

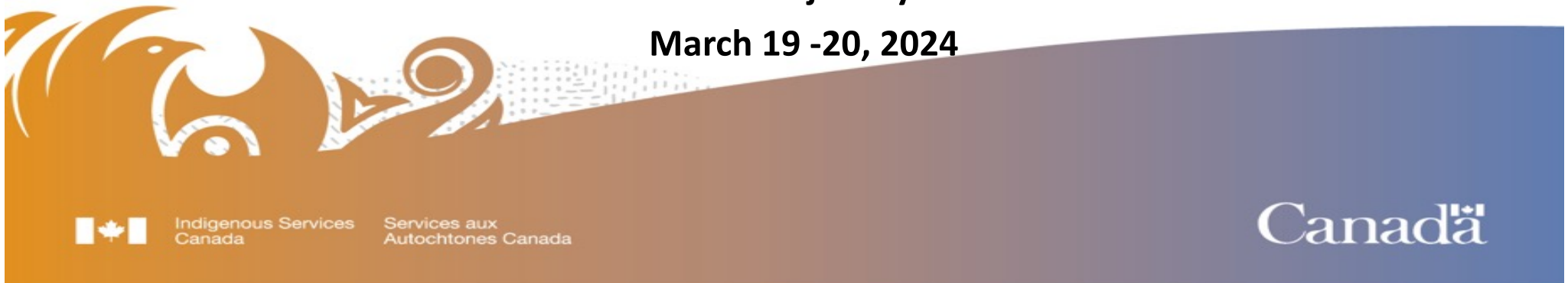
# The *Impact Assessment Act (2019)* and the ISC – MB Region Environmental Review Process

Environmental Planning and Management (EPM) Unit

Braiding Environmental Knowledge Workshop

Brokenhead Ojibway Nation

March 19 -20, 2024



Indigenous Services  
Canada

Services aux  
Autochtones Canada

Canada

# What is the *Impact Assessment Act*?

- The *Impact Assessment Act (IAA)* sets out legislative basis for Federal practice of impact assessment.
- The Act came into force on August 28, 2019, repealing the *Canadian Environmental Assessment Act, 2012 (CEAA, 2012)*.
- There are a few types of projects subject to the Act:
  - **Designated projects**
    - Assessed by the Impact Assessment Agency or Review Panel
    - Projects that are likely to cause significant adverse effects.
  - **Projects on federal lands and outside Canada (non-designated)**
    - Assessed by federal authorities (i.e. ISC)
    - Projects are not likely to cause significant adverse effects with the implementation of mitigation measures and recommendations.
    - Typically, this follows a departmental environmental review process.

# What is an Environmental Review?

- An environmental review is the process of reviewing a project and its **positive and negative impacts**, including **health, social and economic impacts**, as well as **impacts on Indigenous peoples and their rights**.
- The Environmental Review Process is an exercise completed jointly by ISC and the project Proponent.
- The environmental review process is a requirement under sections 81-91 of the ***Impact Assessment Act (the Act)*** for all federal departments.
- The environmental review process must be completed if one of the following actions are undertaken by a federal department – also known as “triggers”:
  - **Provides funding for a project;**
  - **Provides an authorization for a project (permit, lease etc); and/or**
  - **Proponent of a project.**

# What are ISC responsibilities under the Act?

## **Designated projects:**

Provide guidance and advice for large projects across Canada with potential impacts on Indigenous people. Examples of designated projects (major projects) are mines, oil facilities, pipelines etc.

## **Projects on-reserve (non-designated projects):**

Conduct environmental reviews on proposed projects on-reserve to ensure that they are carried out without causing significant adverse impacts through the implementation of mitigation measures and recommendations. Examples of non-designated projects (smaller scale) are houses, community buildings, water treatment plants, roads, etc.

