



CITY OF PRINCE RUPERT

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December 23rd, 2016

Expert Panel Review of the Environmental Assessment Processes
Email: EAreview_Participation@Canada.ca

Re: City of Prince Rupert Comment on the Review of the Canadian Environmental Assessment Act, 2012

The City of Prince Rupert has participated in a number of federal and provincial environmental assessments for projects proposed in the surrounding region. Over the course of the City's participation in these assessments, a number of areas for improvement have become apparent, which the City hopes the panel will consider as they perform their review.

The City's primary concerns are in relation to how assessed projects impact nearby communities and surrounding regions. In this regard, there are several actions the City feels should be taken to ensure that communities and local environments are better protected.

Under the current legislation described in CEAA 2012, there is no environmental assessment or screening process during the selection of project sites by proponents. Because of this, in the City's experience, proponents are forced into a competitive and speculative land acquisition process. Once a proponent has acquired land for their proposed project, they are strongly incentivized to design and construct their proposed project at their existing location, even if it is environmentally sensitive, or poses risks to human health or community wellness which could be easily avoided at other locations. Implementing an initial site screening process prior to the submission of an application or establishing firm criteria for determining site suitability would ensure that projects are only advanced in locations which treat community and environmental health concerns as primary considerations as opposed to negative externalities to be mitigated against.

The City's chief issue with the existing CEAA 2012 legislation is that socioeconomic concerns for non-aboriginal communities are not currently required to be considered, whether in screening for whether an assessment is required, or in determining impacts and mitigations from the assessed project. Because of this, large-scale projects which could have significant impacts on local communities can in many cases avoid an assessment, despite their effects on local infrastructure or community well-being. For those projects which are required to undergo an assessment in relation to their environmental effects, no consideration of socio-economic conditions outside of aboriginal communities is required. This places municipalities in a precarious circumstance, and provides no protection against harmful boom-and-bust cycles in the local economy, infrastructure demands which outpace municipal capacity, or extreme pressures on local housing markets and social services. In particular, the demand on municipal services must be considered in the context of provincial and federal regulations which limit a host City's ability to financially benefit from local taxation of the proposed developments.

ADMINISTRATION

Given these limitations, mitigation strategies must be designed in such a way as to alleviate the financial strains these regulations place on host communities. The City feels strongly that these kinds of local socio-economic effects deserve equal consideration to local environmental and human health effects in the assessment of projects and the development of mitigation programs for those which are approved.

In addition to these concerns, the City has noted that there is a significant level of public distrust of the existing process within the community. Residents concerned with environmental stewardship consider the assessment process to be biased towards approval of projects, while supporters of industrial and economic development have expressed frustration with what they consider to be unreasonable demands made of proponents. In the City's opinion, a great deal of public trust in the process could be restored through a restructuring of the assessment process, with clearer delineations of responsibilities, and a de-politicization of the assessment.

With regards to the structure of the assessment process, public trust in the process is undermined by requiring the proponents to evaluate the environmental effects of their projects. Though expert agencies and the public have the opportunity to comment on the evidence put forward by proponents, the initial evaluation produced by the proponent establishes a baseline upon which comments, adjustments, and decisions are made. Though in the City's experience, proponents have made an honest attempt to accurately describe the effects of their projects, the perception among many in the community is that proponents are incentivized to downplay the significance of their impacts so as to improve the likelihood of obtaining assessment approval. At the same time, requiring the proponent to describe the effects of their projects creates a significant duplication of effort among proponents, increasing the costs of development. This, along with the requirement to continually update and revise the proposals to account for all the comments received places a significant burden on project proponents, and introduces delays which could otherwise be avoided.

Given this, the City feels that a more appropriate structure for assessments would vest the responsibility of characterizing effects of projects with expert Canadian regulatory agencies, coordinated through the Canadian Environmental Assessment Agency. In this structure, proponents would be responsible for describing in as much detail as possible the infrastructure, technologies, and activities involved in their proposed project. CEAA would receive this information, and in coordination with other expert federal agencies and affected communities, would characterize the likely impacts of the proposed project. Structuring the assessment process in this way would allow for improved standardization of the process, resulting in fairer, timelier, and more equitable assessments among diverse proponents. As well, the removal of responsibility for the characterization of impacts from proponents would alleviate public concerns surrounding the accuracy of the assessments.

Finally, public and industry trust in the assessment process is significantly reduced by vesting ultimate decision making responsibilities with the Minister of Environment. For both proponents and the public, vesting this responsibility with the Minister is seen to undermine the intended data-driven evaluation of projects by the regulatory authorities. Proponents who comply with every demand of an assessment risk having their projects rejected as a result of political concerns, while members of the public fear that projects with adversely detrimental effects may be approved to satisfy a political constituency. Neither result is fair or in the best interest of industry or Canadians as a whole.

Though government must ultimately be responsible for the decisions that are reached, they should not be directly involved in making decisions which should be based on technical evaluations. Instead, the City suggests that the government's responsibility should be exercised through the establishment of clear limits, thresholds, and criteria for assessment of proposed projects. Instituting clear criteria will allow the government to exert its authority, while providing a clear and defensible process for both regulatory agencies and industrial proponents. The establishment of such criteria, along with the characterization of effects being undertaken by expert federal agencies, will provide a clear process which reduces demands on proponents, provides proponents with a fair evaluation, and restores the public trust.

We appreciate your consideration of our comments, and welcome the opportunity for further engagement in this review going forward.

Thank you,

On behalf of the City of Prince Rupert

A handwritten signature in black ink, appearing to read 'Hans Seidemann', written in a cursive style.

Hans Seidemann,
Manager of Community Development and Civic Innovation