

Ensuring a timely and thorough process: The need for regional assessment

Historically environmental assessment (EA) has been completed on a project-by-project basis. This increases project costs and timelines when developments are flagged for EA. It puts stress on communities, especially in areas experiencing a sudden increase in natural resource development, as the public often feels overwhelmed at the constant bombardment of new projects (Udofia, Noble, & Poelzer, 2016). Government is under pressure from all sides, as the public wants time to gather information and voice opinions, while industry wants a fast-decision-making process to justify its investment.

A strategic management plan that addresses social, economic, cultural, and ecological values and priorities could help to smooth decision-making processes by proactively determining desired future scenarios (Noble, 2008; Sinclair, Schneider, & Mitchell, 2012; Olagunjua & Gunn, 2016). A management plan would address public and business uncertainty by identifying core values and screening criteria for development (Gibson, 2012; Northey, 2016). It would allow proponents to design projects with a better understanding of social values, and that address pre-identified public needs. If done thoughtfully and thoroughly, it could reduce public anxiety and mistrust, and reduce the burden on project-by-project public consultation.

Literature Summary

The issues involved in increasing efficiency while maintaining effectiveness in the EA process is noted in much of the literature (Gibson, 2012; Meinhard, 2012; Northey, 2016; Udofia, Noble, & Poelzer, 2016), but there is limited research on how to address the issue directly. The issue lies in the perpetual tug of war between concerned parties who need time to

review proposals, and proponents who require timely decisions to meet EA timeframes and financial obligations (Udofia, Noble, & Poelzer, 2016).

Udofia et al. (2016) conducted a review looking at the issues involved in providing timely yet meaningful EA, specifically those involving aboriginal participation. They found that ultimately a lack of faith by affected parties in the EA process, which stems from tight deadlines and the late-timing of public participation, leads to delays and increased inefficiencies, and the potential for legal challenges. These findings can be extended to non-aboriginal participants as well (Staples & Askew, 2016), but they are most notable within the Aboriginal context as the federal government has a duty to consult. The discharge of these duties onto proponents has led to legal challenges in the past that further delay the process they are attempting to speed up (Udofia et al., 2016).

The overhaul of the Canadian Environmental Assessment Act (CEAA) in 2012 was positioned as a solution to address the issue of efficiency in EA (Gibson, 2012). However, CEAA 2012 approached the problem by reducing the overall number of projects that required EAs and in general undermining the EA process (Gibson, 2012; Meinhard, 2012). It has failed to address the main issue of efficiency in EA and has instead favoured avoidance. This has not only undermined the process but has led to increased distrust of the system (Staples & Askew, 2016).

There is an increasing body of literature on the benefits of regional strategic environmental assessment (RSEA), not only with respect to reducing inefficiency but as an important tool for effectiveness as it embraces the link between EAs and their use as a planning tool to achieve sustainability (Noble, 2008; Hazell, 2010; Loiseau, Junqua, Roux, & Bellon-Maurel, 2012). The Canadian Council of Ministers of the Environment released a report recently discussing the benefits of RSEA, stating that it:

“is about informing the development of strategic initiatives, policies, plans or programs for a region, and thereby facilitating an opportunity for more informed and efficient downstream project based environmental impact assessment and regional environmental management initiatives.” (CCME, 2009, p. 6)

It seems evident that RSEA will need to be part of the solution to creating a more efficient and effective EA process.

The growing importance for quality cumulative effects assessment (CEA) is discussed throughout the literature in respect to its relationship to RSEA (Noble, 2008; Ehrlich, 2010; Olagunjua & Gunn, 2016). CEAs are an important piece of the puzzle when making decisions on projects, as the ability to meet regional and national objectives in key sustainability indices such as climate change is dependent on the combined effects (Hazell, 2010; Wende, Bond, Bobylev, & Stratmann, 2012).

There is a clear consensus that RSEA needs to come early in the process to ensure efficiency and effectiveness (Ehrlich, 2010; Loiseau, Junqua, Roux, & Bellon-Maurel, 2012). Project decisions will be more straight forward, and thus more timely, if RSEA and management plans are already in place; much of the pertinent background information will already be on record.