# Why do an Environmental Review?

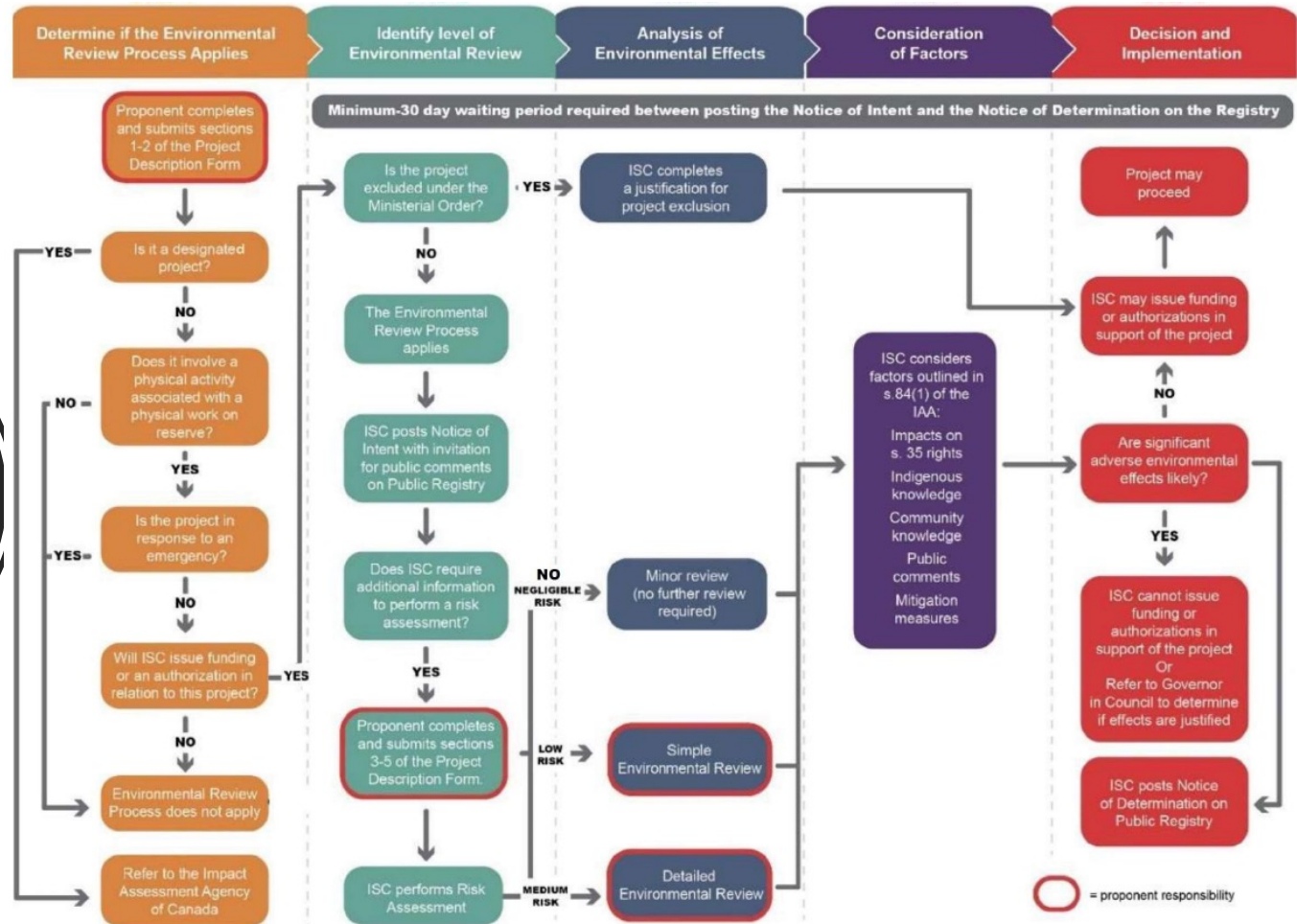
1. Projects Proceed in a Good Way.
2. Reduces Risk to the Community:
  - Helps identify and propose actions to minimize climate change impacts on projects.
  - Protection of ecosystems and biodiversity.
  - Increased protection of human health
3. Protective of Indigenous people's rights.
4. Minimize Cumulative Effects over the Long Term.

# What type of project requires an Environmental Review?

- A “**project**” is defined as a physical activity associated with a physical work on federal lands.
  - A **physical activity** includes carrying out tasks such as construction, modification, operation, and decommissioning.
  - A **physical work** includes structures built by humans that have a defined area and fixed locality.
- Examples of projects:
  - New infrastructure (i.e. housing, community buildings, roads, bridges, etc.)
  - Expansion, upgrades, and/or footprint increase via new construction
  - Fuel tanks
  - Commissioning or decommissioning of quarry/gravel sites



