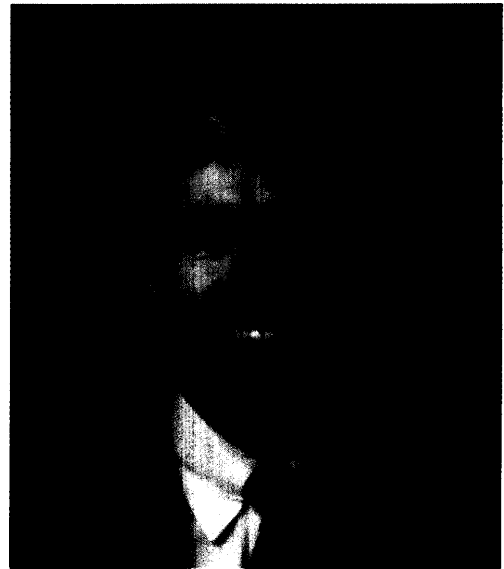


**REFORMING
FEDERAL
ENVIRONMENTAL
ASSESSMENT**

A Discussion Paper

REFORMING FEDERAL ENVIRONMENTAL ASSESSMENT



In keeping with its commitment to sound environmental planning, the Government of Canada intends to improve the federal Environmental Assessment and Review Process. The following discussion paper, which outlines some possible changes to that process, seeks both to inform interested groups and individuals about the issues at stake and to solicit public comment on them.

Over the past two decades, the importance of protecting our natural environment and of managing it responsibly has become increasingly apparent. More than ever, economic development is seen to depend on a healthy environment. Conversely, a violated environment restricts economic opportunity. That equation is firmly set out in the recent report of the World Commission on Environment and Development (the Brundtland Commission), which emphasizes the vital link between environmental and economic survival.

Had governments throughout the world understood this connection sooner-and taken earlier measures to respect it-many contemporary environmental problems could have been prevented or, at least, ameliorated. Unfortunately, we cannot change the past. But we can, and must, learn from it if we are to secure our future. Careful, high-quality environmental assessment of new proposals, drawing on experience gained from previous developments, is essential to our continued safety and well-being.

There is growing public demand for reform of the federal Environmental Assessment and Review Process. To my mind, Canadians' expectations will best be met by a system that underlines the unique importance of environmental considerations, encourages their integration in the early stages of planning for development, and provides for maximum public participation in government decision-making.

The current environmental assessment process is flawed in a number of ways. One basic weakness is the way in which the concept of self-assessment is applied. Primary responsibility for determining a proposed development's environmental significance rests not with the Minister of the Environment, but with the Minister of the department that initiates the project.

The following discussion paper outlines one possible improvement to this aspect of the process. Although the document proposes that a department remain responsible for assessing its own projects during the early planning stages, it suggests that the results could be released for public comment. As well, the scope of those evaluations could be broadened to include, among other things, the identification of alternatives to any project that might have significant environmental implications.

An additional concern is the potential for duplication between Environmental Assessment and Review Process public reviews and other federal regulatory hearings. To avoid the problem, a single public review process might be undertaken for projects that would otherwise be subject to two.

The Government of Canada actively seeks the views of all who are affected by, or who have an interest in, federal environmental assessment practices. It is eager to consider and evaluate all feasible improvements to the scope, application and administration of the existing process, so that federal environmental planning and assessment will meet the highest standards of consistency, efficiency and professionalism. We need a system that will stand the test of time. Your response to the following discussion paper will help us to realize that goal.

I welcome your comments, and I assure you that every opinion will be carefully reviewed. Following the public consultation process, I will prepare for my Cabinet colleagues a plan that they can discuss in the context of the government's overall environmental program. Reform of the federal Environmental Assessment Process will be a key element in that program's success.

A handwritten signature in black ink, appearing to read "Tom McMillan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tom McMillan, P.C., M.P.
Hillsborough

Minister of the Environment

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BACKGROUND

HOW THE CURRENT FEDERAL ENVIRONMENTAL ASSESSMENT POLICY WORKS

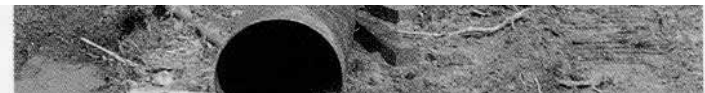
POLICY

The Environmental Assessment and Review Process came into effect in 1974. Adjustments were made in 1977, and the Environmental Assessment and Review Process Guidelines were issued in 1984 by Order in Council under the Government *Organization Act*, 1979.

The federal environmental assessment policy is currently implemented through comprehensive guidelines called the Environmental Assessment and Review Process. Under the process, environmental matters are to be taken into account throughout the planning and implementation of all proposals falling under federal jurisdiction. This is to be done before commitments or irrevocable decisions are made.

A proposal includes any initiative or undertaking for which the federal government has a decision-making responsibility. The authority and responsibility for environmental assessment rest with the minister that has the decision-making authority for the proposal. Under the process that minister is known as the initiating minister.

Corporations listed in Schedule C to the *Financial Administration Act* are expected to implement the process if it is within the legislative authority and it is corporate policy of the corporation to do so. Boards, agencies, and regulatory bodies of the Government of Canada having a regulatory function respecting a proposal are to implement the process if there is no legal impediment to or duplication from application of the process.



Public reviews of major Northern developments examine environmental and socio-economic impacts of construction and maintenance

APPLICATION OF THE PROCESS

The Environmental Assessment and Review Process Guidelines are to be followed when a department:

- intends to undertake any proposal of its own;
- has the authority to make decisions about a proposal of another organization that:
 - might have an environmental effect on an area of federal government responsibility,
 - would require federal government financial commitment, or
 - would be undertaken on lands administered by the federal government, including those offshore.

