

PUBLIC PARTICIPATION IN THE ENVIRONMENTAL  
ASSESSMENT AND REVIEW PROCESS:  
THE ROLE OF INTERVENOR FUNDING

By

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## ABSTRACT

This thesis examines the opportunities for public participation in the federal Environmental Assessment and Review Process (EARP) and the influence of intervenor funding on that input; the application of EARP to Military Flying Activities in Labrador and Quebec is used as a case study. The analytical approach is critical and based on a public interest perspective.

Five research questions are posed based on an interpretation of four normative objectives for the EAR Process and identification of several areas of EARP that restrict public access to decision making.

The research questions ask to what extent intervenor funding would increase overall participation in the Process; whether funding would affect the ability of intervenors to be involved in stages of the Process where public input is limited; whether intervenor funding would ensure that the values and interests of public groups are more actively considered at each stage of the Process; how intervenor funding affects the quality and quantity of public input to the Process; and how the administration of the funding program affects public participation in the case study. Questionnaires were developed from these questions and three participant groups in the case study were interviewed.

The results of these interviews are summarized and evaluated against the normative objectives and a set of six evaluative criteria - representativeness, educational, accountability, fairness, effectiveness, and efficiency. The criteria are developed from a theoretical rationale for financially supported public participation in EARP.

The first general conclusion of this research is that the EAR Process is fundamentally flawed. Notwithstanding incremental reforms like intervenor funding, the assumptions of Environmental Impact Assessment and the structure of EARP treat project assessment as a project specific venture amenable to prediction and technical analysis. In fact it is inseparable from a value-laden and political development planning process. The EAR Process understates this essentially political character yet vests the most significant decision making authority in the hands of those with the most to gain from project development.

After recognition of this problem, this analysis makes recommendations, based on the analysis of the case study, that could assist EARP in approaching the normative objectives.

First, while the proponent improved public consultation by 1985, and in the formal review, public involvement in the Initial Environmental Evaluation (IEE) in 1981 was inadequate. I therefore recommend that the affected publics be involved in decision making at the initial assessment stage of EARP and allowed an avenue of appeal. To support this recommendation the information used for initial assessment decisions needs to be comprehensive and readily accessible. In addition FEARO should provide an independent audit of these decisions.

Second, while financial support to caribou research by the proponent since 1986 is laudable, project monitoring should have occurred since the release of the IEE. I therefore recommend that project monitoring be a required element of any application of the EAR Process, after an IEE and a formal review; it should include the affected publics in an advisory capacity and during implementation.

Third, the EAR Process does not effectively deal with issues of fundamentally differing values; in this case study the viability of territories under land claims negotiations and the militarization of the Canadian arctic are avoided and unfairly unrepresented. To deal with this problem I recommend that public input be sought when drafting of the Panel's Terms of Reference for a public review.

Fourth, information was withheld from intervenors from several government departments during the review. All government departments should be legally required to supply prompt and complete responses to reasonable information requests when they pertain to any stage of the EAR Process.

Fifth, the funding program has so far been well administered; while funding has increased public access to the Process for remote settlements, further study is required to assess whether funds were sufficient to allow adequate regional representation.

Finally, the credibility of the funding program is thrown into doubt by the participation of the Department of Regional Industrial Expansion in setting up an independent funding committee, their withdrawal from the same, and later support for a pro-development group after the funding

was disbursed. An intervenor funding policy is required to regularize funding allocation from one independant agency for the duration of the review.

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W.E. Rees, Thesis Supervisor