# Environmental Review Process



# Information Required

HOUSING CHECKLIST	
<b>COMPLETE STEPS FOR PROJECT ENVIRONMENTAL REVIEW:</b>	
<input type="checkbox"/>	Submit A Completed Project Description Form For The Proposed Project (see below for instructions) ( <b>Appendix A</b> )
<input type="checkbox"/>	Compile Additional Documentation (see below for instructions)
<b>THE PROJECT DESCRIPTION FORM MUST INCLUDE THE FOLLOWING UNDER SECTION 1 AND 2:</b>	
<input type="checkbox"/>	<b>Contact Information</b>
<input type="checkbox"/>	▪ Housing person contact information
<input type="checkbox"/>	▪ Proponent contact information
<input type="checkbox"/>	<b>Project Information</b>
<input type="checkbox"/>	▪ Project construction phase start date and end date
<input type="checkbox"/>	<b>Detailed Project Description</b> (Should include this information in Section 1 – “Project Description” or as a separate attachment)
<input type="checkbox"/>	▪ Identify project activities that are taking place (i.e. clearing and grubbing, demolition, construction of new build, access road, etc.)
<input type="checkbox"/>	▪ Identify any infrastructure, debris or buildings on-site
<input type="checkbox"/>	▪ Identify the type of waste to be generated and how the waste will be managed (i.e. stored and disposed)
<input type="checkbox"/>	▪ Identify the current and previous land use at the site
<input type="checkbox"/>	▪ Identify the adjacent land use from the site
<input type="checkbox"/>	▪ Identify any <b>day tanks</b> /fuel tanks attached to the site and their respective size and volume
<input type="checkbox"/>	▪ Provide information on the square footage of the project
<input type="checkbox"/>	▪ Identify utility connections and existing capacities
<input type="checkbox"/>	➢ <b>Option 1: Connection to existing utilities</b> (i.e. Connection to water lines and sewer) – Provide a letter from the responsible Engineer documenting the state of the existing water and wastewater systems, clearly outlining if there is capacity to accommodate the new proposed housing.
<input type="checkbox"/>	➢ <b>Option 2: Installation of cisterns/septic tanks/fields</b> – Provide the location of the utility, it's associated size and a letter documenting how sewage will be disposed of.
<input type="checkbox"/>	Applicant Authorization
<b>ADDITIONAL DOCUMENTATION TO BE INCLUDED WITH THE PROJECT DESCRIPTION FORM:</b>	
<input type="checkbox"/>	Site Plan/Lot Layout Schematic
<input type="checkbox"/>	▪ Ensure to provide:
<input type="checkbox"/>	➢ Any utilities/local infrastructure in reference to the housing unit
<input type="checkbox"/>	➢ The size of the lot
<input type="checkbox"/>	➢ Provide information on the drainage details (i.e. Is there standing surface water, wetlands or ditching on the lot?) or if it is within the flood zone
<input type="checkbox"/>	High Resolution Aerial Maps
<input type="checkbox"/>	▪ Include GPS Location of the housing unit (i.e. project). GPS coordinates must be in the following format: Degrees, Minutes, Seconds (For example: 51°13'36.99"N 100°57'58.00"W)
<input type="checkbox"/>	Site Photos (Optional)
<input type="checkbox"/>	The Unit/Building Design Drawings And Floor Plan
<input type="checkbox"/>	Environmental Site Assessment Checklist - Site Visit Checklist ( <b>Appendix B</b> ) ( <a href="https://gcdocs.intra.pri/aanc-inac/llisapi.dll/link/102629144">https://gcdocs.intra.pri/aanc-inac/llisapi.dll/link/102629144</a> )
<input type="checkbox"/>	Complete the Onsite Waste Management Form (OWMS) – The Environmental Public Health Officer from Health Canada must inspect all septic tanks/field or cisterns prior to final installation (i.e. covering of sewage holding tanks/septic fields/cisterns). This is a legal requirement under the province under the direction of their own Environment Officer Division ( <b>Appendix C</b> ) ( <a href="https://gcdocs.intra.pri/aanc-inac/llisapi.dll/link/102632524">https://gcdocs.intra.pri/aanc-inac/llisapi.dll/link/102632524</a> ) <i>(Only for housing projects that will be equipped with cisterns, septic tanks or septic fields)</i>
<input type="checkbox"/>	Land Status Report (To be completed by ISC-Housing): <a href="https://gcdocs.intra.pri/aanc-inac/llisapi.dll/link/106984462">https://gcdocs.intra.pri/aanc-inac/llisapi.dll/link/106984462</a> and submit to: <a href="mailto:mblandreg@sac-isc.gc.ca">mblandreg@sac-isc.gc.ca</a> .



# Project Description Form (Sections 1 and 2)



## ENVIRONMENTAL REVIEW PROCESS PROJECT DESCRIPTION

### Privacy statement

The collection, use and disclosure of any personal information through the Environmental Review Process is authorized under the [Impact Assessment Act](#) (<https://laws-lois.justice.gc.ca/en/acts/1-2.75/index.html>), and is in accordance with the requirements of [Privacy Act](#) (<https://laws-lois.justice.gc.ca/eng/acts/P-21/index.html>). Information collected will be used exclusively for the purposes of conducting the Environmental Review Process on proposed activities. The collection, use and disclosure of personal information is required to fulfill obligations under the [Impact Assessment Act](#) that require publication of project details on the [Impact Assessment Agency's registry website](#) (<https://iaao-aeic.gc.ca/050evaluations/0507outare/en-CA>). Failure to provide this information may prevent the completion of the Environmental Review Process. No identifiable personal information will be published in the Impact Assessment Registry unless otherwise authorized by the individual. The collection of information is described in the Participant Funding Program Personal Information Bank CEAA PPU 001 located in the departmental [InfoSource publication online](#) at <https://www.canada.ca/en/impact-assessment-agency/corporate/transparency/info-source.html#toc007>.

Personal information will be retained pursuant to the [Privacy Act](#) and its Regulations. Individuals have the right to the protection of, access to and request the correction of their personal information under the [Privacy Act](#). If you require clarification concerning the [Privacy Notice Statement](#), please contact the Departmental Access to Information and Privacy Office at 1-819-967-5277 or by email at [ajvs-ppu@scs-iso.gc.ca](mailto:ajvs-ppu@scs-iso.gc.ca). For more information on privacy issues, your right to file a complaint and the [Privacy Act](#) in general, you can consult the Privacy Commissioner at 1-800-282-1378.

