

Modernizing Environmental Assessment

to support a

Clean & Sustainable Future for Nova Scotia

Modernizing Environmental Assessment to support a Clean & Sustainable Future for Nova Scotia

Nova Scotia is a place of heart and hard work. A place that is familiar with change as drivers of the economy have shifted over time. Nova Scotians believe in each other, in their communities and in the possibility of the province they call home. It is this deep-rooted belief that allows Nova Scotia to adapt, transform and continue to create the future it wants. A future with a strong and sustainable economy, good jobs, and healthy, thriving communities. Environmental assessment provides an important role in planning how we move forward with large projects in Nova Scotia. It is intended to be a planning-level and transparent process that supports evidence-based decision making and community input in support of a prosperous and sustainable province.

Nova Scotia is modernizing its environmental assessment process so that it supports sustainable development while protecting the environment. Environmental assessment is an important tool for Nova Scotia in forging its path as a leader in sustainability.

Achieving this will be our collective success.

This document provides highlights of how environmental assessment in Nova Scotia could be strengthened to meet the path before us. Have a read and consider the questions throughout. Then we want to hear from you!

Nova Scotia is taking action to become a leader in renewable energy and continuing to build a clean economy that has good jobs and supports healthy communities. We know climate change requires urgent action and so we are leaning into innovation and continuing to become cleaner and more sustainable. Both rural and urban communities need to grow and prosper as we double our population. Nova Scotia has an opportunity to seize opportunities. We can take an “all hands-on deck approach” to drive prosperity, create jobs, preserve our environment, become a superpower in renewable energy and build the clean economy of tomorrow. Environmental assessments play an important role in achieving this clean future for Nova Scotia.

Environmental Assessment

Environmental assessment supports sustainable development by allowing consideration of overall project impacts at an early stage.

Examples of developments or major activities that require environmental assessment in Nova Scotia include (but are not limited to) road building, renewable energy projects, mining and other large industrial projects.

*Environmental assessment is a
planning and decision-making tool
used by governments globally.*

Environmental assessment involves many different groups.

- Businesses propose projects and do studies on the potential impacts of those projects. They also propose ways to address any potential impacts.
- The public and Mi'kmaq of Nova Scotia can provide comment on how a project might affect them.
- Government reviews proposed projects and the Minister of Environment and Climate Change decides if and how the project can proceed.

In environmental assessment, it is important for:

- Businesses to have certainty on:
 - The length of the process
 - The information required
- The public and Mi'kmaq to have:
 - Their voices heard and meaningfully considered
 - Their rights respected in development decisions, including Mi'kmaq Aboriginal and Treaty rights
- Government to:
 - Get the right information to make an informed decision in the best interest of Nova Scotians.

Modernizing Environmental Assessment: A Solution Towards Sustainable Prosperity

The last major update to Nova Scotia's environmental assessment regulations was over 15 years ago (in 2008). The world has changed in the last 15 years, and it continues to change quickly.

This is why, as part of the *Environmental Goals and Climate Change Reduction Act*, Government has committed to modernizing environmental assessment in the Province, by 2024, taking into consideration:

- cumulative impacts
- diversity, equity and inclusion
- independent review
- Netukulimk; and
- climate change.

The opportunity for Nova Scotia to continue forging itself as a global leader as the world shifts towards cleaner and more sustainable economies requires our environmental assessment process to be effective, timely and relevant to the issues of the day. A modernized process must support economic development and establish clear expectations that protect the environment. It must support sustainable solutions. It must be *clear* and *predictable*, and *accessible* and *appropriate* for all who need to be involved.

To achieve this, environmental assessment in Nova Scotia must be strengthened so it:

- provides **certainty** for all involved,
- is **flexible** to keep up with the pace of change,
- is **transparent and builds trust**, and
- upholds **accountability**.



Question:

In the context of environmental assessment, are the principles of certainty, flexibility, transparency and accountability important to you?

Yes

No

Somewhat

Are there other principles that matter to you related to environmental assessment? What are they?