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## LIST OF ACRONYMS AND ABBREVIATIONS USED IN THE TEXT

- BSEARP - Beaufort Sea Environmental Assessment and Review Process
- CAM - Conseil Attikamek Montagnais
- CCREM - Canadian Council of Resource and Environment Ministers
- CCL - Combined Councils of Labrador
- DOE - Department of Environment
- DIAND - Department of Indian Affairs and Northern Development
- DPW - Department of Public Works
- DRIE - Department of Regional and Industrial Expansion
- DOT - Department of Transport
- EMR - Department of Energy Mines and Resources
- EARP - federal Environmental Assessment and Review Process
- EASF - Environmental Assessment Studies Fund
- EIA - Environmental Impact Assessment
- EIS - Environmental Impact Statement
- ESRF - Environmental Studies Revolving Fund
- FEARO - Federal Environmental Assessment and Review Office
- LIA - Labrador Inuit Association
- MFEARP - Environmental Assessment Review of Military Flying Activities in Labrador and Quebec
- MPG - Mokami Project Group
- NMIA - Ministry of Intergovernmental Affairs (Newfoundland)
- NATO - North Atlantic Treaty Organization
- RAF - Royal Air Force
- SIA - Social Impact Assessment
- TFWTC - Tactical Fighter Weapons Training Centre
- USAF - United States Air Force
- WCED - World Commission on Environment and Development

## LIST OF EXPLANATORY DEFINITIONS

- Environmental Assessment and Review Process (EARP):** guidelines for the implementation of federal environmental assessment policy consisting of two phases, Initial Assessment and Public Review; referred to as "the Process"; see the schematic diagram attached to Appendix 3
- Guidelines Order:** 1984 Order in Council under the Government Organization Act describing the EAR Process
- Initial Assessment:** conducted in-house by the proponent, this is the first phase of the Process consisting of Screening and Initial Environmental Evaluation
- Screening:** the first assessment procedure where social and environmental effects of a project are evaluated using Department-specific Screening Guidelines; three courses of action are possible: automatic exclusion from the process under an assessment of insignificant or mitigable adverse effects; referral to an Initial Environmental Evaluation because either the effects or the ability to mitigate is unknown; referral to the Minister of the Environment for Formal Public Review because of significant adverse effects and/or significant public concern
- Initial Environmental Evaluation:** a more detailed assessment procedure to reassess whether the project should proceed to Formal Public Review
- Formal Public Review:** a detailed examination of the potential environmental and directly related social effects of a proposal by an independent Panel appointed by the Minister of Environment; Terms of Reference are determined by the Minister of Environment; the scope of the review need only consider the need for the proposal at the discretion of the initiating Minister and the Minister of Environment
- Environmental Assessment Panel:** responsible for the investigation of the potential adverse environmental impacts of a proposal, the examination of the scope and importance of issues and public concern, and a public report of recommendations to the government; except for the chairperson, members are usually drawn from outside government and a new Panel is constituted for each review
- Intervenor Funding:** financial assistance to public groups, or intervenors, in the Process for activities relating to the Process such as travel, accommodation, purchase of materials, research, and office support; it has been supplied twice in the federal EARP, during the Beaufort Sea EARP and in the EAR of Military Flying Activities in Labrador and Quebec
- Proponent:** the organization intending to undertake a proposal; for federal government proposals the proponent is also the initiating department
- Initiating Department:** any department that is, on behalf of the Government of Canada, the decision making authority for a proposal

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## CHAPTER 1

## LIMITS TO PUBLIC PARTICIPATION IN EARP - CAN INTERVENOR FUNDING HELP?

Canadian society has been characterized by considerable social change and turmoil in the past thirty years. As with other turbulent periods in history, these years have been accompanied by public demand for greater representativeness from social institutions (Kaufman, 1969). Indeed, "if there is a political revolution going on throughout the world, it is what might be called the participation explosion" (Almond and Verba, 1971). As the number of associations continuing to form<sup>1</sup> indicates, the foregoing statement is not an artifact of the turbulent 1960's but a persistent and growing reality.

In response to the "environmental crisis" of the same period, a federal Cabinet directive created the Environmental Assessment and Review Process (EARP) in 1973 (FEARO, 1978a). In 1984, EARP was more formally instituted as an Order-in-Council under the Government Organization Act<sup>2</sup> and is currently being reviewed for reform<sup>3</sup> and possible incorporation as legislation. This thesis in part examines the extent to which EARP involves the public in development planning and project assessment.

