



Expert Panel Reviewing Federal Environmental Assessment Processes

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Envigour's Principal Consultant Background and Experience

ENERGY POLICY LEADERSHIP

Cabinet Directive: Federal departments and agencies – must demonstrate that Canadians have been consulted and that they have had an opportunity to participate...

Constitution: Obligation to Aboriginal Peoples

WHY CONSULTATION IS REQUIRED

Need to integrate EA Regulatory process with those of other government departments and agencies

Need to lay the foundation for trust and confidence through science and knowledge

Need to create processes that enhance public, government and investor confidence

ENVIGOUR PRESENTATION FOCUS

- Integrating Policies and Processes

- Importance of Policy

- Established by governments and accountable to electorate on objectives and processes
 - Strategies, plans and objectives on energy policy may be subject to significant public consultation and engagement
 - Nova Scotia examples:
 - » Energy Strategies 2001, 2009
 - » Marine Renewable Energy Strategy and Legislation
 - Becomes the framework for understanding the need for developments in general
 - Becomes the first test of public support and concerns

- Integrating Policies and Processes
 - SEA tool used in Ocean Energy Sector to assess suitability for development activities
 - The who, what, where, when and how issues related to activities are assessed what needs to be addressed
 - Significant public consultation and engagement
 - NS examples
 - » Offshore Petroleum Licencing
 - » Marine Renewable Energy Development Bay of Fundy
 - » NS MRE Act
 - Effectiveness of SEA
 - Challenging for public engagement due to broad nature
 - Useful in setting out science knowns and unknowns
 - Information gathered needs to be used for subsequent EA's

- Integrating Policies and Processes
 - Role of other regulatory processes
 - Oceans a complex environment with multiple Acts and agencies
 - DFO (Fisheries Act, Oceans Act, SARA)
 - Transport Canada (Navigation)
 - Environment Canada (CEAA and Seabirds)
 - CNSOPB
 - Aboriginal Affairs
 - Consultation and Planning activities
 - Integrated Ocean Management
 - Marine Renewable Energy Area Planning
 - » NS MRE Act
 - Need to recognize pre-project knowledge, experience and public consultations

- Integrating Policies and Processes
 - Knowledge a Foundation
 - Multiple players with environmental knowledge
 - DFO Science Key
 - CNSOPB – includes role for environmental protection
 - FORCE – monitoring and understanding site environmental change from multiple tidal operators
 - Universities and collective efforts through OERA
 - Mi'kmaq Traditional Knowledge
 - International Research
 - Conducting useful public science should be a priority
 - Builds a dialogue based upon science rather than conjecture
 - Builds decisions based upon science rather than fear

There has been a tremendous amount of experience and understanding gained on why consultation founders, confidence in processes sag, projects become bogged down and investment does not take place

EXPERIENCE & LESSONS LEARNED

- Consultation and Engagement
 - Not easy – particularly when there is a lack of alignment between perceived risk and reward
 - Policy background and framework matters – more comfort if values in alignment and part of the big picture – converse also true
 - Fatigue and overly technical processes alienate members of the public
 - More innovation required for effective engagement – social media can become effective tools for regulators and policy makers

- EA and Regulatory Processes
 - In many areas there is overlap and confusion as to who is responsible – eg.
 - Planning vs operations
 - Federal vs. Provincial
 - Taken in isolation and in sequence can result in very lengthy review and decision timelines
 - Integration and coordination can result in better decisions and a more efficient process
 - Lesson to be learned:
 - Coordinate and integrate

We need to enhance public, government and investor confidence in EA and regulatory decision processes

IMPROVED OUTCOME FOR CONSULTATION PROCESS

- **Public Confidence**
 - The processes are open and transparent
 - The decisions are based upon science and facts
 - Known and unknowns can be managed and mitigated
- **Government Confidence**
 - A clear public interest in conducting proposed activities
 - The activity outcomes will likely deliver policy objectives
 - People have a fair and open opportunity to speak and be heard
- **Investor Confidence**
 - The path to compliance is clear and possible
 - The processes and timelines are known
 - Clear path to meet public and government confidence

Solid foundation of science and experience to build confidence coupled with early engagement with public, stakeholders and investors

TOOLS TO ENHANCE CONFIDENCE

- Investment in Knowledge
 - Science is critical
 - Baseline
 - Impacts monitoring
 - Mitigation effectiveness
 - Disaster Management
 - Traditional and User Knowledge
 - Important partners with conventional science
 - Improved funding and focus critical
 - DFO Science and Oceans Management should include priority for supporting Ocean Energy Projects
 - University funding and focus to include Ocean Energy

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- Early Engagement through SEA's

- What is an SEA

- A tool that contributes to informed decisions in support of sustainable development by incorporating **environmental** considerations into the development of public policies and **strategic** decisions

- Why confidence is improved

- Public Confidence through policy dialogue and policy Strategic Environmental Assessments
 - The public and stakeholders have input into the governments' policy decisions to allow project activities
 - Key environmental issues to be identified in advance of projects
 - Investors know the activities they propose meet public objectives
 - Investors understand the general path to compliance

Set good public policy objectives then consult on implementation before projects emerge and when they do, make sure the actual project EA builds upon (not duplicates) work already undertaken and build public confidence by solid public funded science

SUMMARY & CONCLUSIONS

- Set Energy Policies and Objectives
 - Governments have an obligation to say what and how
- Conduct SEA to Establish Environmental and Social Issues Framework
 - Policy direction on what and how activities in this area should take place, taking into account...etc.
 - Build early public awareness, engagement and input into decisions

- EA Processes
 - Coordinate and integrate with other regulatory processes
 - Acknowledge and build on SEA (if one is done)
 - Provide guidance to make the outcomes predictable
- Government of Canada Funding and People
 - Fund DFO and other public interest science and research
 - Provide the people to manage processes and applications
 - Make sure ocean planning (conservation) is integrated with understanding of resource potential
 - Federal coordination of information requests and responses – experienced and empowered officials