ADMINISTRATION

The Federal Environmental Assessment Review Office oversees the Environmental Assessment and Review Process on behalf of the Minister of the Environment. The office provides advice and procedural guidelines for the application of the process, is the secretariat for public reviews carried out by panels appointed by the Minister of the Environment, and normally provides the chairman for each panel. When necessary, it negotiates provincial or territorial participation in a review, federal participation in a provincial review, or any other cooperative arrangement. The office advises the Minister of the Environment on environmental impact assess-



Interpretation is used to ensure area residents understand the proposal and have the opportunity to comment on it

ment, and is the federal voice on environmental impact assessment in international organizations and meetings. It also provides funding, secretariat and technical support to the Canadian Environmental Assessment Research Council, a body of experts drawn from federal, provincial and municipal governments, industry, the consulting and academic communities and from environmental groups.

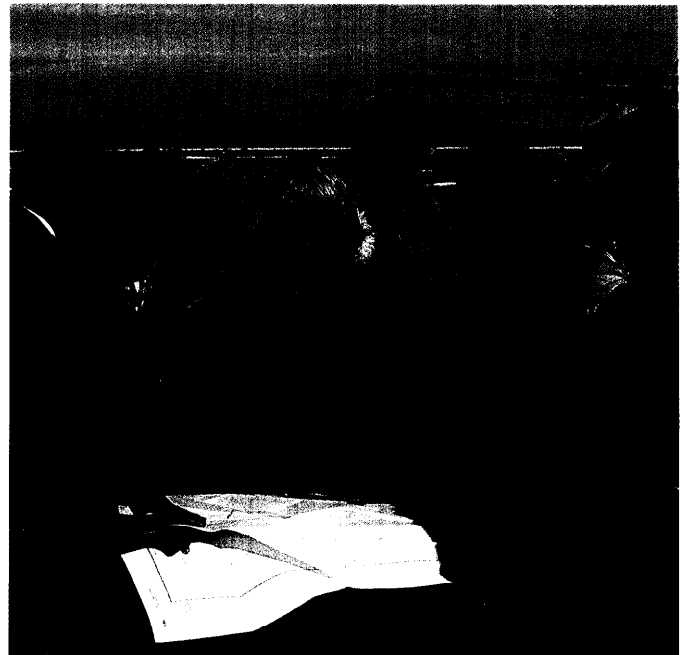
PROCEDURES

The process has two phases: **initial assessment** and **public review**.

Initial Assessment

Systematic **initial assessment procedures** have been developed for determining the potential environmental impacts and directly related social impacts that could result from a proposal. After initial assessment by the initiating department four courses of action are possible (Figure 1):

- 1) If no potentially adverse environmental effects will result from a proposal, or if its effects are insignificant or can be mitigated with known technology, the proposal may proceed.
- 2) If the potentially adverse environmental effects are significant or if public concern is such that a public



Site visits to project locations are normal panel procedures

INITIAL ASSESSMENT PROPOSALS

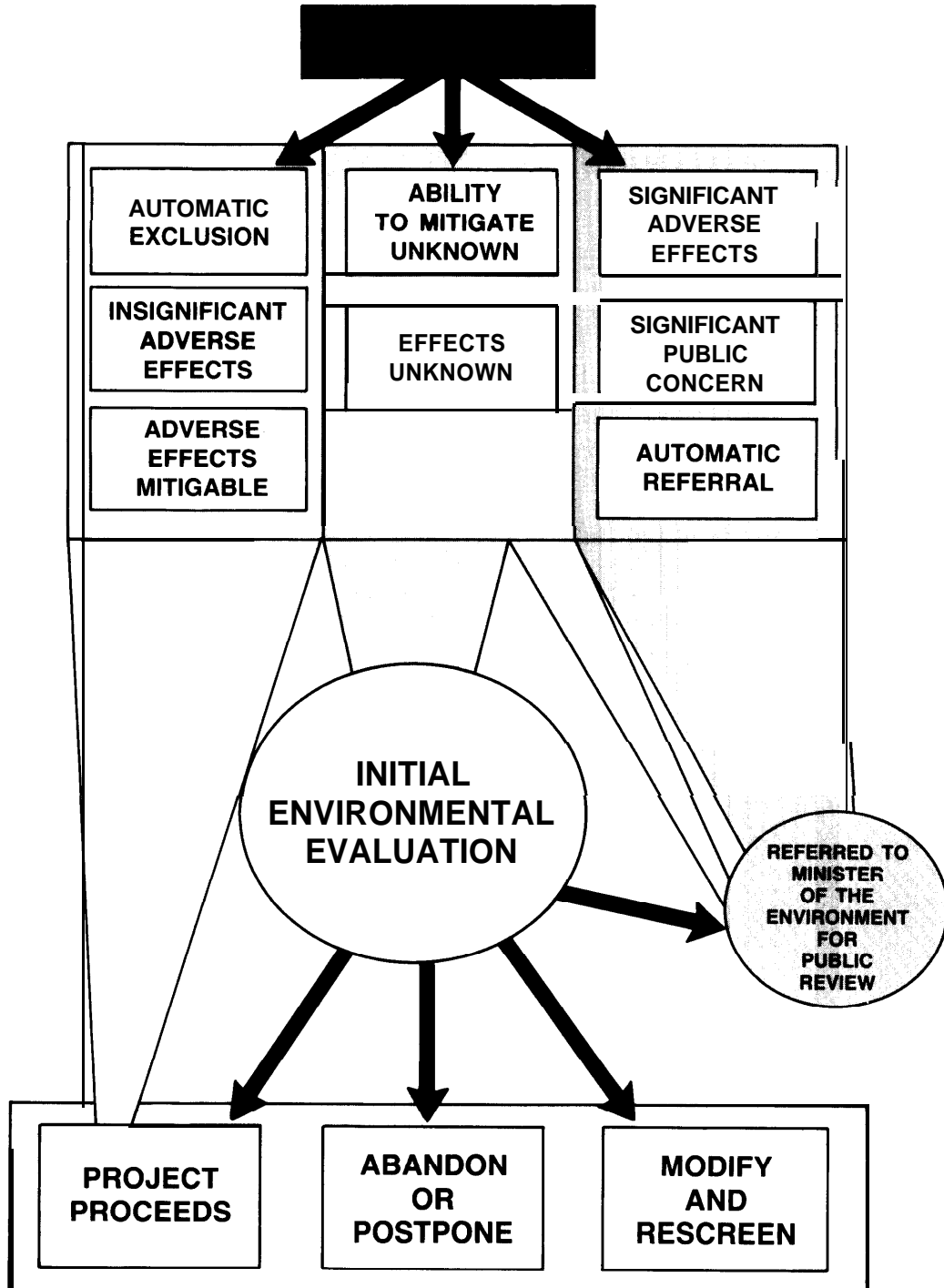


Figure 1

review is desirable, the Minister of the initiating department must refer the proposal to the Minister of the Environment for a review by an independent panel.