- For detailed instructions and guidance refer to the [Guide to completing the project description form](#).
- Complete Sections 1 and 2 then submit to the Indigenous Services Canada (ISC) Regional Office for review.

### 1. Environmental review requirement

The project will:

- A. Involve physical activities?  Yes  No
- B. Involve physical works?  Yes  No
- C. Take place on reserve land or other federal land?  Yes  No
- D. Take place on pre-Addition to Reserve land or Band-owned fee-simple land?  Yes  No
- E. Involve funding from Indigenous Services Canada or other federal authorities?  Yes  No

If "Yes", indicate from which authorities

- F. Project requires an *Indian Act* land instrument or other federal authorizations?  Unknown  Yes  No

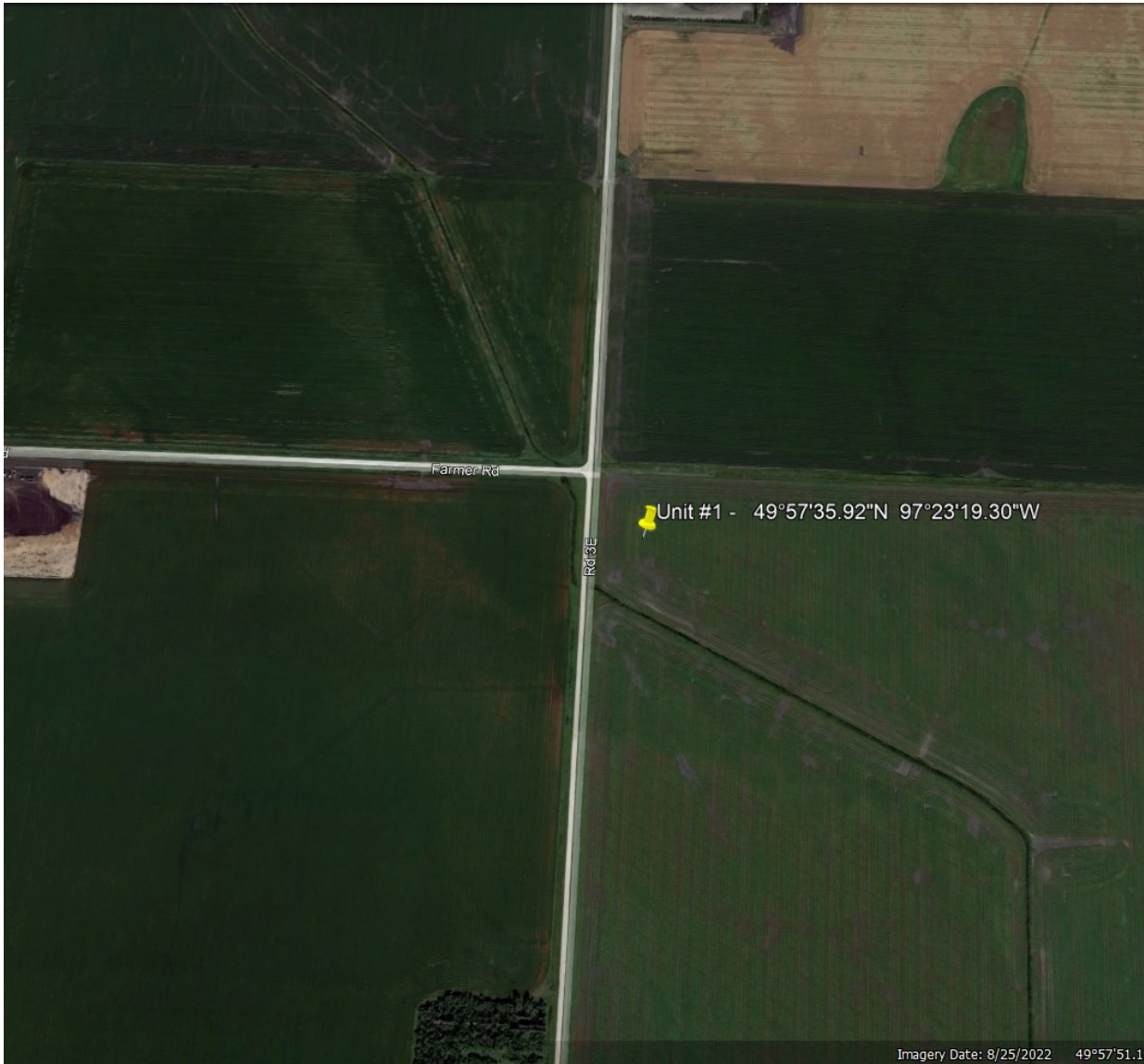
If "Yes", provide details on required authorizations

- If "No" to A, B and/or C, or are unsure of any of the above questions, contact the Regional ISC Environment Officer before completing the remainder of the form to determine if your project requires an environmental review.

