

Speaking Notes
For Presentation
To Expert Panel in the review of the
Federal Environmental Assessment Process
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Good morning Madam Chair and Panel members. Thank you for giving me the opportunity in this very important review of the Federal environmental assessment process. I would like to start by telling you a little about myself. My name is Rob Sturgess and I am a mechanical engineer by training. Now, after almost 25 years working in the environmental sector, I would be more aptly described as an environmental and regulatory engineer. I am here today representing Matrix Solutions, a privately held environmental and engineering consulting company with over 500 staff from Fredericton to Fort St. John. We are an integrated service provider that offers innovative solutions, including front end project permitting work and environmental assessments. Our client base includes many of the presenters you have seen before you as well as others who do not yet know what CEA is or how it may affect their project development plans.

Before I get into my talk, I would like to pass along my appreciation of the task before you. Balancing the complexities of cross jurisdictional interests – and, as was stated here on Monday, not infringing on constitutional issues – will be critical as you chart a path forward.

I would like to focus my talk more on EAs, from a practitioner's perspective with actual hands on experience – and leave concepts such as cooperative Federalism and specific language changes to CEAA – to others.

I will also stay away from the question, of what is right and what is wrong, with our current Federal and Provincial EA processes and rather I'd like to revisit the "Why". "Why" do we do EAs? "Why" are they an important part of the planning and permitting process? And in essence "why" many of us have dedicated our working careers to making an impact.....or in EA terms...reducing the "potential impacts".

EAs are defined as a planning tool to identify, understand, assess and mitigate (where possible) the environmental effects of a project. And as an upfront planning tool, this is where practitioners like me have the biggest positive impact on a projects design. We could conduct EAs, like some jurisdictions in the world, where the assessment starts after the design is completed....and we could pump out an "answer". But on all the projects I have worked on – from world scale polyethylene plants, to oilsands projects, to the flood retention structure aimed at protecting our neighbouring mountain town of Canmore from steep mountain runoff – in all of these projects, we have been involved from the ground level, through the planning and design phases. Working as part of the overall design team, we influence projects from the start and are able to build "mitigation" into the general design concepts and philosophies. In the end, when a final project design is selected, we are able to assess the residual impacts, identify if any additional mitigation measures are needed. And the team designs monitoring programs that reflect the level of uncertainty inherent in the assessment and often we design monitoring to address stakeholder concerns. From my perspective, this process would not be as effective if the EA was done independent of the design team.

Now, I heard questions on Monday about the “independence” of consultants - whom are being paid by the proponent. To add to the discussion, when we work as part of the design team, our profession ethics (P.Eng, P.Geol, B.Biol, P.Ag, etc) and our corporate standards are paramount. Not unlike a civil engineering working on a bridge design for a client, in the end it is our professional practice stamp on the final work product.

Now, I would like to take a moment to look at how we complete EAs and what makes them successful planning tools. A key to all the projects I have worked on has been effective stakeholder engagement, from agricultural neighbours to indigenous communities; each stakeholder brings a different perspective to the process and often influences the overall project design.

With respect to the assessment process itself, it is essentially the same, regardless of the jurisdiction. Notwithstanding the project design interactions and improvements previously discussed, the mechanics of the EA process include:

- Describe proposed activities
- Evaluate potential environmental interactions
- Identify potential issues
- Select appropriate indicators
- Assess predicted effects
- Apply appropriate mitigation
- Determine residual effects

If I may go back in time, we use to follow a harmonization agreement between the Feds and the Province, which resulted in one project – one assessment. Through the harmonization agreement, we often added Federal concerns into the Provincial EA – which in turn resulted in one document, and that one document helped the public to understand the project, and gave all the regulatory bodies the information they needed to make a public interest decision and ultimately provide the project with an approval.

Today, when the Federal and Provincial EA processes try to precede in parallel, information needs and timing differences usually results in a 6 to 12 month overall project delay. As an example, the Alberta process takes a 3 to 4 page submission from which an EA determination is made. The same project, through CEA, takes considerable more technical information, typically 100-200 pages of submission for the Federal determination if an EA is required. As such, the Provincial EA is well under way and actually provides much of the information needed for the CEA determination. In the end, if the Provincial EA covers off the Federal concerns, then what value does the second EA review process bring to the stakeholders or a second public interest decision... arguably none.

Now, if I may touch on a few additional themes I heard from Monday's session.

Strategic, Regional and Project level EAs. Moving from big to small,

- I see great value if the Canadian Government would have conducted a Strategic level EA on the recent announcement to end coal fired electricity. At that level the government could have assessed the environmental, social and economic impacts as well as the

increased natural gas demand needed to offset baseload coal, the water required to frack (in Canada or in the US) the tight gas wells and the potential impacts to surface water supplies and ultimately fish habitat.

- On a regional level, it would have been great to have completed an EA on Western Canada's tight gas play. Again assessing the environmental, social and economic impacts, and Indigenous Issues – in the context of the global race to provide LNG to Asian. In this light, the GHGs emissions could be put in context with those from Australia's coal bed methane projects – whom ultimately won many of the Asian supply contracts.
- And finally, with respect to Project level EAs, the quantification of a project's GHGs are appropriate and should be used in the broader GHG discussion but not to have the project approval hinge on these emissions.
 - On the last note, I present the example of sulphur emissions in the oilsands as a case study. When sulphur emissions and ambient sulphur levels rose too high, the answer was not to prevent any new projects from coming on line, but rather to retrofit some existing facilities to provide room for the newer – and more efficient – projects to be built. The same concept could be applied to GHG emissions and it would not be up to a project level EA to call for the phase out of another project or industry as means of project specific mitigation.

In closing, while I have not presented you with the “answer”, I hope that I have presented you a perspective from someone in the trenches. I, as have many of my colleagues, have dedicated my career to helping make projects better. And I think a predictable and functional EA process, that follows the one project – one assessment model, will, to borrow from our southern neighbour, “make Canada great again”.