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A new plan would change how Canada evaluates proposed development, such as this tar sands mine in the province of Alberta.

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Canada's new environmental review plan gets a lukewarm reception

By [Lesley Evans Ogden](#) | Feb. 9, 2018, 5:25 PM

Scientists, industry officials, and environmentalists are giving mixed reception to a new plan to revamp how the Canadian government assesses the environmental impacts of development projects.

The plan, **released yesterday after 14 months of deliberation**, delivers on an election promise made by Prime Minister Justin Trudeau's Liberal Party to revisit controversial changes made to Canada's environmental policies by the previous Conservative Party government, led by Prime Minister Stephen Harper. Critics charged that Harper dramatically reduced the number of dams, mines,

123 projects receiving reviews, and weakened the use of scientific evidence in evaluations. Trudeau promised to “restore confidence” in the reviews and “ensure that decisions on major projects are based on science, facts, and evidence.”

In a bid to realize that goal, the Trudeau government yesterday unveiled an **Impact Assessment Act** that would establish a new government agency to oversee environmental reviews of proposed projects and set new timetables and rules for carrying out assessments. Among other things, the proposal—which will have to be approved by Parliament—calls for increased consultation with Canada’s indigenous groups, expanding reviews to include social, economic and climate impacts, and making greater efforts to explain the kinds of information regulators are using in evaluations. The bill would also shorten timelines for project reviews and potentially alter the number of projects that would receive full reviews.

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“When it comes to resource development, you can’t get very far if people don’t trust the rules and the way governments make decisions,” Minister of Environment and Climate Change Catherine McKenna said in announcing the proposal. At the same time, she said, “Industry needs to know what’s expected of them from the start, and that the process will be predictable, timely and evidence based.”

In a statement, McKenna’s ministry argued that “under these better rules ... project reviews would be both more rigorous and more efficient, with reduced legislated timelines and clearer requirements from the start.”

The proposed reform is “a mixed bag,” says Martin Olszynski, a law professor at the University of Calgary in Canada, and co-author of a policy [paper](#) outlining recommended changes to the law. He is pleased that it calls for explicit consideration of indigenous knowledge, but disappointed that it continues the practice of project-by-project assessment, which he sees as hampering the ability to get a handle on the cumulative effects of multiple projects planned for a particular region. “We really aren’t any further than we were in terms of having regional assessments, or strategic assessments,” he says.

Chris Tollefson, a law professor at the University of Victoria in Canada, was hoping for a more radical **transformation** of existing policy. Instead, using an architectural analogy, he sees “renovations that just don’t make sense.” Specifically, he says, the new bill appears to ignore key suggestions for improving the transparency and quality of data used in reviews made by an expert panel advising the government. “The word science is barely mentioned, there’s no provision for peer

re' [c ient' information], and there's no real recognition that the quality of the science [unuer the former law] was a problem," he says.

That's a sentiment echoed by Aerin Jacob, a conservation scientist at the Yellowstone to Yukon Conservation Initiative in Canmore, Canada. Although she applauds **some aspects of the proposal**, she is disappointed that it is somewhat vague about how it will promote the use of high-quality and transparent research. "You can have very strong science that's not transparent, and you can have very transparent science that's not strong, but you need both of them together to fix the problem," she says.

Industry officials also were cautious. "At first glance, the draft legislation introduces a range of new concepts related to timelines and costs, which depending on how they are implemented, could adversely impact the industry's competitiveness and growth prospects," said the Mining Association of Canada, based in Ottawa. On one hand, the proposed shorter timelines for project review "is a good signal to investors," says Tim McMillan, president and CEO of the Canadian Association of Petroleum Producers in Calgary. But it remains to be seen how the new act's mandate for "early engagement" on projects will affect the time needed for reviews.

The new environmental assessment proposal comes alongside a plan to replace Canada's National Energy Board with a new agency, the Canadian Energy Regulator, and follows just days after the government proposed reversing changes that the Harper government had made to Canada's fisheries laws. Parliament is now considering all of these proposals, a process that is expected to extend into 2019.

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