



**S.A.Y. FIRST NATION  
LANDS OFFICE  
GENERAL TERMS OF REFERENCE FOR  
ENVIRONMENTAL ASSESSMENTS**



## **1. Background & Definitions**

The Canadian Environmental Assessment Act (CEAA) was developed to minimize or avoid adverse environmental effects before they occur and to incorporate environmental factors into project decision making early in the project planning process.

All projects on Reserve require the completion of an Environmental Assessment (EA) unless specifically set out in the Exclusion List Regulations of CEAA. This term of reference addresses general considerations for the completion of an EA. Specific projects (e.g. sand and gravel permits, leases, wastewater treatment systems, logging permits, and complex projects) may require additional investigations beyond those outlined here. The appropriate Lands and Trust Services (LTS) Environmental Specialist, LTS Natural Resources Officer, or Public Works Government Services Canada (PWGSC) engineer should be consulted early in the project process to ensure that the planned EA meets all specific project requirements.

**The following are key terms required to properly interpret this Terms of Reference:**

### **Scoping**

An integral part of the EA process that determines the extent of the EA investigation and the appropriate level of detail and complexity.

### **Valued Ecosystem Component (VEC)**

Ecosystem components that are considered important or valuable, which must be considered during the EA process.

### **Environmental Effect**

Any change a project may cause in the physical environment including any changes to listed wildlife species and their critical habitat or residences, as defined by SARA. Effects of changes to; health and socio-economic conditions, physical and cultural heritage, structures, sites, or things of historical archaeological, paleontological, or architectural significance, and the current use of lands and resources for traditional purposes by aboriginal persons require consideration.

### **Species at Risk Act (SARA)**

An EA must ensure that the potential for environmental effects on a species at risk and its habitat, as defined by SARA, have been adequately assessed.

### **Cumulative Effect**

Changes to the environment that are caused by an action being considered in a project in combination with other past, present, and future human actions

## **Mitigation**

The elimination, reduction, or control of the adverse environmental effects of a project. Mitigation may include compensatory measures for damage to the environment.

## **Accessory Activities**

Accessory activities include physical works that must be completed to allow the principal project to proceed (e.g. access roads, drilling, test pits, surveys, etc.)

Project proponents who are unfamiliar with CEAA should review guidance information available at <http://www.ceaa.gc.ca/default.asp?lang=En&n=D75FB358-1> and at <http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=DACB19EE-1>. Information on the consideration of SARA in an EA is available in "Environmental Assessment Best Practice Guide for Wildlife at Risk in Canada, 1st Edition, Feb. 27, 2004". This document can be found at <http://www.cws-scf.ec.gc.ca/publications/AbstractTemplate.cfm?lang=e&id=10S9>.

## **2. Environmental Assessment Scoping**

Scoping is a critical first step in the EA. Scoping will determine the limits of the EA and will focus future analysis on the relevant issues and concerns. The key elements in the scoping process which must be considered in all EAs are:

- Determine project undertakings and activities that must be assessed as part of the EA.
- Determine what factors and issues need to be considered in the EA.
- Determine who will be involved in the EA, their interests and concerns.

### **2.1 Environmental Assessment Scoping Report (capital Projects Only)**

An EA scoping report is required for all funding services capital projects. An EA scoping report is not required for LTS projects unless specifically directed by your INAC environmental or natural resources specialist.

An EA scoping report is a standalone document which summarizes the elements identified in Section 2. This report includes the project description, environmental setting, significant environmental issues, valued ecosystem components (VECs), and completed and planned EA investigations. This report is completed during the feasibility stage of a project and will be used in the assessment of project viability. Where multiple sites are being considered during the feasibility stage, environmental restrictions and impacts at each site must be considered and incorporated into the site selection process. The following are to be addressed in the EA scoping report.