Since the inception of EARP, many participants and critics (Emond, 1983; Rees and Boothroyd, 1987a; 1987b; Davidson, 1981;) have suggested that financial assistance for affected public groups (intervenors) is critical to the realization of the objectives of the Process. Several EARP Panels (FEARO, 1978b; 1978c; 1979a; 1979b; 1984) and EARP reviewers (Walsh, 1988)

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1 One hundred new citizen-based associations formed per day around the world in 1981 - Alger et al, 1984 cited in Nerfin, 1987.

2 As an Order-in-Council, EARP is a quasi-judicial process that outlines the administration of government policy (Canada, 1984); however it holds no binding legislative commitment. The official Process is described in FEARO, 1978a; 1979c; 1986a; and 1987a. A diagram of the process is shown at the end of Appendix 3 and each stage is described in the List of Critical Definitions. Critiques and interpretations of the process in operation are provided in Rees, 1980b; Emond, 1983; Rees and Boothroyd, 1987a; 1987b; and CEAC, 1988.

3 A reform initiative was set in motion in September, 1987 with the release of a Green Paper by the Minister of the Environment, Tom MacMillan, calling for reform of EARP (FEARO, 1987d). This discussion paper is intended to solicit public response through consultative meetings across Canada, and culminate in the submission of a cabinet document from FEARO in May of 1988.

have also recommended that the public be supported. There is no specified policy on funding of intervenors in EARP. Criticism and popular pressure has resulted in government sponsored intervenor funding in only two EARP reviews (Environment Canada, 1981; FEARO, 1987c).

The purpose of this thesis is to determine how intervenor funding affects public participation in EARP. First, I assess whether there are adequate opportunities for public participation in EARP; then I determine how and to what extent intervenor funding influences that input. This is accomplished through an analysis of EARP in general and a case study of Phase 1 of the intervenor funding program in the Environmental Assessment Review of Military Flying Activities in Labrador and Quebec.

### CASE STUDY: ENVIRONMENTAL ASSESSMENT REVIEWING MILITARY FLYING ACTIVITIES IN LABRADOR AND QUEBEC

The EARP review of military flying activities in Labrador and Quebec (MFEARP) instituted an intervenor funding program in January, 1987 (FEARO, 1987c). Funding is available in two Phases; preference is given to those groups directly affected by the proposal; and the total budget for the program is \$500,000.00. The only other EARP review involving intervenor funding was the review of Beaufort Sea Hydrocarbon Production and Transportation (BSEARP). This program had substantial managerial problems (DIAND, 1985a; 1985b; 1986; Graham et al, 1982). Part of this study assesses the effectiveness of intervenor funding in Phase 1 of the funding program in MFEARP based on the previous experience in BSEARP.

Examination of a case study provides insight into a particular funding program. It also allows general observations about EARP to be grounded in a specific application of the Process.

It is impossible to determine the influence of intervenor funding on public participation in EARP without also examining the larger issue of opportunities for public participation in EARP. Throughout its history, EARP has received severe, and justified, criticism: its objectives are unclear (Rees, 1980a); its authority is ambiguous and inconsistently applied (Rees and Boothroyd, 1987a; 1987b); it is inefficient and unfair (Davidson, 1981; Emond, 1983); it analyzes problems that require a regional planning framework as isolated cases (Cooper and Zedler, 1980); and it

does not encourage monitoring and modification of environmental protection measures, but relies on uncertain predictions (Hollick, 1981). As a result of these problems the interests and expertise of intervenors are often ignored, inefficiently used, and/or unequally considered.

Thus, intervenor funding notwithstanding, public participation within EARP must contend with "the design of EARP and the way in which FEARO is integrated (or not) into the governmental decision-making process" (Emond, 1983; DIAND, 1986; Rees and Boothroyd, 1987a). This thesis addresses this larger context in addition to the case study.

### ANALYTICAL PERSPECTIVE

My perspective in this thesis is grounded, analytically and methodologically, in recent developments in the social and natural sciences which propose alternatives to the technical - positivist approach to scientific inquiry, problem solving and decision making. The analysis that is unfolding, particularly within the fields of critical theory, systems ecology and participatory democracy, challenges many of the assumptions on which the technical - positive world view is based. Theorists and practitioners alike question whether scientific objectivity is possible, whether prediction of development impacts on complex environments is possible, and whether elite external control over natural and social communities is either possible or desirable.

