

Environmental Assessment: Where are we going?

By Mary Ann Coleman, November 2004

The Department of Environment and Local Government (DELG) held their second multistakeholder consultation on Environmental Assessment on November 17, 2004 . Unlike the last session, EA Reform Caucus members approached this session with trepidation, and for good reason.

Right off the bat there were a number of problems, starting with a very short time frame for notification of the meeting. Some people only found out about the meeting 2 days in advance. The subjects for discussion were “Schedules” and “Tiers or Tracks” (more or less a discussion on class assessment). These topics raised red flags. In the first place, these topics are not the highest priority for EA Reform Caucus members. Many other topics of interest were recommended for a full day workshop during the last session (such as panel reviews and intervenor funding) and weren’t on the table.

The first topic, Schedules, raised red flags because environmental groups have been asking for public consultation, not consultation by invitation, on the schedules. In fact, my notes, taken directly from the flip charts, show this to be a consensus recommendation of the breakout group in the last multistakeholder session held by the DELG. In the summary of the last session produced by the Department this consensus recommendation for “public” consultation on the schedules has been watered down to “stakeholder” consultation. On top of it all, EA Reform Caucus members did not feel sufficiently prepared to discuss the complicated topic of schedules in a multistakeholder format. The EA Reform Caucus had asked the Department to fund a one-day meeting for environmental groups to get together and prepare themselves for the discussion, but this was denied.

The second topic, class assessment, was a concern for a similar reason. Environmental groups know very little about it, but we do know that industry and government is very keen to develop class assessments. On the face of it, class assessments can be a very good tool for reducing the focus on mundane projects and redirecting it to more critical areas, but, like everything, the devil will be in the details. Again, the consensus recommendations from the flip chart notes show a consensus for public consultation in the development of each class of project and this is watered down in the summary produced by DELG.

Given all this, you can imagine the consternation of EA Reform Caucus members when they arrived to find that the Department was going to be having a media conference the next day about their “administrative” changes. They handed out a new full colour booklet on EIA and a new guide (the blue book). After 17 years without a booklet, it was amazing to see this effort going into this product when we are in the middle of discussions about expansive regulatory changes.

As well, the administrative changes put responsibility for public consultation during a regular review clearly in the hands of the proponents. EA Reform Caucus members had repeatedly told the DELG that this was an unacceptable approach – citizens want direct communication with

their government and do not want their comments filtered through an industry consultation process.

Additionally, despite ongoing requests from environmental groups for a public consultation process on the regulatory changes, the Deputy noted during his opening remarks that they “Hadn’t thought about it – will consider it.”

Finally, the Department provided the participants with a narrow example of “Tiers or Tracks”. The tracks were 1) other permitting processes, 2) determination review (the current internal process with new public consultation by the proponent), 3) a comprehensive review (the current process with a public consultation component beefed up by adding a panel of experts) and 4) class assessment. Again, not headed in the same direction as the input from EA Reform caucus members.

In the end, the EA Reform Caucus members felt that they were being railroaded into a process that was not going to address their concerns, but would be used to justify the outcome with “we consulted with environmental groups”. EA Reform Caucus members decided that they would participate, but not in small breakout session format. As there were only 24 in the audience, they asked that all the participants remain together as one group for the day. This request was denied. So, the EA Reform Caucus members did not join the break out groups and instead met with each other to discuss the issues at hand.

All in all, not a happy time. In fact, it appears that the DELG is put out by the EA Reform Caucus’ non-compliance. On the upside, the caucus did get a chance to discuss and refine their thinking on important issues. As well, the Department did provide a nice background on EA triggers in other jurisdictions. Too bad it was only distributed at the start of the discussions.

For more information:

EA Caucus flip chart notes from November 17, 2004 /private/eia/report_sept04_e.pdf

DELG summary notes from October 14, 2004 </private/eia/movingahead.htm>

EA Reform Caucus recommendations at: /private/eia/report_sept04_e.pdf /
http://www.renb.ca/private/eia/report_sept04_f.pdf