- 3) If the potential adverse environmental effects are unknown, the initiating department must undertake a more detailed study, known as an initial environmental evaluation, then reassess whether the proposal warrants a public review; if so, the Minister of the initiating department must refer it to the Minister of the Environment for an independent panel review.
- 4) If the potential adverse environmental effects of the proposal are unacceptable, the initiating department must either modify and reassess it, or abandon it.

Departments with specialized knowledge, such as Environment Canada, National Health and Welfare, and Fisheries and Oceans provide advice to initiating departments during initial assessment.

Actions that could mitigate or avoid those environmental impacts which are identified as a result of initial assessment and considered to be important must be incorporated into any proposal that proceeds. Initial assessment decisions are documented and are accessible to the public, which is given an opportunity to respond. The Federal Environmental Assessment Review Office regularly publishes a list of initial assessment decisions.

Public Review

A public review (Figure 2) is a detailed examination of the potential environmental and directly related social effects of a proposal by an independent panel appointed by the Minister of the Environment. A new panel, normally drawn, except for the chairman, from outside of government, is constituted for each review. The Minister of the Environment issues each panel's terms of reference, describing the nature and scope of the review. At the discretion of the initiating Minister and the Environment Minister, the scope of the review may be expanded to include general socio-economic effects, assessment of technology, and the need for the proposal.

The panel's responsibility is to investigate the potential adverse environmental impacts of a proposal, to examine the scope and importance of issues and public concerns, and, at the end of the review, to make recommendations to the government in a report that is made public.

Each panel conducts a public information program and holds public meetings, including hearings. The hearings provide an opportunity for public comment, including supporting and opposing views of the proposal. Hearings are conducted in accordance with publicized procedures, but are neither judicial nor quasi-judicial;



New technologies, such as construction of artificial islands for oil exploration, call for a variety of techniques in assessing environmental impacts

PUBLIC REVIEW

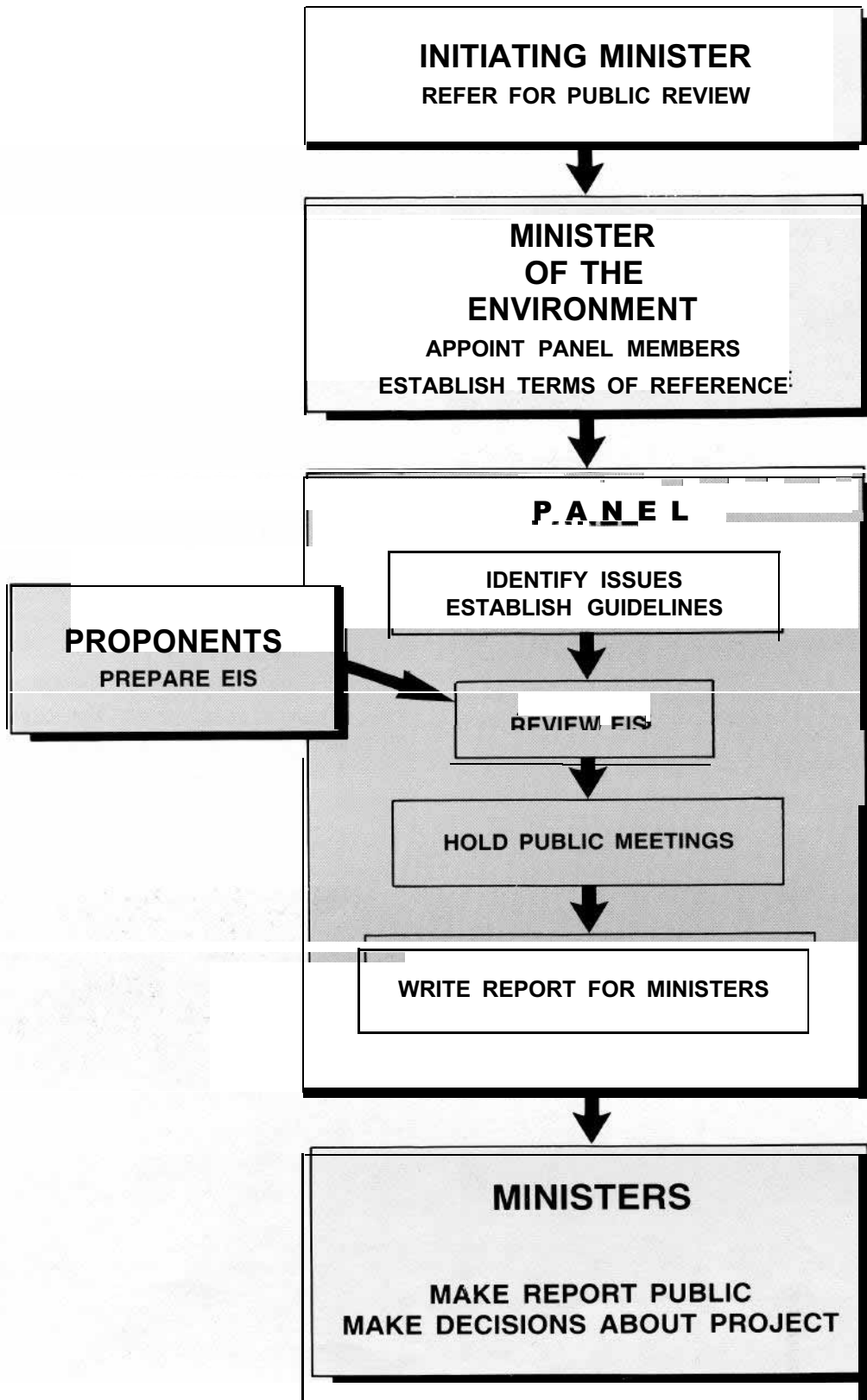


Figure 2



Concerns expressed during the panel review of CP Rail's Rogers Pass project, Glacier National Park, resulted in the relocation of the tunnel ventilation shaft

rather they are as informal and flexible as practicable. Active participation of the public, as well as persons with particular expertise, is a vital factor throughout the review.