## General Terms of Reference for Environmental Assessments

1.1.1 Introduction	Provide a summary description of the project Including construction, operation, decommissioning, and other activities expected during the life of the project. Project proponent contact information including organization, name, mailing address, telephone number, and email address (if available) are required. Provide a list of information sources used.
1.1.2 Maps/Plans	Provide plans showing the geographical location of the project with latitude and longitude, the proposed location(s) of the project within the context of the Reserve and an overall preliminary plan for the project. Include environmentally significant features (e.g. water bodies, forests, significant elevation changes, species lunges, known habitats, etc.) Where appropriate and readily available, Inclusion of First Nation nomenclature for place names, flora, fauna, etc. should be considered. Copies of topographic maps and aerial photos/mosaics should be provided where available.
1.1.3 Environmental	Provide a summary description of the existing environment in the project area including landscape, waterbodies, archeology, natural resources, and environmental uses (e.g. wildlife habitat, natural resource harvesting, residential properties, etc.). Indicate the areas potentially affected by the project. Outline known environmentally significant historical uses and develop a list of VECs for the project. Socio-economic conditions should be described if potentially impacted by environmental changes caused by the proposed project.
1.1.4 Environmental	<p>Indicate known and suspected environmental effects of the project on listed VECs.</p> <p>Identify any cumulative effects that are anticipated on the basis of initially available information. Include effects likely to result from the project in combination with other pre-existing developments and/or in combination with developments that will be carried out as a direct result of this project.</p>
1.1.5 Studies	<p>Describe the scope of work for the planned EA. Document site assessments completed to date. Identify further investigations which are required to address situations where environmental effects are unknown or to determine appropriate mitigation activities.</p> <p>A determination must be made as to the likely presence of wildlife, birds, aquatic life, flora and/or habitat at risk inthe project area. This determination must be made using relevant data base lists, range maps, local knowledge (where available), and other existing information on species known</p>

	to occur in the project area. Where the range of a species at risk overlaps with the proposed project area, existing information sources must be checked and documented to determine whether actual or potential habitat or residences for these species are present.
1.1.6 Public Consultation	Document consultation with other government departments and agencies. Provide contact information. Outline any additional consultation planned with the community, public, or other government departments and agencies as part of the EA.
1.1.7 Accessory Activities	Accessory activities planned during the design stage must be assessed (e.g. geotechnical, surveys, etc.). Identify activities causing significant environmental impacts on VECs and outline mitigation measures that will be Implemented. Note: Accessory activities planned during feasibility and associated mitigation measures must be summarized in the feasibility stage proposal.

### 3. Environmental Assessment Study Report

An EA study report describes in detail, the environmental effects from construction, operation, modification, decommissioning, abandonment, malfunction, and cumulative effects on VECs. Proposed mitigative measures, including follow-up activities and their expected outcomes once implemented, are clearly identified. For capital projects the EA Study Report will usually be completed during the design stage and must be submitted as a stand alone document A capital project which triggers CEAA cannot be funded for construction without a screening decision by INAC based on the EA Study Report.

#### 3.1 Introduction

Provide a summary description of the project including construction, operation, decommissioning, and other activities expected during the life of the project. Project proponent contact information including organization, name, mailing address, telephone number, and email address (if available) are required.

#### 3.2 Studies/Investigations

Summarize the results and recommendations of studies carried out as part of the EA (e.g. geotechnical studies, water quality investigations, SARA wildlife & habitat surveys, archaeological investigations, survey results, fisheries studies, etc).

#### 3.3 Maps/Plans/Nomenclature

Provide scaled plans showing the geographical location of the project with latitude and longitude, the location of the project within the context of the Reserve, and an overall site plan for the project. Include environmentally significant features (e.g. water bodies, forests, significant elevation changes, species ranges, known habitats, etc). Where appropriate and readily available, inclusion of First Nation nomenclature for place names, flora, fauna, etc. should be considered. Copies of topographic maps and aerial photos/mosaics should be provided where available.

### **3.4 Environmental Setting**

Provide a detailed description of the existing environment in the project area including landscape, water bodies, archeology, natural resources, and environmental uses (e.g. wildlife habitat, natural resource harvesting, residential properties, etc). Indicate the areas affected by the project.

Outline known environmentally significant historical uses in the area of the project. Develop and/or update the list of VECs in the project area. Socio-economic conditions should be described if potentially impacted by environmental changes caused by the proposed project.

Where an EA scoping report has not been completed (e.g. projects completed for LTS) the likelihood of wildlife, birds, aquatic life, flora and/or habitat at risk in the study area must be determined using relevant data base lists, range maps, local knowledge (where available), and other existing information on species known to occur in the project area. Where species at risk are identified whose range overlaps with the proposed project area, existing information sources must be checked to determine whether actual or potential habitat or residences for these species are present in the project area.

