Using a Class Screening Approach to facilitate Environmental Assessments of Private Sector Proposals in National Parks in Canada

Introduction

Environmental assessment requirements in national parks in Canada are more comprehensive than elsewhere in Canada because of the requirement that "maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority of the Minister when considering all aspects of the management of parks" *Canada National Parks Act* section 8(2). Although the majority of projects in national parks are initiated by Parks Canada, there are two major groups of projects initiated by private sector proponents that require environmental assessments.

Many projects require environmental assessment in the seven small communities located within national parks under the *Canadian Environmental Assessment Act* (CEAA). These communities have seasonal cottages and year round homes with long term leases to individuals. Businesses in these communities also have long-term leases. Private companies are responsible for maintenance of services such as telephone, gas and electricity. Public and private proponents are involved in projects including the construction, maintenance, repair and decommissioning of buildings, service lines, trails and roads that require environmental assessments.

Since 1999, a second group of projects with private proponents have required environmental assessments in national parks under CEAA. Business licences authorizing commercial guided recreational activities in the backcountry now require an environmental assessment. These activities include guided hiking, guided horse trips, guided mountaineering, guided fishing, guided rafting, and guided scuba diving.

Projects in communities and guided business activities have created a large volume of relatively routine environmental assessments. Many of the proponents are small businesses or private individuals without the expertise or resources to conduct an environmental assessment. Since 1998, Parks Canada has begun to use the class environmental assessment process available under CEAA to meet this need.

Class environmental assessments under CEAA

The *Canadian Environmental Assessment Act* (CEAA) was brought into force in 1995 and amended in 2003 to establish a Canadian environmental assessment process for projects in which the federal government has decision-making authority. The purpose of CEAA is to consider the effects of projects on the environment before irrevocable decisions are made.

CEAA applies to projects where a Federal Authority (FA) performs one or more of the following duties, powers or functions in relation to that project:

- proposes the project;
- grants money or other financial assistance to a project;
- grants an interest in land for a project; or
- exercises a regulatory duty in relation to a project, such as issuing a permit or licence that is included in the *Law List Regulations* as prescribed under CEAA.

The majority of projects subject to CEAA are assessed through a screening level assessment. Screenings are self-directed assessments, where the FA (as proponent, land administrator, funder or regulator), takes responsibility for the environmental assessment and acts as a Responsible Authority (RA) under CEAA. Section 19 of CEAA outlines a "class screening" process for assessing groups of projects that: deal with similar issues, are relatively small in scale and size, and have predictable and mitigable environmental effects.

A model class screening is a two-part process involving a model class screening report and a class screening project report form.

Model Class Screening Report (MCSR) – The MCSR sets out an environmental assessment process for projects within the class. The MCSR typically includes the rationale for the projects included in the class, the rationale for the scope of those projects and the scope of the assessment, typical environmental effects, mitigation measures, a determination of significance of any effects following mitigation, and follow-up and monitoring requirements. A MCSR also describes the process and procedures under which future projects will be assessed, including responsibilities, documentation requirements, amendment mechanisms and public consultation requirements.

Class Screening Project Report Form (CSPR Form) - The CSPR Form is the project specific screening report that must be completed for each project assessed under the MCSR. These forms are prepared in accordance with the procedures outlined in the MCSR and contain additional site-specific information to supplement information contained in the MCSR. The CSPR, together with the MCSR provide the basis for meeting the requirements of CEAA.

Appropriateness of class environmental assessments for national parks

Class environmental assessments are appropriate for projects that have similar characteristics, overlap in geographic and temporal scope, and have generally predictable and mitigable environmental effects. This approach was used for projects in the Town of Banff, located in Banff National Park of Canada (hereafter refer to as the Town of Banff class screening). When grouped into four subclasses (buildings, roads, service lines, and trails and parks) the projects had very similar activities. These projects also overlapped temporally and geographically. The community of Banff has an area of 3.94 km^2. All

projects included in the class were located within the townsite area or within specifically defined connected outlying areas around the town. As a result, the geographic application of the class screening was well defined. The temporal scope of work also overlapped as climate made summer the preferred time to complete projects. The environmental effects likely to occur were predictable and mitigable because of the small area and well defined activities. The class environmental assessment ensured that any environmental effects would remain relatively insignificant by excluding projects that were near water or taking place on land with sensitive resources. The Town of Banff class screening was useful and well received and has recently been renewed for a further 10 years. The success of implementing a class screening approach to environmental assessment in the Town of Banff has resulted in an adaptation of that class screening to address the environmental assessment needs of the other six other communities within national parks (hereafter referred to as the park communities class screening).