The proponent of the proposal produces a document, usually in the form of an Environmental Impact Statement, that describes the proposal in detail. It usually portrays the present state of the environment in the proposal's locale, and the potential impacts of the proposal. It normally indicates how adverse impacts will be avoided or reduced. This document, like all other material given to the panel, is made public.

At the end of its hearings the panel writes a report for the Minister of the Environment and the Minister who initiated the review. The report contains a description of the proposal, the site, and the potential impacts and issues, and, most importantly, contains recommendations to the ministers. Normally, the panel may recommend that the proposal can proceed as intended, can proceed under certain conditions, or not proceed at all.

The two ministers make the report public. The Minister of the initiating department decides whether the proposal should proceed or not, the extent to which panel recommendations are to be adopted before proceeding, and the manner in which these decisions are to be made public.



Environmental impact assessment studies reduce potential impacts on wildlife such as caribou herds

ENVIRONMENTAL ASSESSMENT OF GOVERNMENT PROPOSALS

PROCESS ISSUES

SELF-ASSESSMENT POLICY

There are essentially two basic approaches that a government can take in organizing a process to deal with the environmental implications of its own proposals. A single government department or special office can be given the task of reviewing all proposals of the government and of making the environmental planning decisions about those proposals.

Alternatively, every government department can be tasked to integrate environmental assessment into its own program planning system, and be responsible for its own environmental decisions regarding each of its proposals. Variations of these two approaches are possible.

The federal government chose the latter approach, called the self-assessment policy, early in 1974, for a number of important reasons. The government wanted to imbue an environmental awareness throughout its many departments; it wanted to have the environmental implications of any government activity or proposal assessed and dealt with as early as possible in its planning, because altering, for environmental reasons, a proposal that was well advanced might be very costly; it wanted to integrate the cost of sound environmental planning into the cost of proposals; it wanted the department making a proposal to address any public concern that might arise from it, and to consult directly with people who might be affected by the environmental effects of a proposal.

These reasons are still valid, and justify keeping the self-assessment policy as the preferred approach for the federal government. Nevertheless, experience with this approach over the last decade has indicated that the self-assessment process can be improved.

THE ROLE OF PANEL REVIEWS

The federal environmental assessment policy recognizes the central importance of public involvement. If a federal proposal might have unknown or significant environmental effects, or environmental effects causing significant public concern, the people who may be affected should have an opportunity to make their views known on the matter in a suitable public forum. Public reviews of proposals by panels appointed by the Minister of the Environment serve a valuable function in determining public opinion, establishing the major issues of concern to affected people and communities, and transmitting considered conclusions and recommendations to the government based on all the opinions heard and information gathered during the course of such a review. A major study by an independent consultant, Ron t?. Wallace, in 1985 of the degree to which recommendations made by environmental assessment panels have influenced the federal decision-making process showed

“panel reviews resulted in significant adjustments to projects assessed.”

that the panel reviews resulted in significant adjustments in the projects assessed. He found that in most cases, the public review process has worked to improve the coordination and delivery of government services while providing a neutral forum for public consultation. Moreover, Wallace concluded that in the cases studied the Environmental Assessment and Review Process had required both government departments and private sector corporations to factor environmental and socio-economic concerns into their decision-making processes.

Unfortunately, however effective the panel reviews may be, interested persons sometimes have unequal access



Creek realignment and fish habitat enhancement during the twinning of the Trans-Canada Highway through Banff National Park

to participation in them because of inequities in financial support, access to expert advice, time to analyze documents, and resources to organize participation. In some cases, language and cultural differences, and geographic isolation may exacerbate these inequities. At issue is how the government should organize and administer a fair and adequate public participation program for each of its panel reviews.

The conduct of a panel review can be a complex undertaking. A proposal under review may cross the jurisdictional boundaries between the environmental assessment process and a federal regulatory process, between more than one federal department, and between federal, provincial, or territorial governments. The potential exists for duplicating public reviews within the federal structure and between the federal government and other levels of government. Duplication is costly and time-consuming for all involved. This paper explores means of avoiding duplicate processes.

Environmental assessment panel reviews can be lengthy undertakings. The length of the entire review is only

partly in the hands of the panel. There must be adequate time for the proponent to prepare an environmental impact statement and for the panel and other interested persons to review the proponent's documents and other materials submitted to the panel. The complexity and novelty of the proposal being assessed and the geographical extent of its potential effects influence the length of time required to conduct a thorough review with adequate opportunity for affected people and communities to express their views. Nevertheless, it is in the interest of all to conduct panel reviews as promptly as possible. New rules could be considered prescribing temporal limits governing at least those portions of the review over which the government has some management control, e.g., the appointment of panel members, the preparation of terms of reference, the period allowed for a panel to complete its report once the proponent has submitted the environmental impact statement, and the timing of the government's official response to it. Other means to increase the efficiency of the panel review process have been tried, found useful and could be pursued further. These are, for example, scoping of the primary issues and conducting area-wide reviews well in advance of specific project proposals. The goal should be to conduct comprehensive, fair and open reviews at the least cost.

COMPREHENSIVENESS IN APPROACH

Ideally, an environmental assessment process would ensure that environmental assessments carried out by the federal government address not only the biophysical effects but also the social, health, economic and cultural issues arising out of environmental effects of a project, and that all federal departments carry out assessments in a consistent, visible and accountable manner.