### 1.1 Contact information

#### Proponent representative

Given name	Family name	Position/Role
Telephone number	Email address	
Mailing address (number/street/apartment/P.O. Box)		Postal code

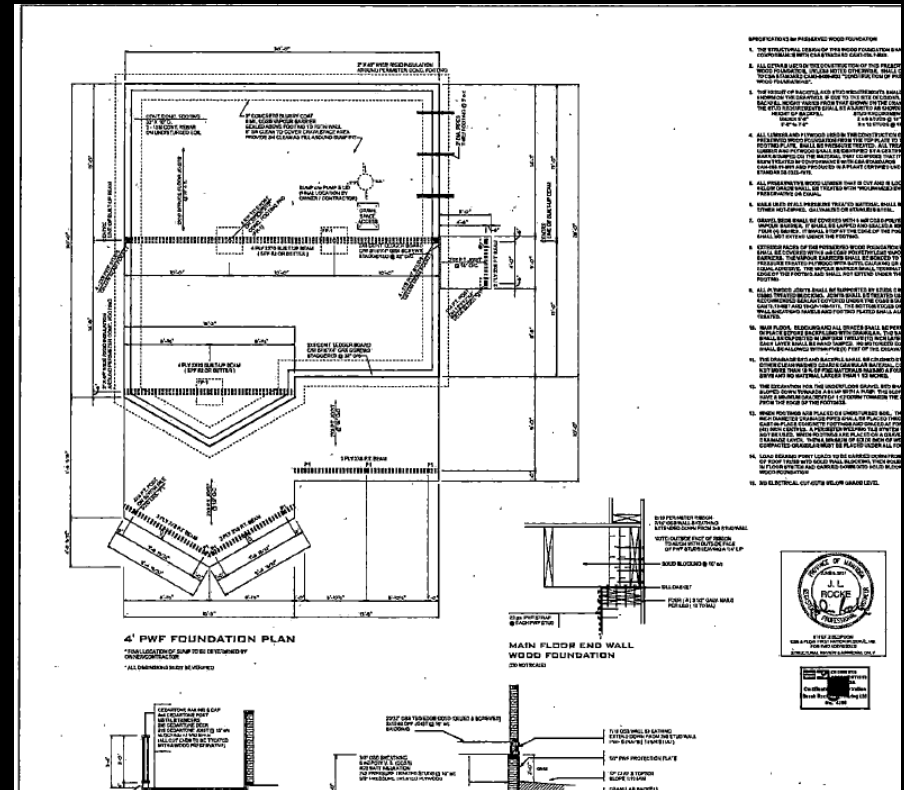
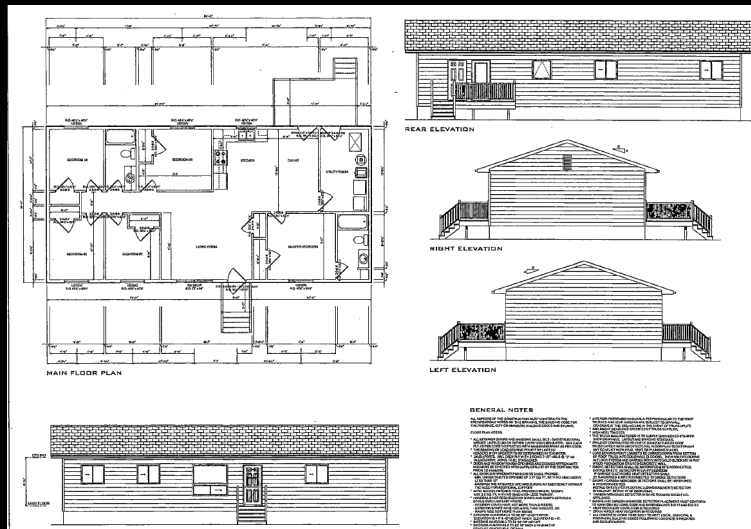


# Aerial Maps & GPS Coordinates



**Site Photos (Recommended)**

# Unit/Building Design Drawings & Floor Plans



# Environmental Site Assessment and Site Visit Checklist

## Environmental Review – Site Visit Checklist

*(Used for the Construction of a Building – Documents SITE HISTORY)*

*Property Name:* \_\_\_\_\_

*Legal description/GPS Coordinates of property:* \_\_\_\_\_

**Indicate whether the following have been observed on the subject property and provide details where appropriate:**

ITEM	YES	NO	COMMENTS
Is the proposed site located on a floodplain?			
Has the property been used for industrial manufacturing?			
Are there transformers, capacitors or other electrical equipment including florescent light fixtures present on site that were installed prior to 1980?			
If yes, has the equipment been tested for the presence of polychlorinated biphenyls (PCBs)?			