Changes to environmental assessment that could help it better support sustainable development and provide clarity, transparency, certainty and accountability for all involved, could include (but are not limited to):

Proposed Change	Current Practice
<ul style="list-style-type: none">■ Making sure the project list, that identifies which activities need an environmental assessment, captures the right projects and is flexible for emerging technologies.	<ul style="list-style-type: none">■ The list of projects requiring an environmental assessment are listed in Schedule A of the current regulations. *Learn more on page 14
<ul style="list-style-type: none">■ Improving clarity of study requirements, so businesses know what studies need to be done, and what the application is being reviewed against.	<ul style="list-style-type: none">■ Currently, some proponent guides exist for businesses needing to complete an environmental assessment.



Study Requirements

Study requirements are the studies that a business must complete as part of their environmental assessment application. We can improve certainty, transparency and accountability in our environmental assessment process by improving the clarity of study requirements. This could include, but is not limited to:

- Ensuring the requirements are evidence-based and grounded in science
- Having them publicly available
- Using them as the basis for reviewing applications
- Using them to incorporate important lenses that contribute to sustainable prosperity

Improving study requirements will create clear expectations for what is required during an environmental assessment.



Question:

Implementing clear study requirements can create clear expectations for what is required for an environmental assessment. Do you agree?

Yes

No

Somewhat

Please share any additional thoughts on implementing study requirements.

Modernizing Environmental Assessment to Support a Clean & Sustainable Future

Government recognizes that modernizing environmental assessment is key to encouraging sustainable development in Nova Scotia, growing the clean economy and addressing climate change, and that the economy does not wait for solutions. This is why the Environmental Goals and Climate Change Reduction Act commits the Government to modernizing the environmental assessment process and incorporating the following concepts:

- cumulative impacts
- diversity, equity and inclusion
- independent review
- Netukulimk; and
- climate change.

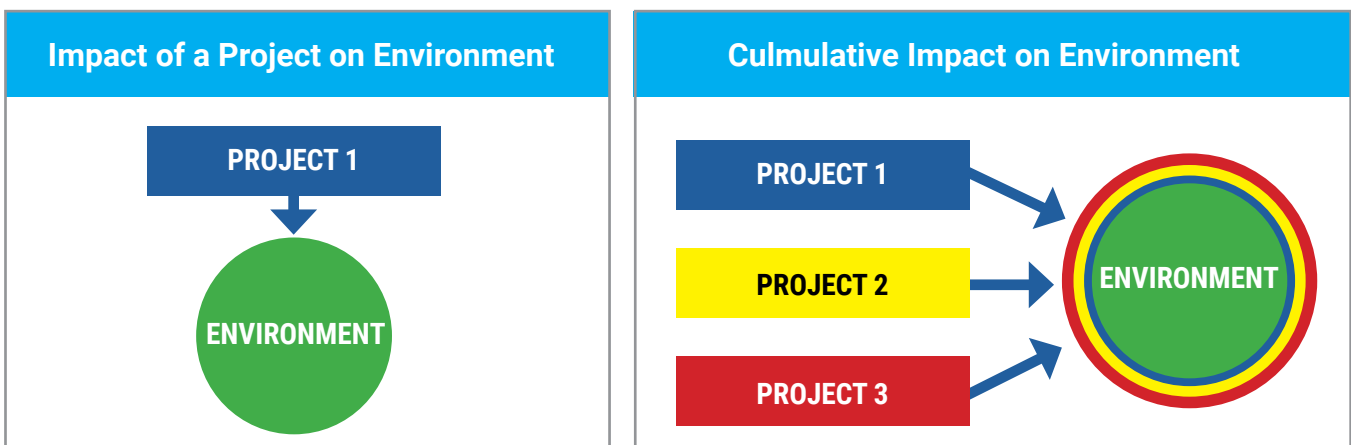
This modernization will support the fast pace of change in Nova Scotia while also supporting sustainable development and protecting the environment.

Cumulative Impacts

What it means: Cumulative impact refers to the collective impact of many different activities. The impacts of individual activities may be small and acceptable, but together, they may be significant.