Over the years the federal government has amended and strengthened its process for assessing the environmental effects of proposals. This paper outlines possible improvements and additions to the present environmental assessment process. In addition, some provisions of the present process are unclear, leaving too much scope for divergent interpretation in some important areas. The agencies that are to implement the Environmental Assessment and Review Process, the types of projects that must be assessed for their, environmental implications, the content of an acceptable environmental assessment, the definition of public concern and even the responsibilities and obligations entailed in self-assessment are all aspects of the EARP that have proven problematic. These areas must be clarified.

POLICY AND PROCESS OPTIONS

MAJOR ISSUES

Building on the procedures now in use, this paper discusses possible policy and process changes that could improve public accessibility to federal environmental decision-making, to strengthen the openness of the self-assessment approach and to improve the public review phase of the process.

A strengthened sense of responsiveness to the public underlies these proposals. They reflect the government's strong commitment to openness in decision-making and to fair and comprehensive public consultation. Some weaknesses in the present federal environmental assessment process require correction, but it is even more important to ensure that a future federal environmental assessment process has sufficient flexibility to accommodate new methods and new scientific information as it emerges. In particular it must facilitate integration of modern environmental values with the more traditional economic decision-making in areas of federal jurisdiction.

What is needed is a new rigour in environmental planning within government which will not increase the regulatory burden on Canadian industry subject to federal jurisdiction.

SCOPE OF THE PROCESS

Application by Crown Corporations: Crown corporations listed in Schedule "C" to the financial Administration Act are currently required to implement the federal process only if it is the corporate policy to do so, and if it is within the corporation's legislated authority. Some of these corporations conduct business of a type that may have environmental implications. At present, such corporations can initiate projects without applying the federal process, and, because they may not be obliged to comply with provincial environmental assessment

processes, they may escape any environmental assessment. Certain Crown corporations have voluntarily implemented the Environmental Assessment and Review Process in several cases which resulted in panel reviews.

In general, the application of the Environmental Assessment and Review Process across federal agencies is inconsistent. Because Crown corporations are federal entities and represent the federal presence, it can be argued that they should reflect environmental considerations in their decision-making process in the same manner as other federal agencies. In practice only a small number of Crown corporations carry out activities that might have environmental consequences. One approach would, therefore, be to designate formally those corporations which are required to implement the Environmental Assessment and Review Process.

Those Crown corporations which do not implement the Environmental Assessment and Review Process purely as a matter of corporate policy could simply be asked to change this policy. However, should a corporation be prevented from implementing the process because its charter legislation does not permit it, it would have to be decided whether circumstances warranted seeking an amendment to that legislation.

Inconsistent Consideration of Environmental Values by Regulatory Agencies: Some federal regulatory agencies regulate industries whose activities may have environmental implications. These agencies differ in their legal capacity to consider environmental principles in their decisions. For example, the National Energy Board requires applicants to carry out rigorous environmental assessment at the design stage of their proposed projects but the Canadian Transport Commission does not have a legal basis to address environmental concerns of projects under its jurisdiction. The Atomic



Installation of an underpass to facilitate animal movement, reduce road kills, and improve public safety, Banff National Park

Energy Control Board, however, has generally been able to consider environmental impacts. It would be possible for regulatory agencies now without legal capacity to consider environmental factors in their decisions to be so empowered by Parliament as appropriate.

Implementation by Funding Agencies: Certain federal agencies provide financial assistance for domestic projects proposed by businesses or organizations which would ordinarily fall under provincial jurisdiction. In such cases, the funding agency has the responsibility to ensure that financial contributions are not made to inadequately assessed projects that may have unknown or significant environmental impacts. The approach to date has varied considerably. Clearly defined procedures could generate consistency and promote cooperation with provincial assessment processes as appropriate.

Treatment of Confidential Information: If information on projects is deemed confidential, as defined under the *Access to Information Act*, public consultation and the publication of such documents as initial environmental evaluations on such projects would become difficult, if not impossible. In these circumstances, a mechanism could be developed to ensure that projects are still subjected to environmental assessment panel review internal to government.

Application to Foreign Aid Projects: The Environmental Assessment and Review Process applies to agencies providing aid in other countries, such as the Canadian International Development Agency (CIDA) but publishing information relevant to the assessment and conducting an environmental assessment panel review depends on the consent of the recipient country. The conduct of a panel review in those circumstances might well present insurmountable difficulties and insistence on it would be inappropriate.

IMPROVEMENTS TO THE INITIAL ASSESSMENT PHASE

It is recognized that there have been many positive developments in the federal Environmental Assessment and Review Process and in its implementation since the 1984 Order in Council. Nevertheless, a variety of procedural changes could substantially improve public access to environmental assessment studies prepared by departments and agencies, thereby increasing the openness of the self-assessment approach which is the basis of federal environmental assessment policy.

to ensure predictability and consistency, changes to procedures warrant consideration.

To help ensure predictability and consistency in the implementation of the Environmental Assessment and Review Process, the following changes to procedures warrant consideration:

- 1) There could be a requirement under the Environmental Assessment and Review Process that departments address general social, health, economic and cultural implications of environmental change.
- 2) Screening of projects early in their planning as currently practiced might reasonably remain unchanged as would the requirement to report screening decisions to the Federal Environmental Assessment Review Office and to develop assessment procedures. The present mechanism permitting the development of "exclusion lists" identifying environmentally benign projects or classes of projects requiring no further consideration under the process should similarly remain. However, a new criterion could be introduced. A list of types of proposals which would require a mandatory initial environmental evaluation might be considered. The list could be developed through consultation between federal departments and the Federal Environmental Assessment Review Office and issued as a guideline under the authority of an Order in

Council. Alternatively the list could be subsequently prescribed in regulations pursuant to some form of environmental assessment legislation. Whichever approach is taken, public comment on this list could be invited in accordance with the federal government's Regulatory Policy and the Citizens' Code of Regulatory Fairness.

