

Problems Identified! - Lessons Learned?: Imperial Deh Cho Geotechnical Program EA



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Imperial Deh Cho Geotechnical Program EA03-009

- February 26, 2004 to February 18, 2005
- Developer: Imperial Oil Resources Ventures Ltd.
- Parties: MGP Deh Cho pipeline corridor Aboriginal Groups
- Project: Winter geotechnical survey (frost heaves, borrow pits and river crossings)
- Review Board Decision: 128(1)(b)(ii) – likely to have significant impact, but recommend approval subject to implementation of Review Board measures and developer's commitments
- Very recent – no INAC decision - we want to discuss **process** issues here today, but...



Substantive Issues Were Raised

1. Scope of EA – what, when and why?
2. Lack of Baseline Data – both a capacity and availability issue
3. Problematic communication among parties – how can we facilitate better communication?



Process Issues Identified

1. Determination of “Parties” in an EA
2. Timeliness – Efficiency of EA Process
3. MVEIRB Staff Project Management
4. Involvement of Government Agencies in EAs





Issue 1: Determination of “Parties”

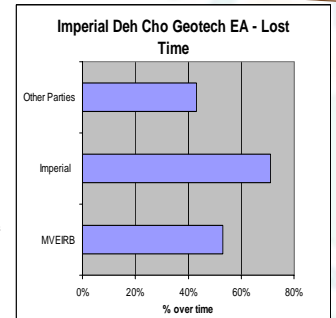
- Government agencies NOT given party status in this EA, in addition to “Responsible Minister” status
 - Source of some tension between government agencies and the Review Board
- MVEIRB has attempted to address this issue through our *Revised Rules of Procedure (draft)*, which no longer distinguishes between “party”, “directly affected party” and “intervenor” status
- Application for “party” status are considered on a case-by-case basis



Issue 2: Timeliness



- estimated 134 working days from draft ToR; actual was 211 working days
- 57% over on budgeted time
- Staff analysis shows MVEIRB and parties take equal blame for time lag on a percentage basis



Where was Time Lost?

Examples

| EA Step | Days - Estimated | Days - Actual |
|---------------------------|------------------|---------------|
| DAR | 10 | 25 |
| Conformity Response | 10 | 22 |
| Issue 1 st IRs | 8 | 22 |
| Issue 2 nd IRs | 10 | 18 |
| Report of EA | 25 | 44 |



Increasing EA Efficiency

- Need to balance timeliness with fairness and effectiveness to create true efficiency
- Parties need adequate time to address issues of import to them
- That said, all parties can
 - Create realistic expectations at start of EAs
 - Meet deadlines with vigor
 - Enforce deadlines in the absence of compelling reasons not to



Lesson for the Future: Squeezing the Timeline



- MVEIRB will control what it can
 - It is the MVEIRB's job to issue the 1st round of IRs; we can do this quicker by planning from issuance of initial DAR, not conformity response
 - The MVEIRB is responsible for ensuring external IR submissions are on time, unless there are compelling reasons
 - The MVEIRB will attempt to create realistic expectations of EA process length based on past EAs
 - Pre-hearing conferences should be used as times to set timelines for closing of public record and setting of submission expectations (a "heads up" to parties)

Issue 3: MVEIRB Staff Project Management

- **Problem: Project manager (EAO) turnover partway through the EA process**
- **Usually, the MVEIRB has one LEAD EAO and one SHADOW**
- **When things get busy, this breaks down quickly**
- **Lack of knowledge of parties and public record thus becomes a continuity issue if LEAD is not available**



Lesson for the Future: Project Management Teamwork

- MVEIRB is formalizing the team approach to EAO project management through
- EAO teamwork, especially at key steps in EAs like ToR, DAR conformity checks, IR drafting, and preparing Review Board for deliberations
 - Development of database system for better information management during EAs
 - Manager, EA position to smooth over the bumps



Issue 4: Involvement of Government

- Good EIA in the Mackenzie Valley requires input from all levels of government
- The MVEIRB relies heavily on **government expertise** in conducting EAs
- Some government agencies did not come to community hearings, sparking criticism from communities and the MVEIRB
- “Justice must not only be done; it must be seen to be done”



Lessons for the Future: MVEIRB – Government Relations

- MVEIRB and government must communicate effectively and work cooperatively
- MVEIRB workshops and board room “discussion groups” with government agencies being pioneered (bow, Mary!)
- MVEIRB interested in pursuing use of “liaisons” with government agencies during course of EAs



Future Paths for MVEIRB and EAs?

- Timeline tracking and process control measures
- Use databases to control info management
- More teamwork among EAOs
- Foster greater input from government experts



It's Your Turn!

- How can the MVEIRB EA process be made more efficient and effective without sacrificing fairness to all parties?