

COOPERATIVE PRINCIPLES FOR ENVIRONMENTAL ASSESSMENT

1 General

It is critical that the environmental assessment process be cost effective, provide for a minimum of uncertainty and duplication, and encourage cooperative action.

2 Assessment Timing

Environmental impacts should be assessed prior to any irrevocable decisions being made.

3 Common Elements

In order to ensure consistent and effective environmental assessment across the country, several common elements should be integral to each process:

Public Participation

Accessible information, consistent terminology, the opportunity for public involvement (such as public hearings, public meetings, open houses, mediation or other mechanisms) and participant assistance, whether financial or technical, are important to encourage public participation in the environmental assessment process.

Scope of the Review

Recognizing that the scope of assessment will vary with the size and complexity of the project, environmental assessment should address as appropriate:

- public comments and concerns,
- biophysical environment,
- socio-economic considerations,
- project need and justification,
- alternative means of carrying out a project,
- cumulative effects,
- follow-up requirements,

- sustainable development, and
- mitigation measures.

Proponent Pays

Preparation of the environmental assessment statement, mitigation measures and follow-up programs will be undertaken at the expense of the proponent in conformity with the terms of reference or guidelines set down by the regulator. The proponent may also be responsible for costs related to public consultation.

Project Approval/Rejection

Each environmental assessment process should result in the provision of information to allow the decision maker to approve, modify or reject the project.

Issue Identification

Issues should be defined as early as possible in the process, in consultation with the public and other affected jurisdictions, to ensure that they are addressed in a timely and effective manner.

Innovative Procedures

Each process should have provision for innovative procedures to allow the process to remain both effective and efficient under a variety of circumstances, e.g., mediation, class assessments, compensation, performance bonds, development of standards and guidelines, cooperative assessments and mandatory study lists.

4 Decision Making

Decisions arising from environmental assessments will be made by each jurisdiction within the limits of its legislative competence. Decisions cannot be delegated to another jurisdiction.

5 Consistent Application

To avoid jurisdictional or "forum" shopping, it is important that there be consistent application of the environmental assessment process. Projects which are likely to have significant environmental impacts should be subject to consistent environmental assessments wherever they are located.

6 Cooperative Mechanisms

The necessity for federal/provincial and inter-provincial cooperation in the environmental assessment process must be recognized and all jurisdictions should adopt a range of cooperative mechanisms to facilitate harmonized environmental assessment such as:

Consultation

Consulting with other jurisdictions early in the process to determine the extent and scope of the environmental assessment.

Process Flexibility

Using another jurisdiction's environmental assessment process or a joint process, where appropriate, as the information gathering mechanism (recognizing that the decisions must still be taken by the respective jurisdiction).

Administrative Agreements

Developing administrative agreements between jurisdictions, to set out the principles and protocols for cooperation on both a general and project-specific basis; and to include such topics as project screening, formation and membership of panels, cost sharing arrangements, hearing procedures and participant assistance.

Communication

Establishing clearly defined points of contact between environmental assessment offices to ensure that any administrative or procedural difficulties can be dealt with quickly and effectively.

Scope and Timing

Establishing the scope of an assessment and setting reasonable timeframes for the environmental assessment process.

Public Participation

Designing mechanisms for public participation to allow for cooperative environmental assessment processes.