

## Questions & Answers

From Tom Wlodarczyk:

Question: Under the amended CEAA, for a comprehensive study, there is an obligation for the Minister to decide early in the process whether or not he/she thinks a panel review is warranted. If the Minister decides not to refer the project to a panel, he cannot later change his mind and invoke a panel review. Does this not conflict with the Section 48 provisions which enable to the Minister to respond to a petition from a First Nation by referring a project to a panel if he believes it may cause significant adverse environmental effects on lands of federal interest (such as a reserve)?

Answer: No, there is no conflict because Section 48 does not apply to projects for which a federal authority has an obligation to ensure an environmental assessment. If a project is already undergoing an assessment, and if there is the potential for effects on a reserve or on lands of federal interest more broadly defined, this issue will be addressed within the scope of the assessment. A section 48 petition would only apply where no federal "trigger", or, more precisely, "where no power, duty or function referred to in section 5 is to be exercised or performed by a federal authority in relation to a project...".

From Simon Miles:

Question: What is expected to be done in order to ensure that more CIDA-funded projects are "captured" under CEAA?

Answer: A regulations specific to CIDA is proposed. At this stage, it is still too early to be able to indicate exactly how the proposed regulation would work. The bill provides the regulation-making authority to vary the definition of "project" in the Act for the purposes of a CIDA-specific regulation, and this would indeed allow more things funded by CIDA to be captured as "projects" subject to assessment. More specifically, the bill would permit the creation of a CIDA-specific 'inclusion list' which would address certain programs CIDA undertakes overseas, such as those related to health care delivery.