

TAC's Recommendations for Reasons for Decision

General

- The approach should be such that it will allow for understanding how a decision was arrived at. Reasons for decision should provide a narrative explanation that describes how a decision was made.
- The Agency should look at multiple examples from other jurisdictions, and inform its model based on best practices and lessons learned from poor examples.

Target Audience

- Should be written for all those interested in the reasons for decision (including the public and Indigenous groups), not just the proponent. The public interest factors are almost entirely directed toward factors that matter much more to all Canadians than to proponents.
- Need to be comprehensible to all Canadians, while providing enough detail to show Canadians that the Government of Canada is making decisions consistent with the spirit and intent of the IAA.
- All Canadians benefit when information is provided in a clear way. Information should be provided in plain language. This helps increase transparency and public trust.
- The Agency should clearly communicate that publishing the reasons for decision is a new aspect of the IA system, to help the public understand differences between CEAA 2012 and the IAA.
- Reasons for decision should also be clearly articulated in the event of a negative project decision (i.e. the project is not approved), as these are important to proponents.

Format/Structure

- Structure the reasons for decision such that key issues are well defined and use subheadings to provide structure and to guide the reader. A template could be useful for consistency and comprehension.
- To avoid duplication, the Agency should have a way to cross reference between what is in the IA report and reasons for decision (e.g. links to key sections of the IA report). There are many tools to do this and including these references could help make it a more comprehensive document while not adding additional length.
- Reasons for decision should be in a written format that is consistent across projects (noting that some project-specific adjustments may be necessary on a case-by-case basis).
- Reasons for decisions should be of sufficient length to provide the public with an understanding of the rationale for the decision (e.g., 3 to 5 pages may be sufficient in most cases).
- Reasons for decision should provide a link to the section of the decision statement containing the project conditions to facilitate cross-referencing within the overall decision statement materials.

Content

- Reasons for decision should explain why the Government of Canada has determined that the project is or is not in the public interest. They should include an explanation of how each of the s. 63 factors were considered (perhaps delineated via sub-headings) as well as include reference to positive effects.

- Reasons for decision should make reference to particular key enforceable conditions on the project that will be required to ensure that the project will be in the public interest. They should also refer to any complementary measures considered in decision making.
- Transparency is important – reasons for decision should explain how the decision took into account input from participants on the key issues, including a description of design changes that happened as a result of the planning phase or the assessment to acknowledge collaboration between various parties during the process.
- Reasons for decision should provide some indication of the scale for both the benefits and the impacts (including environmental, social, health and economic effects). This would help make clear when the benefits are national but the impacts are local.
- Reasons for decision should provide a clear road map with regard to the impacts, mitigation measures and how the residual impacts are addressed (monitoring and follow up measures) including uncertainty in these elements.
- The most important issues raised by parties that are still outstanding after the impact assessment phase should be identified. This is where reasons are critical and what parties will be looking for when trying to understand how a decision was made.
- Reasons for decision should identify the elements under federal jurisdiction and provide direction/information to the audience about how to find information about the elements that are not under federal jurisdiction.