will be circulated to SEARP members for a focused screening to collect technical and regulatory information. To aid in the review, panel members will be asked to complete a preliminary checklist to address whether certain aspects of the project are high-risk or have the potential to cause significant environmental impacts. There is also the opportunity for panel members to provide advice to the proponent.

Panel members will be asked to complete the preliminary checklist for Tier 2 projects within 10 calendar days. Should the project be deemed a development and an EIA is required, SEARP members will have the opportunity to review the draft Terms of Reference (TOR) for a 30-day period.

3.3 Tier 3 Projects

Projects that clearly meet the definition of a development are categorized as Tier 3 and will require an EIA. Examples of projects that may be categorized as Tier 3 include:

- uranium and other mining projects;
- hydroelectric facilities;
- greenfield mines; and
- large-scale northern road projects.

SEARP's Role

The EA Commissioner will determine whether the project is likely a development pursuant to the Act prior to any SEARP review. Subsequent to that determination, SEARP members will have a 30-day review period for the project proposal and draft TOR, and at a later date, the EIS.

4 Review of Terms of Reference

The TOR acts as a plan for proponents to conduct their EIA and outlines what they will include in the EIS; concerns to address, studies to undertake and information to be obtained. Proponents will be provided with a template to guide the preparation of their TOR.

SEARP's Role

Members of the SEARP will be asked to review the draft TOR within 30-calendar days. The technical proposal will be included with the draft TOR in order to provide context on certain aspects described in the TOR. Review by the SEARP is necessary to assist the ministry in ensuring all pertinent environmental issues (e.g. biophysical, social, cultural and economic) will be addressed in an EIA and that all necessary information will be adequately documented in the EIS.

Panel members will be asked to evaluate the completeness of the TOR with regards to:

- the types of information included;
- detailed studies;
- analysis;
- reporting; and
- any monitoring.

If additional information is required, proponents will be asked to submit a revised TOR addressing these issues. The revised TOR will be circulated to specific panel members as required.

5 Review of Environmental Impact Statements

The EIS will:

- state the potential environmental (e.g. biophysical, social, cultural and economic) impacts of the development;
- provide analysis of alternative approaches to avoid or lessen the impacts;
- outline the steps the proponent will take to avoid or minimize the impacts of the preferred approach; and
- identify residual effects and mitigation measures.

SEARP's Role

Members of the SEARP will be asked to complete a detailed technical review of an EIS, considering:

- whether the EIS addresses the requirements identified in the TOR in an acceptable manner;
- whether the likely impacts of the project are accurately reflected in the EIS;
- whether adequate prevention and mitigation measures for the project are proposed in the EIS;

- the significance of the development's impacts, based on the agency's technical expertise;
- the ability of the development to meet legal and regulatory requirements related to environmental protection;
- any policy, program or regulatory implications related to a decision on a development; and
- any First Nations or Métis consultation that has been or is being undertaken and/or will be required for subsequent permits and/or approvals.

Members of the SEARP will rank the significance of deficiencies noted in the EIS using the following categories:

- **Type I** – Outstanding deficiencies considered sufficiently important to justify withholding a decision under the Act. These deficiencies frequently relate to the availability of sufficient information for a complete understanding of project-related effects and basic environmental trade-offs associated with a development. These issues 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. The proponent should address these issues in the EIS when this is feasible, and/or may submit additional information separate from the EIS to meet regulatory approvals.
- **Type III** – Relatively minor issues, the clarification of which will add to the quality and accuracy of the EIS. Efforts should be made to address these issues in the final EIS.
- **Type IV** – Poor phrasing or presentation of proponent's commitments that could create problems for compliance or enforcement of commitments.

Members of the SEARP will be asked to complete the technical review of the draft EIS within 30 calendar days. Based on review comments, the ministry will determine if the EIS is ready for public review. If supplementary information is requested from the proponent, the ministry may request that certain panel members complete additional technical review of the amendments within 14 calendar days.

When the EIS is ready for public review, the ministry will compile the Technical Review Comments (TRCs) into a document to be distributed for public review along with the EIS.

6 Meetings with the Proponent

Certain SEARP members may be asked to meet with the proponent at any stage during the EIA if concerns exist or if clarification is required regarding their agency's regulatory requirements. These meetings will be conducted on an as-needed basis.

7 Summary

Saskatchewan's EA program was founded on the basis that significant development decisions should not be made before all relevant information is considered. The program provides a practical, comprehensive and integrated approach to decision-making. It is designed to systematically evaluate the ecological, socioeconomic and cultural aspects of development within a single framework so that the real costs and tradeoffs at stake in a particular situation can be fully understood. The input of the SEARP is essential to the efficient and effective delivery of the EA mandate.

8 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.

Ministry staff are available to advise on any matters related to EA in Saskatchewan. For further information regarding EA issues in Saskatchewan, please contact:

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