Considering cumulative impacts in Nova Scotia's environmental assessment process could mean:

- Where appropriate, providing guidance to businesses on what is required to analyze cumulative impacts
- Including it as a factor for the Minister to consider in their decision
- Creating the option for the Minister to decide if a separate study of cumulative impacts is needed





Question:

How would you like to see cumulative impacts included in Nova Scotia's environmental assessment process?

Diversity, Equity and Inclusion

What it means: Diversity and inclusion recognizes that people from all backgrounds, abilities and ways of life call Nova Scotia home and that their insights matter. Diversity and inclusion can only happen if there is equity. Equity is the recognition of people's differences and the attempt to counteract unequal opportunities by considering fairness and justice.

Considering diversity, equity and inclusion in environmental assessment *could* mean:

- Developing a guide for businesses to use for public engagement
- Providing guidance to businesses on how to address diversity, equity and inclusion
- Using new socio-economic impact methods/tools in Government's review process
- Including it as a factor for the Minister to consider in their decision



Question:

How do you think environmental assessment in Nova Scotia could be improved to better consider diversity, equity and inclusion in Nova Scotia?

Independent Review

What it means: An independent review is a review that is done by independent expert(s). Independent reviews can be done by Blue-Ribbon Panels of subject matter experts, consultants, etc.

Considering independent review in environmental assessment *could* mean:

- Updating and enhancing the independent panel option in the existing environmental assessment process to be a Blue-Ribbon Panel
- Developing regulations that determine when independent review is required and details of the review



Question:

Do you have ideas for how the role of independent review can be strengthened in Nova Scotia's environmental assessment process? Please let us know what matters to you around independent review and environmental assessment.

Netukulimk

What it means: Netukulimk, as defined by the Mi'kmaq, and reflected in the *Environmental Goals and Climate Change Reduction Act*, means "the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community by achieving adequate standards of community nutrition and economic well-being without jeopardizing the integrity, diversity or productivity of the environment". This important Mi'kmaq concept speaks to the significance of the environmental assessment process for both the present and future of all Nova Scotians.

[Learn more about Netukulimk here.](#)

Considering Netukulimk in environmental assessment *could* mean:

- Providing guidance to businesses on how to consider and address Netukulimk
- Including it as a factor for the Minister to consider in their decision



Question:

What do you think about these ideas for incorporating the concept of Netukulimk into Nova Scotia's environmental assessment process? Do you have other approaches in mind? Please share your ideas with us.

Climate Change

What it means: Human activities over the past 150 years have released greenhouse gases into the atmosphere. Greenhouse gases, such as carbon dioxide and methane, throw off the Earth's natural balance by trapping heat within the atmosphere, warming the planet and changing our climate. Greenhouse gases stay in the atmosphere for decades to hundreds of years, which means we're feeling the effects of the gases already emitted. And we'll continue to live with the effects well into the next century. Nova Scotia must respond to climate change by:

- reducing the amount of greenhouse gases released into the atmosphere that cause climate change (mitigation)
- reducing risks and taking advantage of opportunities from the effects of climate changes that are already happening and prepare for future changes (adaptation)

Government recently released its climate change plan, [Our Climate, Our Future: Nova Scotia's Climate Change Plan for Clean Growth](#). It commits the Government to 68 actions, aimed at reducing greenhouse gas emissions, responding to climate change impacts and seizing opportunities for a cleaner, sustainable economy.

Environmental assessment plays an important role in supporting Nova Scotia's ability to increase renewable energy, to reduce its greenhouse gas emissions, and address climate change.

Considering climate change in environmental assessment *could* mean:

- Creating the option for the Minister to decide if further studies are needed to understand the climate change impacts of a project
- Providing updated guidance to businesses so they can demonstrate an understanding of their project's climate change impacts
- Including new climate change assessment methods and tools as part of government's review of the application
- Including it as a factor for the Minister to consider in a manner that recognizes both impacts and benefits of climate change



Question:

What do you think about these ideas for incorporating climate change related considerations into Nova Scotia's environmental assessment process? Do you have any other approaches in mind?

Your Input!

Modernizing the environmental process today will help support us in creating a healthy economy, healthy communities and a healthy province of tomorrow. Achieving this will be our collective success. That is why we want to hear from you!