**ONSITE WASTEWATER MANAGEMENT SYSTEMS  
REGISTRATION FORM**

<b>OCCUPANT OF HOME</b>				<b>INSTALLER</b>			
Name:				Name:			
Address:				Address:		Email/Website:	
City/Town:		Postal Code:		City/Town:		Postal Code:	
Telephone:	Fax:	Cell:		Telephone:	Fax:	Cell:	
Legal Description: (Section, Township, Range/Street Address/Lot and Block No., GPS Coordinates)							
First Nation:							
<b>SYSTEM INFORMATION</b>							
Dwelling <input type="checkbox"/> No. Of Bedrooms: _____ No. of Occupants: _____							
Basement <input type="checkbox"/> Crawspace <input type="checkbox"/>							
Other <input type="checkbox"/> Specify: _____ Estimated Daily Flow: _____				(416 litres or 110 gallons/bedroom/day on average)			
<b>SYSTEM TYPE</b> Community Low Pressure <input type="checkbox"/> Disposal Field <input type="checkbox"/> Holding Tank <input type="checkbox"/> Sand Mound <input type="checkbox"/> *Matsch/Winkler #1 #3 Other <input type="checkbox"/>							
<b>TANK DETAILS</b> CSA Certified <input type="checkbox"/> Concrete <input type="checkbox"/> Fibreglass <input type="checkbox"/> Polyethylene <input type="checkbox"/>				<b>TANK DISCHARGE TYPE</b> Gravity <input type="checkbox"/> Pump <input type="checkbox"/>			
Septic Tank 1 <sup>st</sup> Compartment (volume)		Septic Tank 2 <sup>nd</sup> Compartment (volume)		HOLDING TANK (volume)			
<b>SOIL CONDITIONS</b> Depth of Soil to water table/bedrock(m): _____ Soil Type: _____							
<b>DISPOSAL FIELD DETAILS</b>							
Total Area: Pipe & Stone Chamber <input type="checkbox"/>		Field Area (m <sup>2</sup> )		Volume of graded stone (m <sup>3</sup> )		Length of distribution pipe/chamber system (m)	
Trench: Pipe & Stone Chamber <input type="checkbox"/>		Trench Width (cm)		Trench Depth (cm)		Stone depth below pipe (cm)	
Chamber type: _____							
<b>DISTANCE FROM (metres)</b>		Disposal Field <input type="checkbox"/> To: _____		Nearest Property Boundary		Well(s)	
		Septic Tank Holding Tank <input type="checkbox"/> To: _____		Cut/Embankment		Habitable Bldg	
				Nearest Property Boundary		Well(s)	
				Watercourse		Cut/Embankment	
				Watercourse		Habitable Bldg	
				Watercourse		Cistern	
<b>WATER SUPPLY DETAILS</b>							
<b>SOURCE</b> Municipal <input type="checkbox"/> Well <input type="checkbox"/> Well Depth: _____ (m) Cistern <input type="checkbox"/> Capacity: _____ (L) <input type="checkbox"/> NSF/ANSI Certified							
Name of Water Treatment Plant: _____ <input type="checkbox"/> Buried <input type="checkbox"/> Above Ground With Shed							
**Note: Do not install drinking water cisterns in crawlspaces within a house.							
<b>SITE PLAN</b>							
A site plan must be submitted with this registration. I certify the onsite wastewater management system will be constructed in accordance with the requirements of Manitoba Regulation 83/2003 and as described in the site plan and specifications attached hereto.							

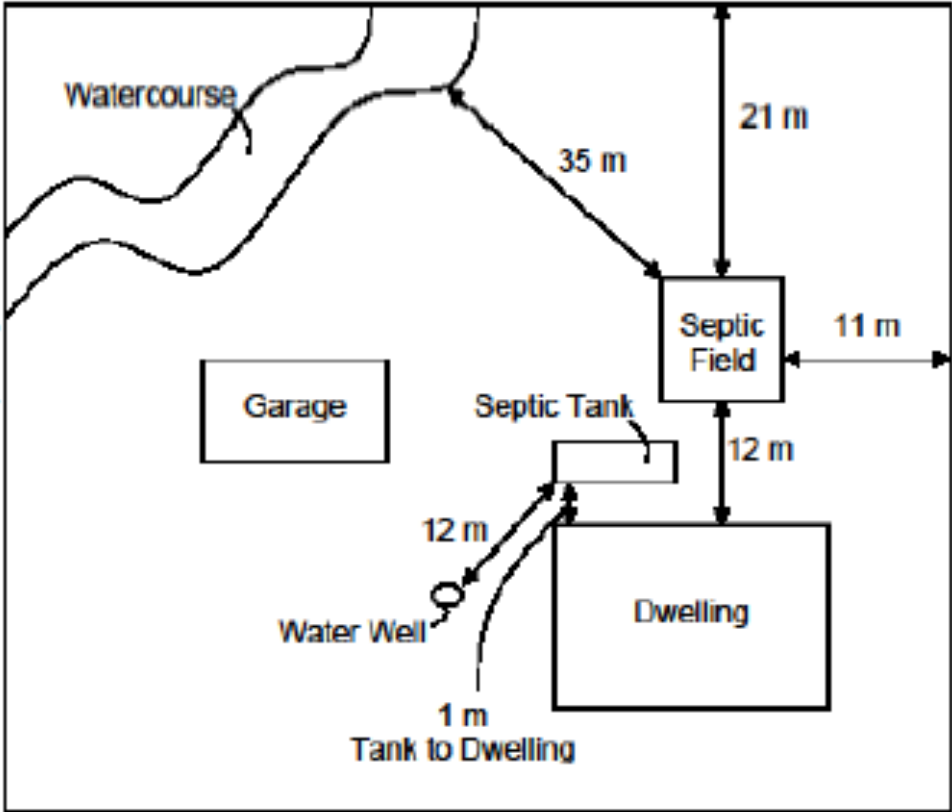
Date \_\_\_\_\_ Owner Signature \_\_\_\_\_ Installer or authorized signature \_\_\_\_\_ Installer certificate No. \_\_\_\_\_  
 Authorization to cover the disposal system or any part thereof must be obtained from an Environmental Health Officer