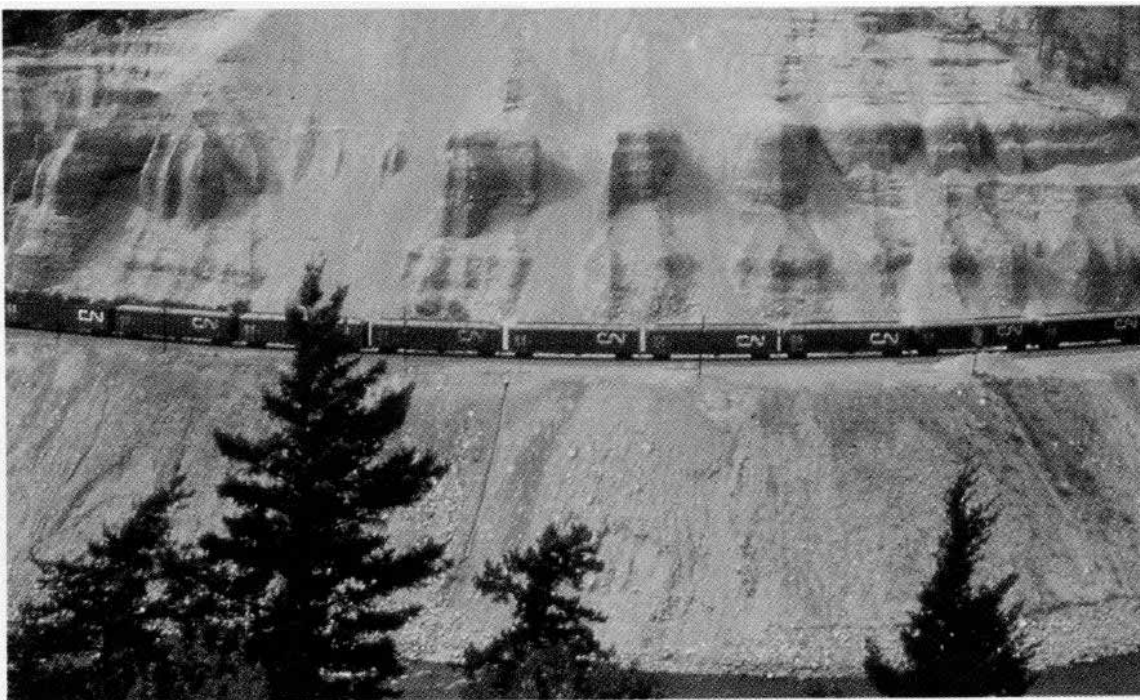
- 3) The scope of the initial environmental evaluation could be specified, again through a guideline or regulation, as appropriate, including, but not limited to, rationale, possible alternatives, biophysical effects, related social, health, economic and cultural impacts (including impacts external to Canadian territory arising from activities within Canada), mitigating measures, project implementation and post-implementation monitoring plans.
- 4) The initial environmental evaluation could be published and be made available in a public location in the area affected by the project. Residents of the area could be notified of its availability through notices released to local media, posted in public places, distributed by general mailing or by other information distribution methods. A reasonable period, possibly 30 to 60 days, could be allowed for public response to the initiating department.

IMPROVEMENTS TO THE PUBLIC REVIEW PHASE

Should the public request that a project undergo an independent public review, the initiating Minister could be required to respond publicly, within a specified period of time, stating the reasons for his decision if the request is denied.

A mechanism could be developed to ensure that decisions on the need for a public review reflect the concerns of both the initiating Minister and the Minister of the Environment.

It is reasonable that the public review process followed should be appropriate to the size and importance of the projects under review. The Minister of the Environment could reflect this approach when issuing procedures governing public reviews. In particular, in circumstances where the appointment of a full environmental assessment panel does not appear warranted, the Minister might be allowed to appoint, in lieu of a panel, a negotiator whose responsibility would be to promote an understanding between a proponent and those with concerns about a particular project. In this situation, the negotiator would be free to recommend that a panel be appointed if such seemed necessary.



A panel recommended measures for CN Rail's 700 km twin tracking program in British Columbia to protect important fish resources



A panel provided guidance on the long-term environmental implications of transportation related activities in the Fraser-Thompson River corridors, British Columbia



Airport runway construction, following an initial assessment of the project by Transport Canada

There may be certain specified circumstances in areas of federal jurisdiction where it would be desirable for the Minister of the Environment to initiate panel reviews together with the Ministers responsible for the subject activities. Such circumstances might include:

- specific requests for review made by a province or territory;
- projects likely to have domestic or foreign trans-boundary impacts;
- projects involving inter-basin water transfer; and
- projects with multiple components or phases which, when taken together, could have a major cumulative effect on the environment (e.g., hydrocarbon exploration in new frontier areas)

Panel procedures could continue to be informal as at present. However, circumstances may arise where granting a panel greater powers would facilitate the conduct of the review. A task force appointed by the Federal Environmental Assessment Review Office is consulting the public on the advantages and disadvantages of various hearing procedures. The report of the task force which will be available in early autumn will assist in making judgments in this area, and in improving the efficiency of panel hearings.

Procedural guidelines or regulations governing panel reviews could require proponents to prepare environmental impact statements containing specific elements consistent with those specified for mandatory initial environmental evaluations.

At present the report of any independent panel (and this could reasonably include the report of an independent negotiator) must be submitted to the initiating Minister and the Minister of the Environment and be made public shortly thereafter. A time period could also be established during which the initiating Minister and the Minister of the Environment would be required to provide a joint public response to the report before a decision to proceed with the proposal is taken.

Monitoring of actual environmental effects of activities is extremely important to confirm whether environmental predictions were accurate and whether mitigatory measures were effective. Environmental assessments could ideally include specific plans for collecting relevant and accurate data on actual environmental impacts and for using this information to fine-tune project construction and operations. The potential for improving predictive capability for future assessments, and thereby improving planning, would be correspondingly enhanced. When projects reviewed by panels subsequently proceed, the appropriate ministers could be required to publish monitoring plans for the proposed undertakings.

In any revised Environmental Assessment and Review Process, it would be important to emphasize the continued vital role of departments with specialized knowledge or responsibilities as advisors to other departments and to panels.

Figure 3 opposite is a graphical summary of some of the possible procedural changes and additions to the process discussed in this paper.