Types of Activity that Require Environmental Assessment

Attachment 1 (page 14) outlines the types of activities that currently require an environmental assessment. Addressing climate change requires urgent action. Innovation is an important part of climate action and often it requires a certain amount of flexibility.

An example of an activity that could be included on the list is review of forest stewardship plans (as recommended by the Independent Forestry Review). Adding this would help Nova Scotia achieve its sustainable forestry goals.

Did You Know?

We recently added hydrogen projects to this list!

This is an emerging technology that supports

Nova Scotia in becoming a global leader

in renewable energy.

Questions

1. Considering the types of activities that need environmental assessment, and the need to protect the environment, do you have any suggestions for how this list could be adjusted, to support sustainable prosperity? Should certain activities be added and/or removed from the list?

2. In the context of environmental assessment, are the principles of certainty, flexibility, transparency and accountability important to you?

Yes No Somewhat

Are there other principles that matter to you related to environmental assessment?
What are they?

3. Implementing clear study requirements can create clear expectations for what is required for an environmental assessment. Do you agree?

Yes No Somewhat

Please share any additional thoughts on implementing study requirements.

4. How would you like to see cumulative impacts included in Nova Scotia's environmental assessment process?

5. How do you think environmental assessment in Nova Scotia could be improved to better consider diversity, equity and inclusion in Nova Scotia?

6. Do you have ideas for how the role of independent review can be strengthened in Nova Scotia's environmental assessment process? Please let us know what matters to you around independent review and environmental assessment.

7. What do you think about the ideas above for incorporating the concept of Netukulimk into Nova Scotia's environmental assessment process? Do you have other approaches in mind?

8. What do you think about the ideas above for incorporating climate change related considerations into Nova Scotia's environmental assessment process? Do you have any other approaches in mind?

Closing Thoughts

9. Are there any other aspects of environmental assessment that you would like to see modernized that we haven't discussed in this document? Please let us know what matters to you.

Yes

No

Somewhat

10. Is there anything else you would like to share?

Attachment 1:

Supporting Nova Scotia's Path of Sustainable Prosperity: Updating the List of Projects and Activities that Need an Environmental Assessment

A "designated activity" (also known as designated project) is the term used to describe a proposed activity or project that needs to undergo an environmental assessment and get government approval before it begins. Using a list of designated activities has been an approach that has worked well for Nova Scotia to-date. It is important, however, that this list reflects the direction and vision of the Province - one of being a leader in renewable energy and sustainability.

In 2018, the [Lahey Forestry Report](#) recommended that forest management plans, for Crown lands, be put through a Class II environmental assessment or a forestry-specific assessment akin to a Class II environmental assessment. It also recommended that this assessment be done by an independent third party or panel.

Below is a summary of the types of activities that are currently on the project list. The detailed list is outlined in the Environmental Assessment Regulations.

Category of Activity	Type of Activity Currently Designated
Energy Projects	<ul style="list-style-type: none">■ Transmission line corridors■ Energy-generating facilities that meet specific criteria■ Water reservoirs of a certain storage capacity

Category of Activity	Type of Activity Currently Designated
Industrial Facilities	<ul style="list-style-type: none"> ■ Industrial storage facilities of a certain size ■ Wood product manufacturing facilities ■ Fish meal production facilities ■ Rendering plants ■ Onshore pipelines of a certain length ■ Hydrogen and ammonia production facilities ■ Natural gas processing plants ■ Paper product manufacturing plants ■ Oil refineries ■ Facilities that handle radioactive materials ■ Heavy water plants ■ Pulp mills ■ Petrochemical manufacturing plants ■ Cement plants ■ Oil refineries ■ Metal smelters ■ Lead acid battery plants ■ Ferro-alloy plants
Mining Activities	<ul style="list-style-type: none"> ■ Mines ■ Pits and quarries of a certain size
Other Activities	<ul style="list-style-type: none"> ■ Activities that involve transferring water between drainage basins ■ Activities that disrupt or alter wetlands
Transportation Projects	<ul style="list-style-type: none"> ■ Highway construction
Waste Management	<ul style="list-style-type: none"> ■ Facilities that handle dangerous goods ■ Facilities that handle contaminated materials ■ Incinerators