By recognizing the structural bases of unfairness and domination in society, this perspective explores ways to redesign institutional frameworks that first reveal the facade of democracy that EARP portrays and second present alternatives based on a true expression of democratic ideas. With this perspective I analyse not only the specific mechanics of intervenor funding in EARP, but the relation of the Process to its social, political and philosophical context. More detailed rationale for this perspective is provided in Chapter 2.

### PROBLEM DESCRIPTION: THE MISMATCH BETWEEN EARP AND ITS OBJECTIVES

As mentioned above, EARP, and public participation within it, has been widely criticised on structural and procedural grounds. Three specific problem areas are described below on the basis of these criticisms. Research premises are established as each problem is specified and are

used to develop five research questions. The methods used to investigate each question are summarized in a separate section.

The central problem with EARP, on which the three specific problem areas are based, is the mismatch between the ostensible objectives of the Process and its ability to achieve them. The extent to which intervenor funding affects public participation in EARP is examined in the context of this general problem and from the analytical perspective mentioned above.

## OBJECTIVES OF EARP

The most general and fundamental problem with EARP concerns its authority to do what it is intended to do. It is pointless to discuss effective public participation in a process whose design and very existence is often ambiguous, without first addressing this problem. Before addressing the issue of authority directly, I examine the objectives of EARP.

The Guidelines Order respecting EARP states that this Process:

shall be a self assessment process under which the initiating department shall, as early in the planning process as possible and before irrevocable decisions are taken, ensure that the environmental implications of all proposals for which it is the decision making authority are fully considered and where the implications are significant, refer the proposal to the Minister for public review by a Panel (Canada, 1984).

This mandate is quite clear. EARP is intended to ensure that environmental matters are given the same degree of consideration as economic and technical matters respecting federal projects and other proposals. In addition the Process should be open to public scrutiny and apply to "any proposal for which the Government of Canada makes a financial commitment" or "that is located on any lands.... that are administered by the Government of Canada" (Canada, 1984).

The next section examines how widely the Process is actually applied. Overall ambiguity regarding the objectives of EARP is reflected in Emond's observation that it has been interpreted as "everything ranging from a regional planning body to a forum for resolving technical disputes to a symbolic gesture to those who wish to participate in government" (Emond, 1983, p50).

Whether EARP can and/or does achieve its objectives must be assessed on the basis of a clear interpretation of what they are. Rees and Boothroyd (1987b) provide four specific objectives reflecting what they regard as the primary social objectives of any EIA process. They were

derived from a public interest perspective and direct experience with EARP, and are compatible with the Guidelines Order. They are in concert with the analytical perspective held here (and developed theoretically in Chapter 2), and are used in this thesis as the **normative objectives of EARP**:

1. To raise to public awareness the environmental and related social consequences of development, and to make explicit the trade-offs that must be made between these and the economic benefits of material growth.
2. To help even the odds between competing weak and powerful interests in society. Specifically, EARP provides a public forum for impacted individuals and communities to make their case when projects favouring developers and (often distant) consumers are being considered.
3. To bring balanced information and judgement to bear on the policy making and project approval process.
4. To enhance the accountability of bureaucrats and politicians by exposing the environmental basis of decision-making.

Public participation in all phases of the EAR Process is essential if these objectives are to be realized. Public understanding of the social consequences and the trade-offs implicated by development projects comes, not through biased announcements of development intent, but through open discussion and debate. As well, from the analytical perspective held here, EARP draws its legitimacy from the equal access and fairness of treatment that it affords to the spectrum of interests in society affected by development planning decisions. Where such interests are economically or politically weak the Process can assist them. Finally, EARP is the only federal process that, in the public review stage, offers a public window that allows debate over the compromised environmental and social values that result from an inherently development and growth oriented society. Both the proponent and the initiating departments in the Process carry this development maximizing orientation into their self-assessment procedures. Therefore it is the various public interests who advocate on behalf of balanced information and judgement in the project approval process, and the public groups as well who are the watchdogs of bureaucratic and political accountability. These functions necessitate widespread access to public participation in EARP.

