

Public Engagement Policy

VERSION 1.0

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ISSUED BY:



ELENORE AREND, ASSOCIATE DEPUTY MINISTER
ENVIRONMENTAL ASSESSMENT OFFICE



EAO

Environmental
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Version Control History

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1.0 INTRODUCTION

The Environmental Assessment Office (EAO) is committed to providing meaningful opportunities for public participation to support better decision-making, enhance public confidence in its regulatory role and create robust policies and regulations that align with public and First Nations interests and community values.

The EAO's purpose of promoting sustainability, as described in the [Environmental Assessment Act](#) (the Act), includes facilitating meaningful public participation throughout its environmental assessment processes. Through engagement, members of the public can better understand the EAO's review processes and how a proposed major project may affect them, enabling meaningful, informed input for the EAO to consider as part of its assessment and decision-making.

1.1 Purpose

This policy describes the principles that guide the EAO's approach to public engagement and the requirements for public engagement under the Act. The public is considered anyone who is potentially impacted by a project being assessed or the EAO initiative, or who has an interest in participating in an engagement opportunity.

2.0 PUBLIC ENGAGEMENT REQUIREMENTS AND CONSIDERATIONS

The Act requires the Chief Executive Assessment Officer (CEAO) to carry out public engagement at specific points in the environmental assessment process and defines specific engagement responsibilities for the EAO and project proponents in the process.

People who live or work in communities that may be affected by a project often have local and important knowledge about the potential effects of a proposed project. The information gathered during engagement informs the proponent's consideration of project design and assists the EAO in identifying the issues of interest and concerns of the community, the factors to be examined during the assessment, and the development of proposed measures to mitigate potential adverse effects or the potential benefits, if a project is approved. Inclusive, meaningful, public engagement enhances transparency, accountability, and procedural fairness in the environmental assessment process, helping to build understanding and improve confidence in the regulatory oversight of major projects.

2.1 Roles and responsibilities for public engagement

The Act sets out minimum requirements for public engagement in environmental assessments. The EAO has overarching responsibility to ensure effective, meaningful, appropriate, public engagement is undertaken for each project assessment.

The EAO will consider the project's unique circumstances, the magnitude of the potential impact, and the public's level of interest when deciding how to design engagement and what tools and activities to use to ensure meaningful public participation in the process.

Proponents are expected to carry out in-depth engagement before submitting a project description, when the EAO's assessment process starts. The EAO carries out early engagement on the project description. Roles and responsibilities for engagement during the rest of the assessment process are defined in each project assessment's process order, which outlines the EAO's plan for how it will carry out the assessment.

2.2 Public Comment Periods

Environmental Assessment Process

The Act requires a minimum of four public comment periods during an environmental assessment, one during each of the following phases: Early Engagement; Process Planning; Application Development and Review; and Effects Assessment and Recommendation¹. The CEAO may conduct additional public comment periods at other points in the process should they be warranted under specific circumstances,² or determine that the public comment periods required under the Act are unnecessary due to lack of public interest.³

First Nations members who are not engaging through the formal engagement process between the EAO and their hereditary or elected government (see 2.5 below), and individual First Nations members seeking additional involvement in an assessment, can participate in the EAO's public comment periods and other public engagement opportunities, including community advisory committees. Local governments and stakeholders can also participate during the general public comment periods in addition to any targeted engagement activities with the EAO or proponent.

Other Public Engagement

For other types of reviews, such as project notifications, applications to designate a project as reviewable and amendments or extensions to existing Environmental Assessment Certificates, public comment periods are not a statutory requirement; however, the project lead will carefully consider in collaboration with the manager of outreach and stakeholder engagement the following factors to determine if a public comment period would add value to the review:

- The likelihood of potential impacts to communities near the project
- Previous public interest in public comment periods on similar projects in the same region
- Public engagement activities already undertaken or planned by the proponent, local authorities or regulators that could inform the review; and,
- If the Minister or CEAO decides that the review is of significant public interest.

The EAO may also conduct public engagement in the development of specific initiatives, programs, policies or regulations.

2.3 Community Advisory Committee

The CEAO must establish one or more Community Advisory Committees (CAC) for an environmental assessment if there is sufficient community interest in a project. The purpose of a CAC is to provide information to the EAO on the potential effects of the proposed project on the community. The format and structure of a CAC will depend on the potential effects of a project and community interest in a project. See the [Community Advisory Committee Guidelines](#) for more details.

¹ The Act, at minimum, requires public comment periods to be conducted on the Initial Project Design and Engagement Plan (s. 13 (4)); the draft Process Order (section 19 (5)); the application (s. 27 (2) (a)); and, the draft assessment report and EAC (s. 28 (2) (b)).

² s. 23 (1)

³ s. 23 (2)

2.4 Disproportionate Effects on Distinct Populations

The Act requires that every environmental assessment consider the disproportionate effects on distinct human populations.⁴ The EAO engagement seeks to identify and involve specific types or groups of people who may be disproportionately affected by major projects being assessed. Refer to the [Effects Assessment Policy](#) for more information.

