

ASSESSING THE SMALLER PROJECTS: AN ESSENTIAL STEP TOWARD SUSTAINABILITY

P. Duck, J. Sinclair, and G. Schneider

March 2012

THE ISSUE

While the federal government's plan to "expedite" the assessment of Canada's major energy projects continues to attract attention, another threat to ensuring environmental sustainability in Canada comes in the form of growing momentum to cut back or even eliminate environmental reviews of small projects. There are thousands of so-called "small projects" for which conducting an environmental assessment is being portrayed as a bottleneck clogging up the project "approval" process and slowing economic development. But that misguided argument disguises the fact that many projects that are perceived as "small" in scope can cause significant environmental effects. Continuing to review these projects gives Canadians the confidence that the environments that are important to them are being protected.

ACTION REQUEST

Changes to federal environmental assessment should not look to marginalize the importance of environmental assessments or reduce the number of so-called small projects subject to environmental assessment. Instead, any changes to current legislation and associated regulations should, on behalf of all Canadians, seek to ensure that planning to reduce the adverse environmental effects of proposed projects and activities, regardless of magnitude, remains a normal part of "doing business" for federal authorities and their corporate clients.

BACKGROUND

The environment is a very complex system with a myriad of links and interactions in which small disturbances or the accumulation of seemingly unrelated disturbances can have significant implications for the natural environment, human health and in many cases the stewardship (or not) of financial and natural capital in our economy. In the context of the Canadian Environmental Assessment Act (CEAA), "small project assessment" is a popular term that refers to the process of assessing the majority of projects that are not subject to "panel reviews" or designated for "comprehensive study". To ask Canadians to be less vigilant about the environmental effects of the majority of proposed projects because they do not seem to have major environmental effects is like asking accountants to cancel thousands of financial audits just because a number of them contained no discrepancies.

If these so-called small projects were all window installations in a federal building, or new picnic tables in a park, you could make the case that there would be few, if any, adverse environmental effects. In some cases you would be right, and these kinds of routine projects, once documented, could be effectively and efficiently reviewed using the range of existing tools under the CEAA. However, not all small projects are so simple. Here are some projects with complicated environmental interactions that would currently be considered "small" (e.g. screenings) under the CEAA:

- A small mine project that requires many kilometres of new access road and sends industrial runoff into an aquatic ecosystem.
- The installation or replacement of a culvert that has potential to alter water level regimes and aquatic species movements between large areas of wetland.

- A single small bridge across a stream in a remote natural area that opens up several hundred square kilometres to resource extraction and public activity.

Assessment of the environmental effects of projects like these seems to be expendable when there are pressures for a more streamlined approach to the approval process in the interest of accelerated economic development. This rush to abandon the environmental review process is occurring even though the federal government has concluded that most small project environmental reviews do not take an unacceptably long time to complete. In 2007 the federal government's Quality Assurance Program for environmental assessment reported that the average time to conduct a "screening" review was less than 60 days and was getting shorter as familiarity with the environmental process develops.

Anyone familiar with planning a project and seeing it through a federal, provincial, or municipal government approval process is well aware that 60 days or less is a relatively short time compared to the overall project management cycle. Indeed, having an environmental assessment report in hand can answer many questions in advance and speed up the project review by internal management as well as government agencies. Given this situation, it is surprising that quality assurance research also shows that those who find the process burdensome and a bottleneck may also be the ones who have not taken the time to learn how to apply the requirements of the Act efficiently. This seems to be the case even after almost 20 years of opportunity to learn the federal environmental review system and take advantage of the streamlining tools it offers.

Does public review cause a bottleneck? For small projects, public involvement occurs only at the discretion of the federal government. So if there is public involvement, it is because the government has deemed it appropriate in the circumstances. When opportunity for involvement is provided, the public is usually restricted to very tight timelines and respond within those timelines. Take the example of a recent review of a highly controversial 400-metre boardwalk proposal in Jasper National Park that attracted national and international attention. The public, in spite of asking for extensions, was restricted to only three weeks to review and submit meaningful comments on a complex 169-page environmental screening report. The federal government, on the other hand, subsequently allowed itself seven weeks to make an environmental determination, including granting itself a nine-day extension to the time allotted to make a determination. While the public may wish they had the ability to delay projects in the interest of sober second thought and in bringing well-articulated perspectives to the planning table, they do not have the power to do so. This is especially true under existing legislation that gives discretion to government regulators who see economic development as their prime mandate and business interests as their priority clients.

Bottleneck or not, a fundamental test is to ask whether the time doing environmental assessment is well spent. Is environmental assessment of these small projects making a difference? The federal Quality Assurance Program analyzed 18,056 screenings and found that 90 percent of the projects that underwent screening appeared "unlikely to cause more than minor adverse effects". This type of data is often quoted to falsely attest to the fact that these projects do not need environmental assessment. However, it should be noted that these determinations of minor adverse effects are made *after* the assessment process has been completed and mitigative measures have been identified through that process. These figures do not address the question of whether the project would have had significant environmental impacts in the absence of an environmental assessment. The data do demonstrate that having a meaningful environmental planning and review process is an effective tool leading to thousands of better projects across Canada 90% of time.

There are ways to create more efficiency in the existing environmental assessment processes for small projects. The Canadian Environmental Assessment Agency reports that there are ongoing efforts to use and improve existing tools under the Act to ensure an efficient assessment process is established for these projects. We agree that these tools should be better utilized, including:

- The expanded use of class assessments, so that truly small and routine projects can be grouped together in a single advance assessment. This approach has been applied to numerous municipal infrastructure and business licence projects in national parks. In these cases the assessment of routine projects is simplified to a questionnaire with strategic questions that can be completed quickly followed by the implementation of recognized environmental practices associated with the specific type of project.
- Required use of approved standard environmental operating procedures also ensures that routine projects apply mitigative measures. These procedures have been developed by the Department of Fisheries and Oceans for projects that may affect wetlands and, if used in appropriate circumstances identified through environmental assessment, they can ensure a quick and efficient environmental review.
- Appropriate use of the Exclusion List Regulation to avoid unnecessary assessment of projects when there is documented evidence that they have insignificant effects can also avoid unnecessary levels of effort and duplication of assessment for very simple projects.

Two other ideas have been put forward. A Canadian Standards Association approach has been drafted in which procedures and requirements would be much more easily identified. There is also the possibility of required reporting under Departmental Sustainable Development Strategies where determinations (and who made them) would be recorded and made public. Either of these approaches has potential to lead to a more efficient environmental review but with greater accountability to ensure it was applied properly.

In addition to these actions we agree with the Canadian Environmental Assessment Agency that the documented reduction in the time required to complete screenings suggests that the practice of small project assessment is finally maturing in government departments and that further efficiency gains will result as experience matures.

On the Environment Canada website, it says that:

“Environmental Assessment is a process used to predict and mitigate the adverse environmental effects of a project before it is carried out. As such it is a powerful planning tool that provides decision makers with the information they need to ensure the projects they approve are compatible with a healthy, sustainable environment for present and future generations.”

We could not agree more.

REFERENCES

- Canadian Environmental Assessment Agency 2007. Federal Screenings: An Analysis based on Information from the Canadian Environmental Assessment Registry Internet Site: Report #1 Government of Canada Quality Assurance Program for Environmental Assessments under the Canadian Environmental Assessment Act Ottawa.
- Canadian Environmental Assessment Agency 2009. Public Participation in Screenings: An Analysis of Efforts made to Obtain Information and Views of the Public during the Conduct of Screenings. Government of Canada Quality Assurance Program for Environmental Assessments under the Canadian Environmental Assessment Act December, 2009