The Guidelines Order recognizes the importance of public concern in the opportunity it provides for formal review. It also explicitly allows for public review even if the initial

assessment<sup>4</sup> procedures have been followed and the project has been otherwise found to have no "significant" impacts:

notwithstanding the determination concerning a proposal made pursuant to section 12 (dealing with Screening and Initial Environmental Evaluation procedures), if public concern about the proposal is such that a public review is desirable, the initiating department shall refer the proposal to the Minister (of Environment) for public review by a Panel (Section 13, Government of Canada, 1984).

The following three sections examine the record and ability of EARP to achieve the foregoing objectives.

### LIMITED AUTHORITY OF EARP

Examination of the fourteen year history of EARP reveals that lack of authority is the central problem that inhibits EARP from achieving the normative objectives. First, it only applies to development activity that takes place on federal lands or where federal monies are committed; this leaves the private sector virtually unaffected. Second, it is a purely administrative process. As an annexed set of Guidelines to the Government Organization Act it can be abolished without the approval of the House of Commons.

The first limitation on the application of EARP means that numerous development activities, particularly the cumulative impact of these activities, are never environmentally assessed. For example, the impacts of national and provincial policies, regulations and routine management procedures, though falling within the stated scope of EARP, are neither screened nor referred for public review. Examples include: salmon enhancement program, prairie grain farmer and similar agriculture support programs, cruise missile testing, atomic waste disposal, nuclear arctic patrol submarine program, native Economic Development Program, water export policy, and the Free Trade Agreement (Rees and Boothroyd, 1987a). In addition, crown corporations need only apply EARP if it is their corporate policy to do so (Government of Canada, 1984).

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4 The initial assessment stage includes both screening and Initial Environmental Evaluation (see list of critical definitions) and is conducted "in-house" by the initiating departments. It is not until after project referral to the formal public review stage that the process is fully open to public involvement.

Despite the strong wording of the Guidelines Order, the application of EARP is further limited by its ambiguous legal authority. The Process still relies on voluntary self-assessment by administering departments, and its administering agency, FEARO, has no powers of enforcement. The result is that the Process is applied inconsistently across federal departments. In the most critical stage of EARP - screening - some departments report little or no screening (FEARO, 1986b; 1986c; 1987b; CEAC, 1988) while others are quite selective. Certain projects that probably should have qualified for public review in EARP are not even on record as having been screened. This includes several eastern offshore drilling projects, the Mackenzie Highway, the Dempster Highway, Beaufort Sea exploration activity, Arctic Class 8 icebreaker, Alcan/DFO agreement, and the Northeast BC Coal development that received federal support (Rees and Boothroyd, 1987a).

The ambiguity of EARP's authority is further compounded by the limitations it places on public access to critical decision making points in the Process. In the initial assessment stage of EARP "public consultation can be an important factor" (FEARO, 1987a, p2) but it is not a necessary component. As well, public access to information about the proposal and the decision are available only "after the decision has been made" (FEAROA, 1987, p2). While the public must be given an "opportunity to respond" to information in the screening and initial environmental evaluation (FEAROA, 1987, p2), there is no requirement that all public groups be actively consulted. Widely dispersed interests with limited time and resources available to understand a complicated regulatory process are systematically left out of decision making which can profoundly affect their lives by such limited and reactive access to information. None of the normative objectives are served by the initial assessment stage of the process.

In its fourteen year history there have only been twenty-nine referrals for public review under EARP and 112 Initial Environmental Evaluations; eighty-one of these were conducted by Transport Canada (FEARO, 1986b; 1986c; 1987b; Rees and Boothroyd, 1987b; CEAC, 1988). This is attributable to "vagueness in some definitions in the Guidelines Order, in part to the relative absence of written operating procedures as called for in the Guidelines Order and in part to a lack of political will to make the Process work" (CEAC, 1988, p.13). Only in the last three

years has FEARO produced a record of screening decisions<sup>5</sup> and those projects automatically exempted from the process are not reported at all. Of forty-eight Crown Corporations, only one (AECL) has reported on one project in the Initial Assessment Bulletin (CEAC, 1988). As the only piece of federal environmental policy that is intended to "ensure that the environmental implications of all proposals...are fully considered" before irrevocable decisions are taken, this record is hardly exemplary.

