

Brief Presented to

THE HONOURABLE FERNAND DUBE

MINISTER OF ENVIRONMENT

FOR THE PROVINCE OF NEW BRUNSWICK

by

THE CONSERVATION COUNCIL OF NEW BRUNSWICK

February 6, 1975

Since the government of Premier Richard Hatfield came to power considerable progress has been made in developing the government's responsibilities on environmental matters. The Department of Environment has now been established some four years and has three Branches each with a number of major programs. The Clean Environment Act and its regulations give the Department important responsibilities for protecting citizen rights to a healthy environment. Although economic pressures are presently increasing, environmental responsibilities must continue to receive high priority to adequately protect those rights.

The Department is well staffed and equipped to monitor and enforce many regulatory functions. However, it appears that the Water Resources Branch and the Environmental Services Branch require further strengthening as a matter of high priority so that the various water resource programs and such programs as environmental planning, stream surveys and environmental emergencies may be carried out adequately. We endorse the program of monitoring water quality and expect that it will lead to better control and protection of the quality of the water resources of the province.

We now wish to turn to a number of specific concerns on which it is essential for the Department to take positive action as soon as possible.

Public Participation

In a society which has become increasingly complex the individual is often very far removed from the decision making process. As a response to this situation the provincial government has been involved in two major public participation programs recently, namely the Saint John River Basin program and the Man and Resources program. These two programs have demonstrated some of the positive benefits of public participation: they

have provided a simple and effective two-way communication between the people and the government; they have given equal time to minority groups which would otherwise have little influence in the planning and decision-making process; the contacts between the public and government officials have increased public confidence in the government departments involved; the programs have had positive effects on all involved - broadening perspectives and promoting self-esteem and independence.

A good extension of public participation into involvement with an impact study appears to be the Green River Environmental Impact Study. In this case public participation focused attention on some aspects of the proposal that would otherwise have received little attention; it has created a situation where the final decision is likely to be accepted more easily because certain conditions for development have been agreed; and it has maintained stability and order because procedures for expressing concern were available.

We understand that the Department has given considerable attention to developing an on-going public participation policy.

The Hon. William Cockburn expressed the hope that "a public participation policy to provide a basic and flexible program will be available later in the year" (Minutes of a meeting for Toronto Delegates, Man and Resources Program, March, 1974, Fredericton). Then in May 1974, the Hon. William Cockburn, in his speech on the estimates of the Department, anticipated that "an ongoing province-wide participation program will be finalized and announced very shortly" (May 21, 1974).

The Environmental Council also strongly supports such a program.

An on-going public participation program is an essential component of environmental impact assessments, and such a program will also maintain the good relationship that exists between the Department of Environment

and the public.

It is our hope that you are able to announce the Department's on-going public participation policy in the very near future.

Environmental Impact Assessment

A number of assessments have been carried out in New Brunswick bringing the province some firsts in Canada. More assessments are in progress.

The Green River Environmental Impact Study is a particularly good example since it was completed before a decision has been made to go ahead with the project. It is noteworthy that this study also asked for proper justification that the additional generating capacity is necessary and that this need should be demonstrated to the public.

Other impact assessments in New Brunswick however show some major faults. The Lorneville impact assessment was carried out with unacceptable haste and had weaknesses because of this. Then most of the proposed development has not taken place. The Point Lepreau impact assessment was still in progress when major equipment orders were placed. The public has still not received a full and convincing explanation of why there is apparently no choice in going ahead with this development with such great speed.

We should like at this point to review briefly several fundamental principles which must be accepted in any environmental assessment procedure to ensure the achievement of the goal of protecting the environment.

1. The law must require social and environmental assessment studies and cost-benefit analyses prior to project development approval for projects likely to have significant environmental impact.
2. The creation of an independent, powerful environmental review board -- we have previously suggested a tribunal* -- as a prerequisite to public confidence in the new procedure.

* See "Proposals for an Independent Environmental Tribunal" presented to the legislative committee on Natural Resources by CCNB on April 12, 1973.

3. Any person should be able to require the board to consider whether a proposed project needs an environmental assessment or, if an assessment has already been filed, whether it adequately explains expected environmental effects.
4. Public access to all information about proposed projects must be guaranteed.
5. A firm timetable must be established for implementation of the legislation in both the public and private sectors.
6. Public or private funds should be available to objectors acting in the public interest.
7. The environmental assessment document must contain all responsible contentions of interested or affected persons, outside experts, organizations and governmental agencies on the possible environmental and social impacts of a proposed project.
8. The originator or proponent of an undertaking should prepare and pay for its assessment.
9. The review board or tribunal, working with the Department of Environment staff, should assure that all stages of the assessment process follow proper procedures.
10. Early notice of a proposed project must reach all those interested and likely to be affected.*

From the experience gained already in this province, the government of New Brunswick is in a strong position to draw up details of an impact assessment policy which will properly protect the environment, allow adequate time for study and public discussion, and be acceptable to the proposer of a new development. The above principles should be incorporated in such a policy.

