

Environmental Assessment Program

Summary of Workshops on Improving the Environmental Assessment Process in Alberta

Background

Alberta Environment held two facilitated workshops in 2007 to solicit ideas for improvements to the environmental assessment process¹. The first workshop, in July, was for environmental assessment practitioners from government and regulatory agencies, industry, and consultancies. Participants were asked *what are the desired outcomes of the environmental assessment process and how do we get there?*

Twenty six people attended representing:

- Alberta government departments (Environment, Sustainable Resource Development, Health and Wellness, Justice, and Tourism, Parks, Recreation and Culture);
- Alberta Boards (Energy and Utilities Board and the Natural Resources Conservation Board);
- Federal government (Canadian Environmental Assessment Agency);
- Proponents (Total E & P, Sherritt, Conoco Phillips, Suncor, Birch

Mountain, Hazco, Infrastructure and Transportation); and

- Environmental consultants.

The second workshop, in December, gathered provincial and federal regulators to discuss practicalities of implementing ideas from the first workshop.

Thirty one people attended representing:

- Provincial departments (Environment, Sustainable Resource Development, Health and Wellness, Justice, and Tourism, Parks, Recreation and Culture)
- Alberta Boards (Energy and Utilities Board and the Natural Resources Conservation Board) and
- Federal agencies (Canadian Environmental Assessment Agency, Fisheries and Oceans Canada, Environment Canada, Indian and Northern Affairs and Health Canada).

Practitioners Workshop

Participants indicated that the existing environmental assessment process is considered to be open, inclusive, and thorough. They agree that good decisions are being made and

¹ Facilitators were Celesa Horvath of Ventus Development Services Inc. and Rochelle Harding of REDES Inc.

fundamental assessment goals are being achieved. However, the participants recognized that the unprecedented level of industrial activity in Alberta has stressed the current system.

In general, practitioners were particularly concerned with:

- Unclear and unfocused environmental assessment scoping, resulting in long review periods, duplication of effort by both government and industry, and inclusion of information in the process that may be redundant or irrelevant for a particular project;
- Unacceptably long review periods;
- Insufficient resources available to government agencies to effectively manage the environmental assessment process;
- A perceived lack of leadership within government agencies to efficiently and effectively manage the environmental impact assessment report reviews; and
- The negative impact these problems have had on the credibility of, and stakeholder confidence in, the entire environmental assessment process.

Practitioners Recommendations

Key recommendations flowing from the Practitioners Workshop were categorized as short, medium and long term based on the time it would take to implement.

Short Term

- Overhaul the development process for Terms of Reference (TOR) to speed up production of the final Terms of Reference, better address regional and project-specific issues, and reduce environmental assessment generation and review burden for all parties.

- Increase opportunities in the process for collaboration to:
 - identify regulatory expectations and key issues for a particular project;
 - share information and address concerns as they arise; and
 - improve the quality and focus of Supplemental Information Requests.
- Establish a clearly defined lead regulatory role to enforce procedures and rules and ensure effective participation of stakeholders and proponents.
- Develop lists of approved environmental assessment methods, standards, and models to be used by practitioners to encourage consistency in environmental impact assessment reports.
- Establish clear roles for stakeholders and develop a clear definition for “directly affected” stakeholders.

Medium Term

- Develop regional environmental assessment information databases “owned” by the Province and made accessible to all government, industry, and consulting practitioners.
- Develop codes of practice or guidelines for *in situ* projects, and other projects with well understood effects, to remove most of them from the environmental assessment process but identify special circumstances where such projects would be subject to assessment.
- Limit the number of technical environmental assessment reviews by stakeholders and third parties with the possible option of a single, joint government/stakeholder review.

Long Term

- Conduct government-led regional environmental assessments to reduce the environmental assessment generation and review burden for all parties, and obtain a more effective assessment of cumulative effects.
- Establish a dedicated stand-alone cross-Ministry environmental assessment coordination office capable of addressing the various mandates of all provincial agencies and providing recommendations to decision-makers.
- Repeal the *Environmental Assessment (Mandatory and Exempted Activities) Regulation* and replace it with a risk-based system for determining the need for and scope of project-specific environmental impact assessment.

Regulators Workshop

The Regulators Workshop focused mainly on the short and medium term recommendations from the Practitioners Workshop and had the following conclusions:

- Regulators strongly believe that the existing process can be optimized to meet the needs of regulators and industry.
- Regulators are concerned that incomplete and poor-quality environmental impact assessment reports are causing significant and unnecessary delay in the review process by making the review more difficult and extending the Supplemental Information Request process.
- Regulators indicated that their ability to effectively participate in the environmental assessment review process stems not only from their technical knowledge, but also their

awareness of current and emerging department policies, and the practical field-application of those policies.

Regulators Recommendations

- Regulators recommended that proponents discuss their projects early on in the planning phases with each regulatory agency to determine the local issues and emerging policies that should be addressed and the scope and methodology for the environmental assessment. This would significantly reduce the number of Supplemental Information Requests being generated and speed up the review.
- Regulators would like to develop a screening process to ensure all parts of the Terms of Reference have been addressed before review of the Environmental Impact Assessment report starts². The review start could be delayed until the required information is provided or the Environmental Impact Assessment report could be sent back and resubmitted when it is complete.
- Federal regulators would like to see a more detailed project description as soon as possible in the regulatory cycle so they can determine the level of their participation in each project and focus only on those projects where they have a clear mandate.
- Regulators recognize the value in developing guidance materials for proponents and some have started work on these materials.
- Regulators want to increase the use of the integrated team approach to Environmental Impact Assessment

² This would be similar to the existing administrative completeness check done for the *Environmental Protection and Enhancement Act* and *Water Act* applications.

report reviews. They feel that increased opportunities for interaction with reviewers from the other agencies and increased interactions with proponents can produce better (and possibly fewer) review questions. However, enhanced integration potentially leads to longer review time.

- Regulators also feel that increased oversight from senior management will help identify Environmental Impact Assessment report review as a priority and allow staff to dedicate time and resources to participating on review teams and meeting timelines established in a work plan validated by senior management.

What is the Environmental Assessment Team Doing in Response?

The Environmental Assessment Team is working on a variety of fronts to address the workshop recommendations.

Workload Planning

The Team encourages industry to share plans for upcoming Environmental Impact Assessment reports so that future review workloads can be identified early and the regulatory agencies can plan and adjust as needed.

Review Schedule

A standard review schedule has been developed which clearly identifies for both reviewers and the proponent how much time is allotted to each phase of the review. Furthermore we are tracking and reporting our success in meeting the review schedule timelines and identifying reasons why we are able to get better times or to miss the

timelines. This allows us to continuously improve the review process.

Generic Terms of Reference

Work is underway developing Generic Terms of Reference for various sectors. *In-situ* project Terms of Reference will be released first since they form the most frequent type of Environmental Impact Assessment report. Generic Terms of Reference will speed up the preparation and review process by removing the need to re-invent the wheel with each project. However, they will be flexible enough to accommodate project-specific or site-specific issues.

Guides

We are developing Guides to help proponents, stakeholders and reviewers understand what is required for development and review of Environmental Impact Assessment reports. These will be *living documents* that will be updated as we gain more experience.

- *The Guide to Preparing Environmental Impact Assessment Reports in Alberta* outlines expected content and format for EIA reports. The Guide contains much of the *how to* information that was previously in the Terms of Reference (e.g., how the Study Areas are to be chosen). It also provides information sources, a list of common terms and acronyms and a list of questions and issues First Nations and stakeholders want to see addressed in the EIA report.
- *The Guide to Reviewing Environmental Impact Assessment Reports* is aimed primarily at government reviewers and explains their roles and responsibilities in the review process. It also provides

guidance on format, structure and content of appropriate Supplemental Information Requests. Proponents, consultants and stakeholders may also find the document useful in understanding the review process.

EA School

Alberta Environment's Environmental Assessment Team has been offering EA School for all new reviewers so that they can understand their roles and responsibilities in the review process. EA School covers Alberta's EA process with an emphasis on the EIA report review phase. The School was recently presented to a proponent as well and can be presented to other interested parties.

Increased Transparency

The Environmental Assessment Team is improving our website (<http://www.environment.alberta.ca/1274.html>) to provide additional materials to stakeholders about the process and the projects under review. In April 2008 the Team started an e-mail notification system to allow stakeholders to get e-mail messages about new content on the website, including new reports and status updates on projects under review.

Other Actions

In addition to the work described above, other teams within Alberta Environment are working on projects that will have a bearing on how environmental assessment is done in the province:

- Cumulative Effects Management (<http://www.environment.alberta.ca/1931.html>)

- Industrial Heartland (<http://www.environment.alberta.ca/1933.html>) and
- Oil Sands Environmental Management Division (<http://www.environment.alberta.ca/1912.html>).

Other government agencies are also working to improve delivery of the environmental assessment program, including increasing staff resources for reviews and developing guides for proponents and consultants.

Citation

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More Information

For more information on Alberta's environmental assessment process please see our website at <http://www.environment.alberta.ca/1274.html> or send an e-mail to environmental.assessment@gov.ab.ca.

For more information on Canada's environmental assessment process please see the Canadian Environmental Assessment Agency website at http://www.acee-ceaa.gc.ca/index_e.htm.