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Subject:

ENVIRONMENTAL ASSESSMENT, SOME THOUGHTS ON THE PROCESS

To be presented to the panel on public consultations on Environmental Assessments

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Scope of the assessment.

I believe that an Environmental Assessment should weigh the benefits and costs of a project but should consider some costs to be unacceptable. These are ones that threaten human life and health or destroy communities. For example, pipeline spills are an inevitable reality and when they happen in waterways that feed into water treatment plants they poison the drinking water of communities; this is an unacceptable risk. Native communities, need to be able to say no to a project, otherwise “consultations” with them are meaningless, and services (for example provision of safe water and sewage), should not be conditional on acceptance of same.

It seems to me that the need or benefit of a project should be compared to alternatives. For example is investment in an oil extraction and export development project more beneficial and less costly economically, socially and environmentally than an equivalent investment in a green energy project or an energy conservation project.

It would appear that some Environmental Assessments examine only a portion of a project in isolation and not its entire effect. For example when examining the Greenhouse gas production of the Oilsands, it is necessary not only to estimate the Greenhouse gases produced by the extraction and transport of dilbit from Alberta to coastal ports, but also the Greenhouse gases produced from the oil extracted, wherever this oil is utilized. This means that measuring the impact of an energy project should consider not only its local effects but its larger ones. This is particularly important when considering fossil fuel and greenhouse gas producing projects, given that we now have international agreements and obligations on the subject.

Testimony from interested parties should not be accepted uncritically. For example, Pipeline companies assure us that they can detect and stop leaks and spills within minutes. The latest two spills, in Alberta and Saskatchewan would indicate otherwise. It is necessary, therefore to examine critically the record of analogous projects. Whistle blowers who wish to testify should be given the necessary safety to do so.

The legal implications of a project can be complex, especially if they involve Treaty obligations. It is confusing when a municipality confers a permit for a project, and this permit violates a treaty made by native people with the Crown, which in turn was inherited by the Federal government and where the real estate involved is the responsibility of the Province. The simplest interpretation of this complexity is that violation of a treaty/agreement is a violation of articles 25 and 35 of our Constitution, and the Constitution is the supreme law of the land.

Conduct of consultations and public input

I have witnessed consultations that leave much to be desired: these involve large numbers of people sitting around multiple tables answering questions prepared by the consulting authority. The ideas of the public are then collected by the authority and presumeably assessed. The public is not encouraged to bring their own questions, although this is allowed. At these sessions there is never enough time to discuss anything seriously, and all ideas are given equal attention, regardless of their importance. If the authority or its chosen spokespersons makes a presentation, the question period can be frustrating because questions or comments have to be short, thus contextualizing them is nearly impossible in complex cases. If the aim of the event is to provide a simple public yes or no to a project, then the event can be meaningful, but even there it is often difficult. I do not know how the authority in such cases evaluates the many ideas and opinions (often conflicting) in a way that would be considered fair by the participating public. In my experience, the outcome of such consultations are communicated, if at all, without much explanation.

Decision and follow up

Quantitative projections based on past trends are problematic, especially if these are influenced by social and political events, nevertheless, I have seen such projections drawn as straight lines (minimum, maximum and average) for 30 years or more. Such projections can lack credibility and, if accepted, their predictions should be monitored constantly, with the aim of changing them to accommodate events. Major decisions should leave very large margins of error if based on such predictions and should not be entirely based on them. Monitoring should not be left to the interested party(ies), and the results should be available to the public.

What works and what does not

If the public does not agree with a project based on an Environmental assessment, and if it is perceived as being unfair, the project is bound to run into problems. Authorities should attempt to consider the long term social and environmental consequences of a project and how, if necessary, it is to be recompensed or remediated. Rejection of a mining project or the demand to clean up an oil spill by a community for example should never be ignored, and this should not depend on the power or importance of said community.

Keeping the public informed

In my opinion there needs to be a systematic way of informing the public periodically about the progress of Environmental Assessments and about any resulting agreements and projects. The entire process needs to be transparent if public trust and support is expected.

Submitted on 20/10/2016, by

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