The establishment of a formal environmental impact assessment procedure has been recommended by the Environmental Council (Annual Report 1973, p.19), and the Hon. William Cockburn in his speech on the Department estimates (May 21, 1974) noted that he had received from the Environmental Council

* Recommendations included in a brief presented by the Canadian Environmental Law Association in response to the Ontario government "Green Paper on Environmental Assessment" published in 1973.

a "format for determining and conducting assessments for private developments", and also that "a policy on mandatory environmental impact assessments for all projects by Departments or agencies of our provincial government has been drafted and awaits only final approval". This was to be done before the end of 1974.

The urgency of announcing this policy increases with every new development proposal. Right now the Point Lepreau impact studies are continuing jointly with Environment Canada. A series of interim reports are being produced but there is no public knowledge of what is happening - for example, the extent to which environmental damage is being minimized during site preparation and through subsequent development stages is not known. Where other jurisdictions are involved as well as a government agency (in the case of the New Brunswick Electric Power Commission one with an intolerable record with regard to causing damage to the environment) the only acceptable policy of impact assessment is to have one that is clearly spelled out and follows the guidelines we have given above.

It is our hope that you will announce such a policy in the very near future.

Education

The Department of Environment is regrettably still very weak in the provision of good educational material. While a limited amount of material has been generated by the Council of Maritime Premiers, the Department has to rely largely on material from other sources to meet the large number of requests it regularly receives for information on pollution and the environment.

School curricula in the province still do not properly reflect the importance of the impact of man on his environment or give adequate treatment of environmental studies generally. An exception to this which

is a good step in the right direction is the Environmental Studies 112 pilot course for high schools developed by the Department of Education.

The Department of Environment has a major role to play in the field of environmental education: there are many initiatives it can take. This role has been acknowledged in the nine month contract given to Mr. D. Jackson to prepare recommendations in the information and education area.

There is great need for the development and production of educational material that is relevant to local situations. Pamphlets and information kits are necessary but are insufficient in themselves. To be effective environmental education has to be fully integrated into school curricula. This should and can be done in New Brunswick. Material of relevance to New Brunswick would have application to a large region of north-east America and its production could create job opportunities in this province.

The New Brunswick Environmental Council

The Conservation Council has watched with interest the Environmental Council. The Environmental Council has produced two annual reports including many important recommendations: the Council is a major source of recommendations on environmental matters in the province and it is our hope that the highest priority will be given to implementing its recommendations.

Concern that the high quality of the work of the Environmental Council be maintained in an area of increasing complexity leads us to believe that the Council may presently have insufficient resources. The generalities have already been covered and it can now be anticipated that future recommendations will want to get to grip with more specific situations. To achieve this it is necessary for the Council to have added capacity to

research items for its members and special committees.

The term of the first members of the Environmental Council expires shortly. It is undesirable that the full membership of the Council should change at once and we suggest that members should serve a three year term, as at present, but that one third of the membership should change each year. We applaud the present method of selecting members of the Council, namely requesting nominations from various organizations, industry, etc, in the belief that it is an effective means of ensuring broad representation.

Finally, regarding the Environmental Council, it was a recommendation of the Man and Resources program in New Brunswick that environmental groups should have access to the Minister of Environment through the Environmental Council. We reject this completely on the basis that as the elected member of government with responsibility for environmental matters the Minister has an obligation to meet directly with citizens - as individuals or groups - on this subject.

Energy Policy

A total energy policy is needed for New Brunswick. Such a policy may start with conventional demand projection methods but must modify and reduce projections by taking account of current technology to implement significant energy conservation measures - we think of improving efficiency of use, improving building design, changing pricing policy. Since the type of energy policy we have will have a significant effect on our environment it is appropriate for the Minister of Environment to take some initiatives. We need a policy that meets our real needs, that does not cause unnecessary harm to our environment, and that we can afford.

Ecological Reserves

It is increasingly important that we preserve samples of our ecological heritage - for biological, education and aesthetic reasons. Legislation controlling the establishment of ecological reserves is the responsibility of the Department of Natural Resources and it is our hope that you will support the passage of such legislation and its implementation.

Considerable progress is being made in this area throughout Canada, and British Columbia and Quebec already have ecological reserve acts. It is important that the work already done, largely building on the International Biological Program, lead to legislation in New Brunswick. It is our hope that the necessary legislation can be passed at the forthcoming session of the New Brunswick legislature.

Pesticides Control Act

The Department of Environment is to be credited for controlling the application of herbicides on rights-of-way during the past year or two. However, there is as yet no legislative control of this situation, and for the Department to maintain its position it is important for this control to be available.

Controls for such spraying come under the Pesticides Control Act and its regulations which are the responsibility of the Department of Agriculture. We hope that the Department of Environment will encourage the preparation of the regulations under this Act so that the use of herbicides on rights-of-way can be controlled again this year.

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