The use of class screenings for commercial guiding activities is new. The first class screening for this type of activity is expected to be declared in the spring of 2004. The "Model Class Screening Report for Land-based Commercial Guiding Activities in the Mountain National Parks of Canada" (hereafter referred to as the guided activities class screening) has been used as the basis for assessment of other guided activities in the mountain, coastal and northern national parks. These activities work well with class screenings because they have many common characteristics. The subject group of activities are usually non-motorized, make use of common trails, staging sites and backcountry areas, overlap in terms of seasonal use, and have similar environmental effects. The mitigation that is appropriate for these types of activities is easily standardized into "best practices".

Benefits of class environmental assessment approach

Predictability and consistency

The model class screening report establishes the process for applying the class screening, providing certainty and predictability to proponents. For example, timelines included in the park communities class screening assure proponents of a response to their proposal within 14 days.

Similarly the identification of mitigation in the MCSR provides certainty for proponents as to what will be required of them. Since often the same contractors are repeatedly involved in projects in the park communities, they are aware of how the mitigation will affect their project in the planning stages. The mitigation is comprehensive, current and consistent for all proponents. Although individual environmental assessments could produce a similar effect, it is unlikely that the quality would be consistently as high.

The predictability of the screening process has resulted in only two requests for information from the public in the first 5 years of the Town of Banff class screening.

Efficiency

The use of class environmental assessments under the *Canadian Environmental Assessment Act* has resulted in a more streamlined approach to the environmental assessment of project proposals. The level of effort required to do an environmental assessment has been reduced for the proponents by using forms rather than writing individual environmental assessment reports. Parks Canada also does not have to fulfill the registry requirements for individual environmental assessments under CEAA. As a result, the established process and mitigation provides a quicker approval process for proponents. Parks Canada also benefits by being able focus effort on surveillance and on project-specific situations where there may be additional mitigation required.

Public involvement and accountability

If assessed individually, the public would not be consulted on many or all of these projects because the projects are minor in scale and not likely to be controversial. The public would be unlikely to be interested or have the time to comment on each individual proposal. However, when grouped together as a class, stakeholders and the public have more opportunity to comment on the level of environmental protection and approaches to mitigation. Furthermore, the class screening process under CEAA provides additional accountabilities because of the third-party review and public consultation by the Canadian Environmental Assessment Agency.

Increased proponent awareness

The involvement of proponents in the development and application of a class environmental assessment process helps to increase proponent awareness of environmental concerns. In some cases, individual environmental assessment would have been completed by consultants and therefore required little thought by proponents. In an earlier process to meet environmental assessment requirements for commercial guiding, proponents were asked what mitigation they would implement to reduce impacts. Their answers often only included the most basic of mitigation.

Challenges of the class environmental assessment approach

Time and resources

A considerable commitment of time and resources was required to complete the initial model class screening report. The reports are large, providing extensive environmental information and mitigation. The process of consultation with stakeholders, revisions, legal review, translation, and public consultation before the class screening is declared requires at least a year and a half. Due to the amount of time and resources involved in developing a class screening under CEAA, most of the class screenings we have developed have included multiple parks and multiple activities. While the complexity of the model class screening report increases significantly with this approach, more people benefit from the work. The benefits of the time and resources will hopefully be realized in the future. For example, after the first five years of implementation, relatively little effort was required to revise the Town of Banff class screening and approve it for the

next 10 years. Therefore the initial investment of time and resources provided benefits for the next 15 years and in this case, for the six other communities that have used that model to implement a similar approach.

Forms

The class screening project report forms collect information to determine whether an assessment is required under CEAA and whether the class screening applies. Information is collected about the environmental setting, mitigation and cumulative effects as appropriate. Forms were developed to facilitate detailed information gathering and easy use by non-professionals. Multiple choice and yes/no questions were used frequently to simplify the completing of the form. Tables of information or tables to fill out facilitated input. The forms had a structured flow, for example indicating that if you answered yes to a previous question, the following question must be answered. Forms also were focused on the environmental components of greatest concern. For example in the park communities class screening questions about contaminated site potential, septic tanks and distance to water highlighted issues of concern. In the guided activities class screening, areas of concern, valued ecosystem components and indicators were identified. The forms also provided some guidance as to the implications of their answers (for example an individual environmental assessment may be required), but this kind of direction was minimized in the park communities class screening because of the complexity.