2.5 Engagement with First Nations

The EAO has distinct processes and legal requirements for meaningfully engaging throughout environmental assessments with First Nations who have section 35 rights under the *Constitution Act*. These engagements include the option for Nations to choose to engage as “participating Indigenous nations” as defined in the Act. The EAO seeks consensus with participating Indigenous nations at each stage of the assessment process and a notice regarding consent on the final recommendation for the project. The EAO seeks to understand the effects of a project on a Nation and their Section 35 rights and to fully consider and appropriately address potential effects. The [Early Engagement Policy](#), the [Process Planning Policy](#), the [Guide to Consensus Seeking under the EA Act](#) and the [Effects Assessment Policy](#) set out further guidance to engagement with First Nations.

3.0 PUBLIC ENGAGEMENT PRINCIPLES

The public engagement principles listed below guide the EAO’s engagement activities. These principles provide staff with flexibility to determine the appropriate approach to conducting engagement activities based on the unique circumstances of the decision-making process for a project review, or for initiatives such as development of a program, policy or regulation. The EAO’s principles for public engagement are based on standards established by the [International Association for Impact Assessment](#) and the [International Association for Public Participation](#) (IAP2).

3.1 Parties identified early

Groups and individuals who may be affected by, or are interested in, the project or initiative should be identified as early in the process as practicable to ensure relevant viewpoints can be included and considered. Early engagement allows time to establish relationships, engage with interested parties on the development of the review process, and establish opportunities for participation, including in a Community Advisory Committee, if one is formed.

3.2 Inclusive

The EAO strives to engage all potentially affected or interested parties, especially those who may be disproportionately impacted or need accommodation to participate. To enhance diverse participation, the EAO considers demographic, cultural, and social factors to reduce barriers when planning public engagement activities. To ensure that all affected and

⁴ S. 25 (2) (d) Required assessment matters

interested parties can participate, the EAO will use a Gender-Based Analysis Plus (GBA+)⁵ and trauma-informed approaches⁶ to understand factors that may affect parties' participation.

3.3 Accessible

To support inclusive and accessible engagement, the EAO aims to provide information that is clear, easy to understand, relevant and factual, using plain language, and providing summaries of technical information. Information will be shared in multiple formats to ensure it is accessible (e.g., online written materials, virtual information sessions, in-person open houses). Timely notices of engagement opportunities will be posted and advertised through a variety of channels, per the [EPIC Posting Guide](#).

3.4 Reflective of level of interest and impact

The EAO consults individuals and groups to determine the most appropriate scope, type, and depth of engagement. Factors considered include but are not limited to: the level of impact on the local or nearby communities from the project or initiative; their level of interest in participating; and, the type of information they can provide. The [IAP2 spectrum of engagement](#)⁷ will guide the level of participation sought based on the unique circumstances of the project or initiative, the populations being engaged, potentially affected communities, geographic proximity, etc.

3.5 Responsive

The EAO communicates how public input was considered and how it influenced the EA process and decision. This feedback loop includes publicly posting all input received through public engagement, preparing and posting summaries of engagement, incorporating public feedback into reports to decision-makers, and changing engagement formats and methods to reflect the needs of participants in future phases of the assessment process or initiative.

3.6 Continuous improvement

The EAO is committed to continued improvement of the public's engagement experience that is informed by feedback from participants as well as the EAO's review of past engagements. New and improved methods and tools to gather public feedback are implemented on an on-going basis.

⁵ GBA+ is a tool used when developing policies and programs that aims to promote greater equity and inclusion by assessing how intersecting identity factors such as gender, age, ethnicity, economic status, ability, language and geography may affect the experience of different people who are impacted by or participating in the government initiative.

⁶ A trauma-informed approach considers the fact that some people may have experienced difficult or painful events in their lives that affects their participation (level of comfort, ability to participate and/or how they participate). It means being understanding, compassionate, patient, creating a safe and supportive environment and reducing barriers to support people's participation.

⁷ [https://iap2canada.ca/Resources/Documents/0702-Foundations-Spectrum-MW-rev2%20\(1\).pdf](https://iap2canada.ca/Resources/Documents/0702-Foundations-Spectrum-MW-rev2%20(1).pdf); In practice, the EAO engages with the public within the "consult to collaborate" range of the IAP2 spectrum, and all decisions within the EA process are made by statutory decision-makers. IAP2's spectrum of engagement will be addressed more fully in EAO guidance for public participation.

4.0 ADDITIONAL RESOURCES

The following documents address public engagement at different phases of the environmental assessment or review process:

- 1) [Early Engagement Guidance](#),
- 2) [Process Planning Policy](#),
- 3) [Effects Assessment Policy](#)
- 4) [Community Advisory Committee Guidelines](#)
- 5) [Project Notification Policy](#)