Example information sources include: the Conservation Data Centre (CDC) for rare element occurrence records, Committee on the Status of Endangered Wildlife in Canada (COSEWIC), the Species at Risk Public Registry for recovery strategies, action plans, and management strategies, and the Ministry of Sustainable Resource Managements Species and Ecosystem Explorer.

For all projects where potential interactions with species at risk have been identified, field surveys, consistent with published recovery plan strategies, will be required to determine whether individuals of species at risk, critical habitat, recovery habitat, or residences occur in the project study area.

### **3.5 Project Activities**

Provide a detailed description of all potential project activities throughout the project life cycle including construction, operation, modification, decommissioning, abandonment, malfunction, and potential accidents. Where environmentally responsible solutions have been incorporated into project development (e.g. energy efficient buildings, water conservation, alternative energy) describe expected environmental benefits. For more information see the Green Building Checklist available from LTS.

### **3.6 Environmental Effects**

Verify significant environmental effects on VECs caused by project activities and quantify where possible.

Examples include but are not limited to: destruction of vegetation and habitat by construction equipment, damage to sites with cultural or archaeological significance, siltation of surface waters, sedimentation of lake bottoms and river beds, soil contamination through improper storage and

disposal of waste products, emissions causing air quality and climate change impacts, release of chemicals to groundwater through accident or system failure, etc.

Verify any cumulative effects that are anticipated. Include effects likely to result from the project in combination with other pre-existing developments and/or in combination with developments that will be carried out as a direct result of this project.

### **3.7 Mitigation**

Detail how environmental effects will be mitigated and show how the mitigation measures have been included in the design of the project. Applicable portions of the design and/or operation and maintenance information should be referenced in the EA report document (refer to specific design drawings where applicable) to confirm that mitigation measures have been incorporated.

Where a project causes interactions with species at risk, specific mitigation measures must be identified. Mitigation strategies for species at risk are hierarchical with avoidance being preferred (e.g. timing, design/location change), followed by minimization through project modification or implementation under special conditions, and lastly, compensatory mitigation (e.g. replacement of lost habitat).

### **3.8 Permits & Approvals**

Provide information on the status of required environmental permits and approvals necessary to undertake the project (e.g. rights of way, fisheries authorization, navigable waters, sand and gravel, and timber permits).

### **3.9 Supporting**

When available include correspondence and/or approvals from other Documentation government departments (e.g. Health Canada, Fisheries and Oceans, Environment Canada, B.C. Ministry of Water Land and Air Protection, BC Ministry of Sustainable Resource Management: Archaeology and Registry Services Branch etc.)

### **3.10 Public Participation**

Document strategies used to assess project input from the First Nation & Consultation community and/or public. Identify how any concerns were addressed and/or mitigated.

### **3.11 Closure**

Provide a narrative summary of the environmental effects associated with the proposed project. Make a determination of their significance (not likely significant or significant). For significant impacts, summarize proposed mitigation strategies and how they will reduce environmental effects. Quantify wherever possible. Where follow-up is recommended, discuss planned follow-up activities. Include a table which shows VECs, project activities, environmental effects, mitigation measures, and reference to supporting documents. For VECs where impacts are found to be not likely significant ensure that justification is provided. Provide a recommendation regarding project viability based on environmental considerations.

# Sample Environmental Assessment Study Report

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October 21, 2014

Sample Summary Table  
 Table X- EA Summary

<b>VECs</b>	<b>Project Activities</b>	<b>Environmental Effects</b>	<b>Proposed Mitigation Activities</b>	<b>Reference</b>
Example : Fraser River (Surface Water)	Excavation	Silt Run Off	<ul style="list-style-type: none"> <li>- Silt Fencing</li> <li>- No excavation during periods of significant rainfall</li> <li>- Only well maintained equipment to be used</li> <li>- Spill kit to be maintained in work area</li> </ul>	<ul style="list-style-type: none"> <li>- Design drawing #XXX</li> <li>- Fisheries authorization</li> <li>- Contract specification section #XXXXX</li> <li>- Contract specification section #XXXX</li> </ul>
Groundwater				
Aquatic Biology				
Air Quality				
Land/Soil				
Flora (Vegetation)				
Fauna (Wildlife)				
Habitat/Residences				
Noise				
Special Places				
Health & Safety				
Socio-Economic				
Recreational Resources				
Other				