

5.0 ROLE OF OTHER FEDERAL AND PROVINCIAL AUTHORITIES

5.1 Introduction

The following section discusses, in general terms, the role of other federal or provincial authorities in the environmental assessment process for prairie grain road projects.

Prairie grain road projects are subject to multi-agency review and assessment from the early planning phases through to project completion. For example, provincial authorities and all Federal Authorities having potential interest in a project are notified as early as possible in the planning stages, in an effort to identify issues of regulatory and or ecological concern.

Federal Authorities (FAs) that are notified of the project must adhere to the *Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures of the CEA Act*.

Federal Coordination Regulations

Under the *CEA Act*, the *Federal Coordination Regulations*, outline the required processes for determining whether there are other federal authorities that may (a) exercise a power in respect of the project; or (b) be in possession of specialist or expert information necessary to conduct the environmental assessment of the project.

PFRA has identified two additional Federal Authorities as having potential interest in a project under the Prairie Grain Roads Program:

- Department of Fisheries and Oceans; (Habitat Management Program, Canadian Coast Guard); and
- Environment Canada.

Decisions with respect to the role of the FA in relation to the proposal, help determine the applicability of the MCSR.

Federal/Provincial Harmonization

Some projects may require authorization from both the federal government and a provincial or territorial government. Harmonization processes reduce the potential for unnecessary duplication of EA and help to streamline regulatory approval processes, and reduce costs and delays for both parties.

Bilateral agreements have been signed between the federal and provincial Ministers of Environment in the provinces of Manitoba, Saskatchewan and Alberta. The agreements provide guidelines for the roles and responsibilities of each government in the EA of projects where both governments have an interest and at least one have an environmental assessment responsibility.

5.2 Provincial Coordination

Provincial governments share jurisdiction over environmental matters for certain project types as related to the Prairie Grain Roads Program. Typically, the circumstances which would result in a provincial referral are cases where a project involves sites of cultural, historical, archeological, or paleontological significance, or alterations to surface water drainage patterns.

Projects which involve a provincial interest are referred to the Province for advice. The process for identifying these projects is outlined within Section 6 - Application of the Model Class Screening Report. The model class screening process is not designed to compensate for provincial requirements, nor does the MCSR in any way eliminate the need for project specific provincial approvals where required.

5.3 Federal Coordination

5.3.1 Department of Fisheries and Oceans - Habitat Management Program

The Department of Fisheries and Oceans (DFO) administers the *Fisheries Act*, which governs aspects of the fishing industry in Canada and applies to any body of water that may contain fish or may be considered as fish habitat.

Any project with the potential to destroy fish by any means other than fishing may require an authorization under section 32 of the *Fisheries Act*. In addition, any project with the potential to result “in the harmful alteration, disruption or destruction of fish habitat” may require an authorization under Section 35(2) of the *Fisheries Act*. DFO Habitat Management Program has the authority to determine if an authorization is required for any prairie grain road project.

Prairie grain road projects which may require authorization include projects that involve a watercourse crossing, or involve work immediately adjacent to a waterbody.

Prairie grain road projects that require a referral to DFO in accordance with the *Federal Coordination Regulations* will be identified through the use of the CSPR. Projects requiring an authorization from DFO **are not subject** to the MCSR and are reclassified to an individual project level screening to properly address environmental issues.

5.3.2 Department of Fisheries and Oceans - Canadian Coast Guard

DFO administers the *Navigable Waters Protection Act (NWPA)*, which allows for the protection of the public right to unimpeded navigation along navigable waters by prohibiting the building or placement of any work in navigable waters without the approval of the Minister of Fisheries and Oceans.

Any project which involves any work to be “built or placed in, on, over, under, through or across any navigable water” requires an approval under paragraph 5(1)(a) of the *NWPA*. Canadian

Coast Guard has the authority to determine if an approval is required for any prairie grain road project.

Prairie grain road projects which may require an approval include any projects that involve a watercourse crossing in a navigable waterway.

Prairie grain road projects that require a referral to DFO in accordance with the *Federal Coordination Regulations* will be identified through the use of the CSPR. Projects requiring an approval from DFO **are not subject** to the MCSR and are reclassified to an individual project level screening to properly address environmental issues.

5.3.3 Environment Canada

Environment Canada administers the *Canada Wildlife Act (CWA)*, which enables the federal government to undertake a wide range of conservation and interpretation activities for wildlife and its habitat, including the protection of endangered species. Areas of key significance to Canada's wildlife are protected through the *Wildlife Area Regulations* under the *CWA*.

Environment Canada administers the *Migratory Birds Convention Act*, *Migratory Bird Sanctuary Regulations* and *Migratory Bird Regulations*, which were established to ensure the preservation of migratory birds and their habitat.

Environment Canada administers subsection 36(3) of the *Fisheries Act*, prohibiting the deposition of deleterious substances into any water frequented by fish.

Prairie grain road projects that require a referral to Environment Canada in accordance with the *Federal Coordination Regulations* will be identified through the use of the CSPR. Projects that require an approval or permit from Environment Canada **are not subject** to the MCSR and are reclassified to an individual project level screening to address environmental issues.

Prairie grain road projects requiring specialist advice from Environment Canada will be also be identified through the use of the CSPR. These projects will be subject to the MCSR, although additional project specific information may be required to append to the CSPR.

5.4 Referral Process

Project characteristics and environmental components potentially requiring authorization will be identified through the federal/provincial referral process. This process is discussed in detail in Section 6 - Application of the Model Class Screening Report.