POSSIBLE IMPROVEMENTS TO THE PROCESS

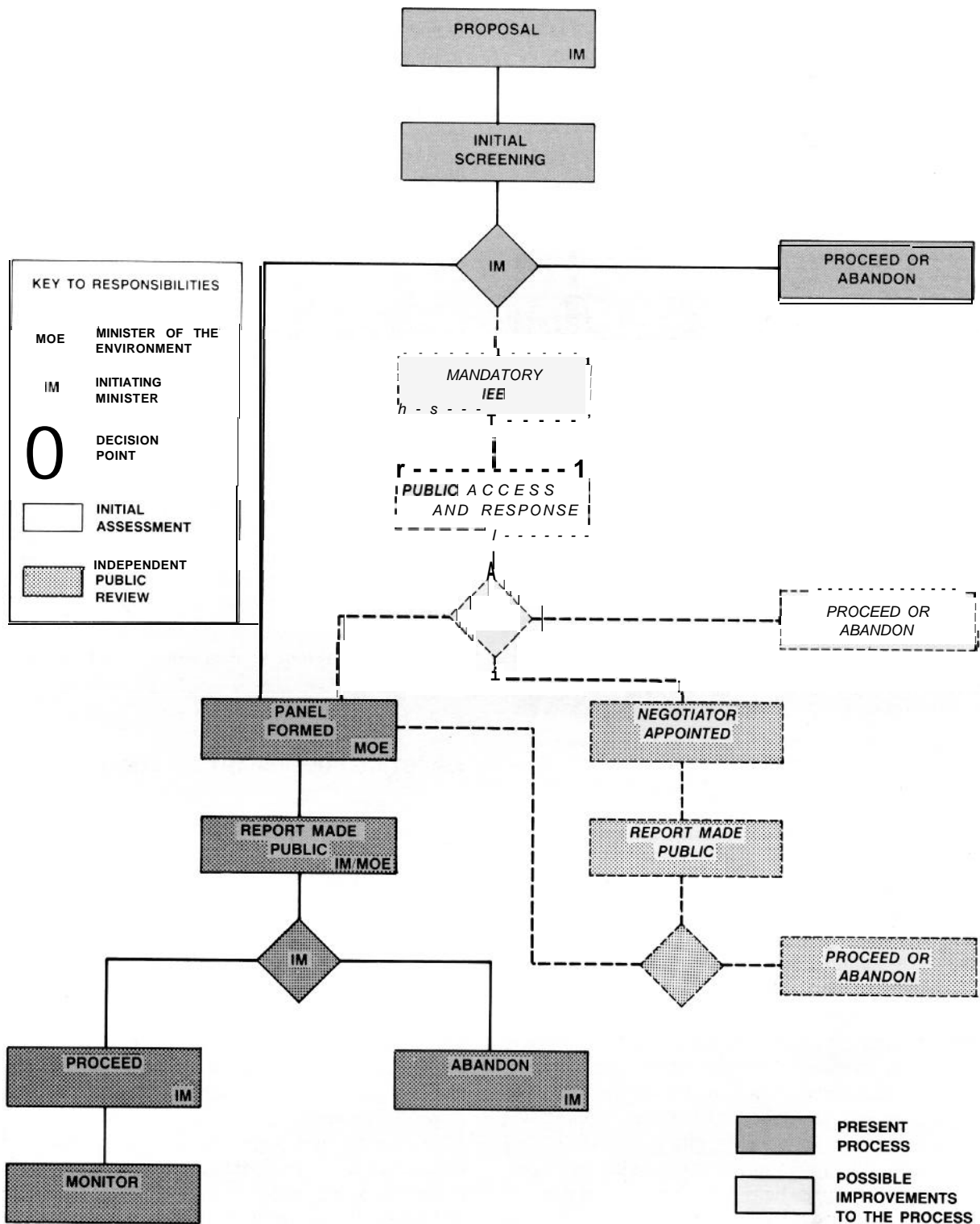


Figure 3

Industries regulated under federal jurisdiction would prefer a single public hearing rather than sequential hearings on the same project. For example, the potential exists for the National Energy Board to hold public hearings on the environmental implications of a proposal even though public hearings may have already been held under the Environmental Assessment and Review Process. Clarification of the roles and responsibilities of



Local residents are encouraged to learn about proposals and comment on them during panel public meetings

regulatory agencies in the implementation of the Environmental Assessment and Review Process is important. Measures could therefore be introduced to minimize duplication of hearings, while still allowing acceptable opportunities for early public comment on the proposal. In circumstances where both an Environmental Assessment and Review Process panel review and a regulatory public hearing are likely to occur for a well-defined project, a single hearing process, provided it could deal effectively with environmental issues, might be an acceptable course of action. Amendment to the regulatory agencies' legislation could be required in certain circumstances to achieve this objective. Total removal of duplication may not be fully possible in cases where a public review is held to address a series of proposed developments affecting a particular region; or a single area-wide development only part of which would be subject to a subsequent regulatory hearing. In such cases the review would provide a broader base of

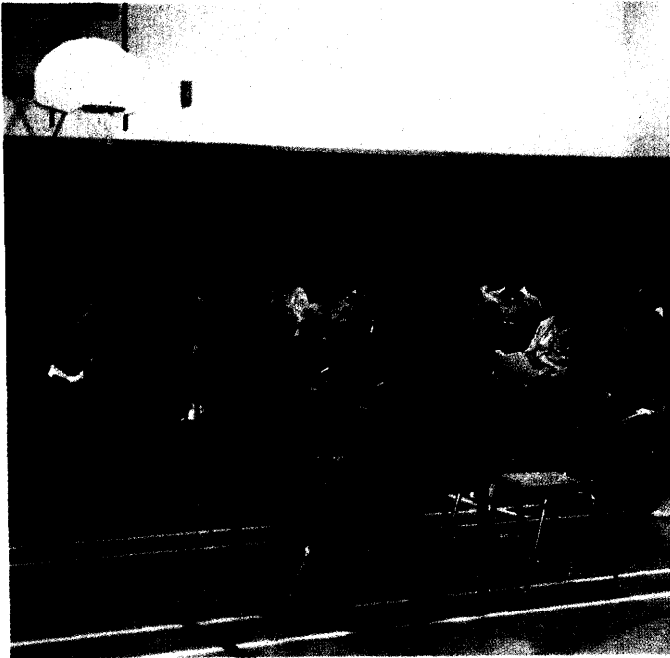
advice to Ministers and to the regulatory process than would otherwise be available. Such instances are likely to be very few.