The environmental assessment requirement is new for business licence holders; therefore, a simple, easily understood process was important. To facilitate this, the CSPR form questions were integrated with the business licence application process which they were familiar with. The CSPR forms are filled out by Parks Canada staff teams for all commercial guiding activities.

Cumulative effects

Addressing cumulative effects in the model class screening report was difficult due to uncertainty with respect to exactly how many and what types of projects would be assessed under the MCSR. However addressing cumulative effects only in the CSPR form would be time consuming and potentially ineffective. Two different approaches were taken to address concerns with cumulative effects. The park communities class screening used the community plan to address cumulative effects. The community plans place limits on the amount, types, location and speed of development. These community plans were then reviewed under a strategic environmental assessment to ensure that the total amount of development would have no significant adverse environmental effects. Questions on the form are used to ensure that the development is consistent with the community plan. If the development does not comply with the community plan, the class screening cannot be used. If the development does comply with the community plan, no cumulative effects analysis is required as part of the class screening.

Since the management plans that direct guided activities do not have such precise limits and management of activities in them, they could not be used for cumulative effects the same way. As a result, a different approach was needed. Commercially guided activities, even cumulatively, make up a small proportion of visitor use and are anticipated to have

relatively minor impacts compared to the influence of other projects and activities such as park management activities, independent visitor use, roads, railways, towns, visitor centres and activities outside the park boundaries. Operators were not expected to implement mitigation for problems that they only contributed a small percentage towards creating. For example, trail maintenance was not required because on many trails commercial guided groups represent less than 3% of the people walking on the trail. Nevertheless the cumulative effects needed to be addressed. The park management planning process was considered the appropriate tool for cumulative effects assessment because cumulative effects were most effectively identified and managed at a landscape scale in concert with other projects and activities. The MCSR for commercial guiding activities established the process for integrating consideration of the impacts of commercial guiding activities into the five-year park management planning process.

There were four main steps to the integration of cumulative effects assessment and the class screening process with the park management planning process as illustrated in Figure 1:

- Summary reporting on commercial guiding activity
- State of the parks report
- Five-year park management plan review
- Amendments to the class screening process.

Summary reporting on commercial guiding activity

Annual reports and/or trip permit systems include information on the number, timing and location of trips and the number of participants. In preparation for the five-year management plan review, report information will be summarized to establish the locations of and trends in commercial use. This information will be reviewed to identify trends and issues of relevance to the management planning process.

State of the park report

The summary and evaluation of commercial guiding activity is one piece of information that will be used by Parks Canada to write the state of the park report. Other information contributing to the state of the park report includes ecological integrity indicator monitoring, implementation of park management activities and other ecological or social research. The state of the park report will provide an evaluation of ecological integrity and cumulative effects at the park scale. This information is then used to guide changes to the management plan.

Five-year park management plan review

In order to address cumulative impacts, the park management plan identifies indicators of ecological integrity that are responsive to change and reflect overall ecosystem health. The cumulative effect of all activities on indicators is monitored over the five-year term of the management plan and the results of monitoring are incorporated into the state of the park report. The five-year management plan review re-evaluates the state of ecological integrity indicators and updates management actions in response to the state of the parks report.

Amendments to the class screening process

The updated park management plan is expected to provide direction as necessary related to the management of cumulative effects with respect to commercial guiding activities. Direction provided in the management plan will be used to update and modify the class screening and business licence processes as necessary. All business licences will then be reviewed using the amended model class screening to ensure that mitigation and licence stipulations are appropriate and up-to-date.

Conclusions

Class environmental assessments are appropriate for projects that have similar characteristics, overlap in geographic and temporal scope, and have generally predictable and mitigable environmental effects. For projects that meet these criteria a class screening approach will bring a predictable streamlined approach that standardizes the environmental assessment process and the mitigation of environmental effects. Although a similar approach of using an initial analysis, standard mitigation and simple forms to conduct environmental assessments could be used without the official class screening process under CEAA, class screenings provide a more significant level of public accountability.

When making a decision to take this approach, the amount of effort and resources required to develop the process and write the MCSR must be recognized and planned for. Developing an appropriate approach to handling cumulative effects is perhaps the most challenging aspect of class screenings. For cases where the class screening will be applied in a limited geographic area, a separate landscape wide assessment of cumulative effects of all projects under the class screening and all other projects may be the best approach. In the examples given here, the community plan and its assessment replaced the need for the cumulative effects analysis for each project. The guided activities class screening used the information provided in the park management planning process to manage many cumulative effects and focus cumulative effects analysis within the class screening on the most important issues.

Figure 1. Integration of cumulative effects assessment and the class screening process with the park management planning process.