

Environmental Assessment in Practice

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Introduction

As an environmental professional and practitioner I have more than 25 years' experience conducting environmental assessments at the federal and provincial levels in British Columbia, Alberta, Nova Scotia, and internationally. I am a co-author of the 2013 *Guideline for the Selection of Valued Components and Assessment of Potential Effects*, issued by BC's Environmental Assessment Office, and regularly advise federal and provincial authorities in matters related to environmental assessment (EA). My project experience includes mines, hydroelectric facilities, oil and gas development, wind energy, and port development, for a range of private and public sector clients.

This submission represents my professional opinion based on this experience as a practitioner. As a practitioner, I have acted primarily (though not exclusively) for proponents advancing major capital projects. While I generally echo many of the comments that have been submitted by other practitioners as part of this process, I would like to offer input in specific areas related the **scope of environmental assessment**, the role of qualified professionals and **evidence based decision making**, and the provision of adequate **resources and guidance** to practitioners, regulators, First Nations, and other participants in the EA process.

Current Status of Environmental Assessment

An EA is a decision tool, principally related to ensuring environmental concerns are addressed from the initial design of a project or activity, through construction and operation. Working as intended, it incentivizes project proponents to consider and address the implications of their decisions on environmental values, avoiding or reducing harm at the outset of project design. When an economically feasible yet environmentally unacceptable alternative is discarded, without ever being seen by the public or regulators, that is EA at work.

Contrary to the views of many that you will hear through this review, the federal EA process is not 'broken', but rather a reflection of the imperfect nature of decision making in the context of societal goals that at times appear to be competing or even contradictory. EA as currently practiced is transparent, participatory, and informed by science-based evidence and Indigenous knowledge. The practice of EA has developed over decades through the requirements of federal and provincial legislation, court decisions, and professional experience. Federally, and in most jurisdictions in Canada, EA is open to public scrutiny. The materials related the assessment, including technical reports, are freely available, and inputs from Indigenous communities, stakeholders, academics, and other participants are considered by regulators.

Scope of EA

Much of the dissatisfaction in the environmental assessment process is driven by a disconnect between the desire to address policy related issues and the need to focus an assessment on decisions related to a specific project. These issues include for example regional environmental planning and climate change.

Broader regional sustainability goals such as ecological carrying capacity or restoration of landscapes to pre-industrial states frequently finds a home in an individual project's cumulative effects assessment,

skewing the focus of the decision process to matters only peripherally related to the project at hand. This can mask the reality that the EA process captures activities that represent a small contribution to overall environmental degradation, relative to other activities that many argue have a more important role such as agricultural development, forestry, and urban sprawl. Wider use of regional planning and strategic environmental assessments, in cooperation with the provinces, will provide a vehicle for these issues to be addressed outside of a project-specific environmental assessment. In addition, this will support the assessment of project related cumulative effects by providing regional thresholds and objectives that can act as reference points and significance criteria.

Similarly, while there is no doubt that human-induced climate change is the environmental challenge of our time, an environmental assessment is a poor vehicle for addressing issues of climate policy and greenhouse gas (GHG) emissions. Too often, objections to the end use of fossil fuels, or opposition to the fossil fuel industry, find their way into project-specific environmental assessments of proposed extraction or transportation. Effects external to the project being proposed and related to societal behaviours and consumption patterns should be addressed through government policy, international agreements, or within the jurisdiction governing the end-use effects. To put it another way, it is not within the reasonable scope of a project specific EA to consider the use of a fossil fuel once it has left the control of a proponent and been delivered an end user, (or for that matter how mined metals are put to use in products like phones and computers, or the disposal of consumer goods once they emerge from containers in other jurisdictions). Project specific contributions to GHG emissions should be addressed within the context of established emissions targets or carbon pricing. The decision as to whether Canada should develop and export fossil fuels is a matter for policy makers, and should not be adjudicated in a piecemeal, project-by-project fashion. An EA functions within a policy context, but is not a policy making tool.

Other critically important issues (such as Aboriginal rights and title, trade, and income equality) which may intersect with individual EAs are better addressed through other public processes.

Evidence-Based Decision making

Evidence and science based decision making have *always* been at the core of the EA process. Qualified practitioners marshal data from a range of sources including field studies, academic literature, government sources, and Indigenous knowledge holders. These kinds of information, though valid, can vary in terms of their perceived scientific rigor, particularly when related to issues of aesthetic, social, or cultural importance. Practitioners then integrate this information to make a reasonable and defensible prediction about the effects of the project.

EA is a planning and decision making process, not basic (or ‘curiosity-based’) research. It is essential to understand that the goal of EA is to assemble sufficient factual information to support a decision, and that the diversity and depth of information used may differ from what one might see in an academic thesis. In fact, one of the key complaints many Aboriginal people have made about the EA process is the over reliance on what they perceive as “western” science, and insufficient value placed on traditional knowledge from Aboriginal sources. Achieving the proper balance among these considerations is critical to a defensible EA and why many have observed that the EA practice is “both art and science”.

Therefore, assertions that EA is not currently evidence-based are false. Any revision of the Act should recognize that the importance of collecting and analyzing evidence and scientific data should be balanced by the appropriate level of information required to make a sound decision related to a project. The scope of scientific study possible for any given issue (biological, physical, socio-economic) is potentially infinite. EAs are not science projects.

Guidance and Resources

In order to support practitioners, regulators, and participants in the EA process, guidance materials that address the issues described above should be developed and made available. Much of the contention around environmental assessment is linked to arguments over scoping, thresholds for adverse effects, adequacy of information, cumulative effects, and relationship to the broader societal issues described above. Clear articulation of basic principles of both what EA is and what it is not would serve all participants.

Further, it seems that in many cases regulators lack sufficient resources and training to adequately discharge their responsibilities. While not an aspect of the EA process or legislation *per se*, it is important that statutory decision makers have a sufficient understanding of EA methods and practice, and that government invest in training, staff retention, and mentoring to better support the implementation of EAs.

The issue of 3rd party resourcing, while important, has been addressed comprehensively in other submissions.

Conclusion

In summary, in consideration of revisions to the *Canadian Environmental Assessment Act*, the following recommendations are proposed:

- Invest in open, transparent and publicly accessible regional studies, planning, and strategic environmental assessments to better establish regional environmental thresholds and objectives and provide reference points and frameworks for EA practitioners;
- Clarify the basic principles of EA as a planning and decision tool for specific projects and activities, distinct from a vehicle to address broader environmental policy issues. While proponents may be reluctant to address policy issues as part of their own project reviews, they are interested in improving the environmental performance of their projects, and that is the proper focus of EA legislation;
- Ensure that information required to conduct an EA remains appropriate to the decision at hand;
- Invest in guidance material on the EA that addresses issues related to adequacy of information, cumulative effects, and relationships between broader societal issues and EA; and
- Provide adequate resources, including training and staffing, for government officials to do their jobs in a satisfactory manner.

I would be pleased to discuss any of these suggestions with the Panel at any time.