Evolution of Practice

Canadian federal EA officially began in 1973 with the Environmental Assessment and Review Process (EARP), a cabinet policy that required the review of environmental effects of a project (Northey, 2016). The first environmental assessment could be argued to be the Berger

Inquiry which took place from 1974 to 1977. While formally considered a public inquiry it set the stage for social impact assessment and meaningful public participation as key components within EA.

In 1984 the government updated the process under the Government Organization Act and created the Environmental Assessment and Review Process Guidelines Order (EARPGO) (Northey, 2016). Initially EARPGO was interpreted as a discretionary process, but several court decisions led to the understanding that it was to be applied on a broader scale (Powell, 2014). This led to the introduction of Bill C-78 in 1990, which would become known as CEAA. The Bill received royal assent in 1992 and was brought into force in 1995 (Government of Canada, 2016).

In 2012 CEAA was repealed and replaced with a new streamlined CEAA 2012 that omitted many components of the original act. The biggest differences between the two were in the number of EAs assessed and the scope of a EA. CEAA 2012 was argued by scholars to be a giant step in the wrong direction for the assessment process (Gibson, 2012; Meinhard, 2012). It did not streamline the process of EA; it merely sidestepped it.

Statement of the Problem

Stand-alone project assessment requires each proponent to undertake time-consuming and costly baseline studies, develop mitigation plans, and engineer a project that may or may not be approved. By the time a proponent finishes an EA, it has invested a significant amount of time and money into the process; thus, proponents are usually strongly committed to the project in its early designs.

Without some type of regional management plan to guide the proponent, government, and the public, project proposals have a limited chance at reflecting regional values and aligning with broader goals. This ultimately leads to unsustainable development, public distrust and discontent, protests, and potential legal challenges, all of which add to the length of the process and decrease its overall efficiency. It is like trying to stick to a budget without having a financial plan. How can you know what is a reasonable amount to spend if you do not know how much you start with and how much you already owe?

Project-specific EAs often must do undertake time-consuming baseline studies, as prior studies may be unavailable, non-existent, or not shared in a meaningful way (Greig & Duinker, 2011). This can lead to substantial delays in project start dates. The tight timelines and financial pressure on proponents and government are not conducive to thorough and complete studies.

Options and Recommendations to Address the Problem

Project-by-project EAs have a limited foundation on which to judge them in terms of their contribution to the overall fabric of the community or region and its goals and values. EA is occurring in a silo, preventing effective CEA from being undertaken. RSEA could front load public participation in a meaningful way, thus allowing for input on resource development and land planning before projects are proposed (Ehrlich, 2010; Loiseau, Junqua, Roux, & Bellon-Maurel, 2012). RSEA and CEA studies can complement each other and add valuable information about complex future scenarios (Ehrlich, 2010). If performed effectively, they can lay the groundwork for responsible, sustainable development of natural resources, and the creation of

not just a better future but of a desired one (Noble, 2008; Loiseau, Junqua, Roux, & Bellon-Maurel, 2012).

Gauging public receptiveness and defining regional values up front would allow proponents to make informed decisions in their project proposals, and address issues in the planning process. This could streamline the process by setting out predetermined screening criteria and supplying a framework from which the proponent and government can evaluate project needs. This creates an opportunity for proponents to be innovative and consider project alternatives in a meaningful way that fits into the regional plan (Northey, 2016), and ultimately will receive less public push-back.

An RSEA could provide important baseline studies and reduce pre-project monitoring times and uncertainties, serving to create a formal database that records shifting baselines and could help to focus project scoping on pre-identified valued ecosystem and social components. Records from previous monitoring could help to proactively eliminate the need to study some effects, thus focusing the scope of the EA and reducing the burden of the proponent (Middle & Middle, 2010). Having RSEAs and CEAs in place will make the process more efficient as proponents will be able to design projects with the regional context in mind and with thoughtful and creative use of the information can present projects that require fewer amendments, and contribute to the overall fabric of sustainability. Implementing RSEA effectively will require increased inter- and intra-agency cooperation and creation of a strategic framework (Noble, 2008; Olagunjua & Gunn, 2016).

The purpose of EA is to integrate environmental concerns into the planning process (Gibson, 2012). This cannot be done effectively without understanding all the implications of a decision. In the end, the efficiency of the process is irrelevant if it is not effective.

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