<b>FOR DEPARTMENT USE ONLY</b>			
<b>Registration Number:</b>	<b>Soil Analysis Required</b> <input type="checkbox"/>		<b>CMHC Project Number:</b>
	Soil Analysis Received <input type="checkbox"/>	Sand Mound w/s Reserved <input type="checkbox"/>	
		As Built: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Registration Reviewed and Authorized to Proceed by:	Date:		
System Inspected by:	Date:		
Authorized to Cover by:	Date:		
Comments:			

Revised July 2015



# Site Plan/ Lot Schematic



320 ft. (99 m)



# Land Status Report

## LAND STATUS REPORT

Indigenous Services Canada - Manitoba Region

When a Land Status Report is requested, it must be by Lot and Plan Number of surveyed, by R.S.M. Plan Number, by Legal Subdivision and/or Section, Township and Range, or by reference to a known point (preferably a legal survey monument) accompanied by a Sketch.

REQUESTED BY:		RESERVE:	
DATE PREPARED:		RESERVE NO.:	
PURPOSE:	Type - # Units	REPORT NO.:	
BAND:	# - Name	GCDOCS #:	

LAND DESCRIPTION and/or PLAN NO. RECEIVED: \_\_\_\_\_ CLSR: ### NRCan PIN: ###

Site 1: CO-ORDINATES (PARCEL/SEC-TWP-RGE)  
 Site 2: CO-ORDINATES (PARCEL/SEC-TWP-RGE)  
 Site 3: CO-ORDINATES (PARCEL/SEC-TWP-RGE)  
 Site 4: CO-ORDINATES (PARCEL/SEC-TWP-RGE)

### REGISTERED INTERESTS:

INSTRUMENT TYPE	DATE OF INSTRUMENT	REGISTRY NO.	GRANTOR / GRANTEE	LAND AFFECTED	REMARKS

### NOTES:

- Report includes lands under:**

  - a. Lawful Possessions
  - b. Leases, Permits, Easements, etc.
  - c. Registered Caveats
  - d. BCRs for Sec 18(2)

**Report does NOT include:**

  - a. Historic or traditional rights of the Band
  - b. Lands allocated at the Pleasure of the Band Council
  - c. BCRs related to unregistered interests
- It must be recognized that there may be potential impact on existing survey fabric by the implementation of this project [see Sections 53(1) and 53(2) of the Canada Lands Survey Act].

### ADDITIONAL NOTES (where applicable):

Please contact BellMTS and Manitoba Hydro to discuss your construction plans, and ascertain if they have any infrastructure associated with their permits that may impact your planning or projects.

### RECOMMENDATIONS / COMMENTS:

- Will not** cause conflict with existing registered interests.  
 (when the transaction document is ready for registration, this checkbox must be checked)
- Will or may** cause conflict with existing registered interests as identified above. The following registered instruments or issue may preclude the ability to use or develop the lands for the described purpose and it must be dealt with the following in advance of submitting the transaction for registration:

### CERTIFICATION:

I hereby certify that staff of the Lands Operations Unit have conducted a thorough search of the Indian Lands Registry System (ILRS) for all registered interests or encumbrances which may have an effect on the proposed site or sites based on the land description provided.

\_\_\_\_\_  
 Ian 'Jason' Balonyk  
 Regional Program Development Team Lead, LED

REPORT PREPARED BY: **NAME**, Land Management Officer, LED

*This report is for informational purposes only. This information is not to be used for any other purposes.*

Plans reviewed: Reference Plan \_\_\_\_\_ ILRS:  X  General  X  Parcel:  X



# How is the Environmental Review Process Finalized?

1. **ISC makes a determination, along with any other applicable Authorities, and mitigation measures are identified:**

## Example of a determination:

- “This project meets the criteria described under the *Designated Classes of Projects Order* pursuant to subsection section 88(1) of the Impact Assessment Act and is exempt from further review and posting on the Canadian Impact Assessment Registry.”

## Example of recommendations/mitigations measures:

- Situate site above the 200-year flood mark, where possible. When housing is located in flood-risk area, flood protection measures should be implemented to protect the home and the associated infrastructure from flooding (e.g. berming, sumps, diverters, above-ground systems).
- Install water and sewer services on the lot opposite each other relative to the residence.
- Etc...