Where a public hearing would normally be necessary both under a regulatory board's rules and under the Environmental Assessment and Review Process, the addition of a special member to the regulatory board might be possible where legislation so permits, thus allowing a single hearing process to be followed. A separate review by an independent environmental assessment panel would then be unnecessary. Early assessment of the environmental impacts of a proposal handled in this manner could be achieved by requiring the publication by the proponent of an initial environmental evaluation well before an application is put forward to the regulatory board.

Similarly, it would be desirable for the Minister of the Environment to enter into arrangements with provinces, territories and native organizations for the purpose of avoiding duplicate environmental assessment reviews. Native interests and values could be recognized as components of environmental assessment and provision could be made to accommodate changes arising from possible future decisions concerning native self-government or as a result of devolution of powers in the territories.

ASSISTING PUBLIC PARTICIPATION

In independent panel reviews, interested persons may have unequal ability to participate because of inequities in financial support, access to experts, time to analyze documents, resources to organize participation, and, in some cases, language and cultural differences. The independent evaluation of the intervenor funding program of the the Beaufort Sea Review brought out clearly the value of such funding in achieving equitable access. Under the present system some interveners, e.g., natives or certain community organizations, may be eligible for certain kinds of funding while others are not; some initiating departments and/or proponents provide intervenor funding and some do not. On the other hand, meaningful levels of intervenor funding would add to the cost of reviews at a time when government is anxious to curtail expenditures. Should a policy of funding public participation nonetheless be adopted the problem then becomes one of determining who should provide the funds and how they should be administered.



George River residents comment on panel's draft guidelines for preparation of an environmental impact statement on proposed military flying activities in Labrador and Quebec.



Proponents are responsible for explaining their proposals to the potentially affected public.

If funding is provided, the management could be carried out along the following lines:

- 1) funds for public participation in panel reviews could be made available through the Federal Environmental Assessment Review Office;
- 2) a separate committee for each review independent of all parties could be established by the Federal Environmental Assessment Review Office to administer all federal funds available for public participation; and
- 3) a mechanism such as an advisory committee for recommending the level of funds to be made available for each review could be designed and put in place.

RESOURCE IMPLICATIONS

The Government is sensitive to the possibility of imposing planning requirements entailing additional costs upon departments, agencies, and especially private proponents falling within the purview of the Environmental Assessment and Review Process. The Government is also cognizant that the cost entailed in allowing environmental damage to go unaddressed is a cost to all

Canadians. The resource implications of the proposed improvements to the Environmental Assessment and Review Process must be assessed and balanced fully, both to ensure that no inordinate cost is imposed on departments' budgets and to ensure that the cost of adverse environmental effects are not passed on to the Canadian public. The cost of making the proposed process improvements will be examined against the benefits of good environmental planning.

EVALUATION

Periodic evaluations of the Environmental Assessment and Review Process, whether or not legislated, could be undertaken as follows:

- 1) *Evaluation of the Implementation:* Evaluation of the implementation of the process could be carried out by selected government departments consistent with the program evaluation policy of the federal government.
- 2) *Evaluation of Effectiveness:* Periodic evaluation of the overall effectiveness of the process could be undertaken by an independent committee appointed by the Minister of the Environment, at specified intervals, possibly once every three years.

WHAT HAPPENS NEXT

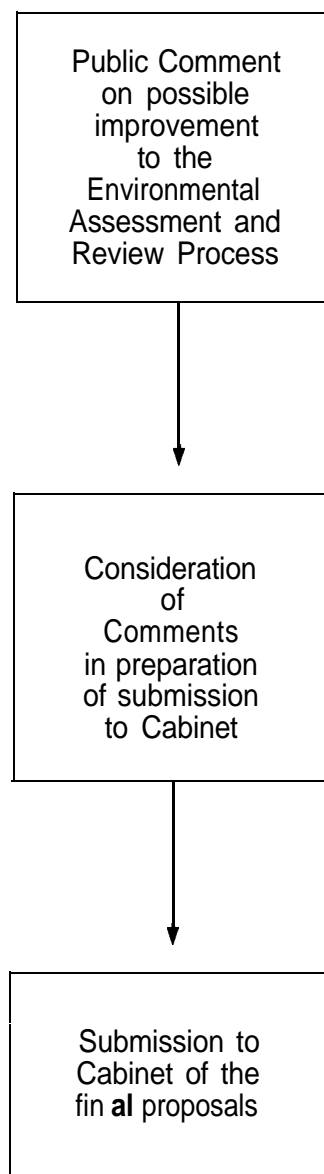


Figure 4

SEEKING PUBLIC COMMENT

Your comments and suggestions will help in designing the most effective and practical federal Environmental Assessment and Review Process.

This discussion paper is being distributed to groups, organizations, and individuals who may have an interest in the federal Environmental Assessment and Review Process. Written comments or suggestions about these proposals would be welcomed.

The Federal Environmental Assessment Review Office (FEARO) is co-ordinating this initiative on behalf of the Minister of the Environment. If you wish additional information or wish to meet with the staff of FEARO please contact us at the address or telephone number

below. FEARO staff would be pleased to arrange meetings where interested groups and individuals could come together to discuss possible improvements to the Environmental Assessment and Review Process.

After the public response has been carefully considered, the Minister of the Environment will submit to the Cabinet his recommendations for improvements to the Environmental Assessment and Review Process. (Figure 4)

The Environmental Assessment and Review Process in its final form must be consistent with constitutional and jurisdictional boundaries.

PLEASE SEND WRITTEN COMMENTS TO:

Mr. Raymond M. Robinson
Executive Chairman
Federal Environmental Assessment
Review Office
13th Floor
Fontaine Building
Hull, Quebec
K1A 0H3
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ADDITIONAL INFORMATION: