

Interests and Attitudes of Decision Makers

Ontario Association for Impact
Assessment

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Introduction

- “Politics is to skate on thin ice without ever knowing if it is about to open up”

Jean Chretien in “The Morning After” by Chantal Hebert

- EA is a process to identify and gather information about the future consequences of an action before a decision is made to proceed

Objective of EA

- The National Policy Act of 1969 eloquently stated:
....recognizing the profound impact of man's activity on the interrelations of all the components of the natural environment...declares that...to use all practical means and measures... to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations.... (s. 101(a), NEPA)

Why was EA Developed?

- EA Permits scientific knowledge to be incorporated into decision making
- But it is apparent that science must be complemented by an understanding of the social and political processes that surround it
- EA is also recognized as the means by which the public can influence decision-making on actions affecting them
- As such it is both an art and a science

The Importance of EA

- Many years ago, a senior official with the oil and gas industry noted:
 - “If EA did not exist we would need to invent it”
- “Since the 1980’s, EA has quietly evolved into one of the more consistent and unquestionably powerful instruments for environmental management in Canada”
 - *Environmental Impact Assessment, Practice and Participation, 2009, Kevin Hanna, (Ed)*

What do Decision Makers Expect of an EA?

- Concise summary of findings
- Evidence-based conclusions – good science
- Practical & feasible mitigation measures and conditions for approval
- Fair and equitable process with meaningful public and Aboriginal input
- Within the mandate
- Timeliness
- Who is affected, supportive or opposed?

Attitudes of Decision Makers

- Approach on many files including EA will be determined by overall government priorities
- Jobs and the economy are present priorities
- EA practice can affect the attitudes of decision makers
- The attitudes of decision makers can affect the EA process

EA Practices Affecting Attitudes of Decision Makers

- When present government was first elected in 2006, EA was “bogged down”:
 - Decisions by RAs difficult to coordinate
 - Fisheries Act triggers applied late
 - Scope of project was often in dispute
 - Joint reviews with provinces delayed
 - Many resources spent assessing minor projects
- Need to consult and accommodate
Aboriginals an emerging issue

EA Practices Affecting Attitudes of Decision Makers

- Also, Mackenzie Valley pipeline EA was underway, project of national importance:
 - Did not meet expectations of decision makers:
 - two years to write the report
 - a report summary of 56 pages
 - exceeded its mandate
- Net effect was concern by Industry and Provinces and frustration by government
- EA needed to change, attitudes hardened

EA Practices Affecting Attitudes of Decision Makers

- Significant changes made to EA process through omnibus budget bills in 2010 and in 2012
- Among these changes were those having an affect on decision making for designated projects

EA changes Affecting Decision Making

- NEB and CNSC carry out EAs as part of their licencing process, CEAA for the remainder
- Focus on environmental significance
- If significant effects, information to be provided on justifiability for decision makers
- Identify how the project may affect asserted or established Aboriginal and treaty rights
- Interested parties identified in hearing process
- Timelines for the review process

Attitudes of Decision Makers Affecting EA Process

- At the Process level:
 - In the past, EA processes were changed following public and Aboriginal consultation
 - A process that promotes public involvement ought to involve public and Aboriginals whenever changes are made
 - Attitudes towards EA and consultation have hardened as evidenced by changes made through Omnibus budget bills

Attitudes of Decision Makers Affecting EA Process

- No changes made by Parliament suggest that there was very limited consultation or input was not considered
- Net affect is that the overall credibility of the EA process has been diminished

Attitudes of Decision Makers Affecting EA Process

- At the Project level:
- Have hardened attitudes to EA affected project EAs?
- In the Northern Gateway Project decision makers:
 - described a project to be in the national interest before the review was completed
 - Openly criticized those opposed to the project
 - Changed the rules midway through the process

Attitudes of Decision Makers Affecting the EA Process

- Unfortunately, the effect is also to reduce the credibility of the review process at the project level and makes it harder for decision makers to move forward even when the review panel's overall conclusion is that the project is in the public interest.

Conclusions

- Project EAs have affected the attitudes of decision makers towards EA process
- Attitudes of decision makers have in turn affected project EAs
- EA is a process that works best when those conducting the EA and decision makers work together and understand each others needs