2. **Implementation of mitigation measures is the responsibility of the Proponent.**

# What are Mitigation Measures?

**Mitigation measures are about reducing risk associated with the proposed project. The measures identify methods to help safeguard the environment and the community.**

- Risk mitigation is the process of understanding certain risks and threats, accepting that they exist, and taking the appropriate measures to reduce their effects in case they happen. It is a part of the risk management process and is necessary to prepare a community for any threats to their environment.
- Focus on the unavoidable threats and reducing their impact. This can include natural disasters or any other minor threats that may cause issues.
- Use the best ways and means of avoiding, minimizing and remedying impacts to human health and the environment for the project and to avoid cumulative impacts over the long term.



# What About Other Environmental Review Processes?

- **First Nation Land Management (FNLM)**

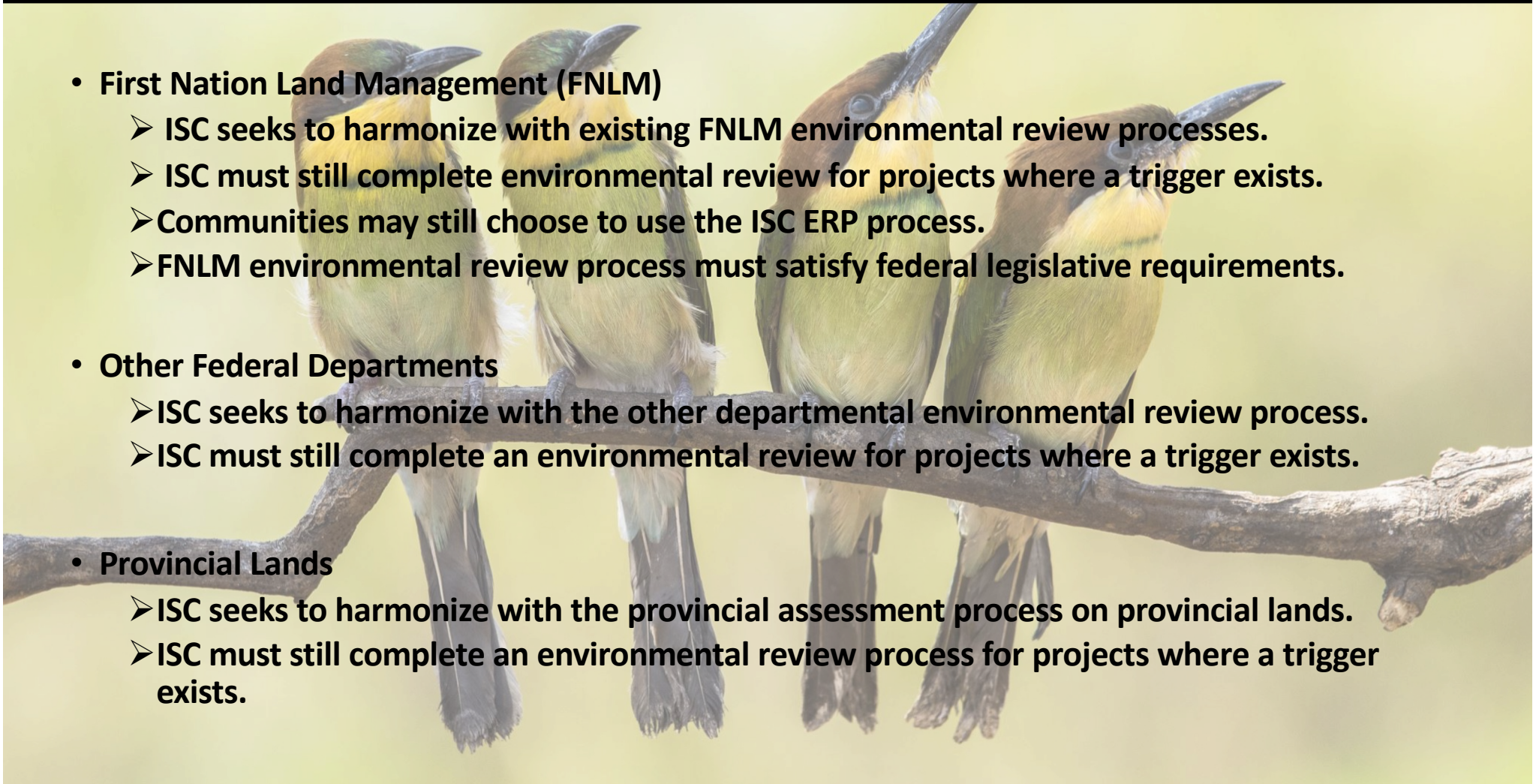
- ISC seeks to harmonize with existing FNLM environmental review processes.
- ISC must still complete environmental review for projects where a trigger exists.
- Communities may still choose to use the ISC ERP process.
- FNLM environmental review process must satisfy federal legislative requirements.

- **Other Federal Departments**

- ISC seeks to harmonize with the other departmental environmental review process.
- ISC must still complete an environmental review for projects where a trigger exists.

- **Provincial Lands**

- ISC seeks to harmonize with the provincial assessment process on provincial lands.
- ISC must still complete an environmental review process for projects where a trigger exists.



**QUESTIONS?**