A process that is not bound to include and recognize all concerns (minority and majority) in development planning polarizes interests, frustrates attempts to be involved in the decision making process, and erodes public trust. According to Section 12 of the Guidelines Order, a major criterion for referral to the public review stage of EARP is public concern. Where significant impacts of the project are likely and the proponent does not place the same value on those impacts as would those affected by them, the public's only recourse becomes political protest (Rees, 1980a) and a demand for the formal review stage of the Process to have their concerns addressed.

Operating under the normative objectives, it is a premise of this research that as a public process EARP in part derives its legitimacy, and thus its authority, from the extent and commitment of participation within it. The first research question therefore seeks to determine the extent to which intervenor funding would contribute to an increase in participation in the process and in the scope and application of the process.

#### **Research Question 1:**

**If an intervenor funding policy were established in EARP, would**

- a) public participation in the Process increase, and**
- b) the number of significant development projects to actually undergo an environmental assessment increase?**

#### **STRUCTURAL LIMITATIONS ON PUBLIC PARTICIPATION WITHIN EARP**

The second problem area which restricts EARP from achieving the normative objectives concerns the structural and procedural limitations it places on public participation. Four limitations are considered here.

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<sup>5</sup> A total of 1183 projects were reported as "screened" in the three Initial Assessment Bulletins published to date, but it is impossible to determine when they were screened.

The first limitation is a consequence of the self-assessment structure of EARP. Under the self-assessment premise the public is, by definition, in a reactive position in the Process. Such a position limits the consideration of alternatives that public groups can address, and provides little incentive to the proponent to identify those impacts which would lead to the defeat of their own enterprise. As a result balanced information and judgement do not come to bear on the policy making and approvals process and normative objective three is not realized.

The second limitation is one of structure and procedure. Restriction of meaningful public input to the formal review stage of the Process leaves public groups outside of several critical areas of decision making. The most critical area, Screening and Initial Environmental Evaluation, is subject to minimal public input. As mentioned above the public can only respond to the final decision after it is made by the initiating department. This access does not promote the incorporation of public concerns in the development project. With no right of appeal nor any right of consultation prior to the decision this access is meaningless.

Furthermore the primary source of information about initial assessment decisions is the Bulletin of Initial Assessment Decisions (FEARO, 1986b; 1986c; 1987b). It was first published in 1986, twelve years after EARP was instituted. It provides access to only a fraction of the screening decisions that are made, and projects automatically excluded from the Process are not listed. While the Guidelines Order (S.11 [a][b]) requires that each department produce a list of projects automatically excluded from the Process, none have so far done so (Rees and Boothroyd, 1987b). For those projects that are listed in the Initial Assessment Bulletin only the decision is posted. There is no rationale for the decision nor any explanation of mitigatory measures. This information must be solicited separately from individual departments. However, publication of the Bulletin can be made several months after the departmental decision was actually taken. At the time of writing (May, 1988) the latest Initial Assessment Bulletin available is Edition 3 covering projects up to March, 1987 (FEARO, 1987b).

As already mentioned, the ambiguous authority of EARP has had the effect that development of screening and initial assessment procedures in the line departments is still rudimentary and rarely applied. Limited public scrutiny to the initial assessment stage will only

perpetuate this problem. Enhancing public access in initial assessment is essential for the realization of all four normative objectives.

A third limitation on public input is indicated by public exclusion from the drafting of the Terms of Reference for the review. The referral to public review can remove political pressure on politicians to address controversial issues. However, selective determination of the Terms of Reference may not truly address the specific concerns of the affected publics. Objective one is not served by such manoeuvres.

Finally, public groups are rarely incorporated into the monitoring and reassessment stages of project assessment and implementation. Public groups are encouraged to make substantial contributions to the formal review stage and then expected to "forget their skills, knowledge and concern about the project and go back to leading their lives" (Emond, 1983, p.63). Such a series of expectations makes inefficient use of public resources, and does little to instill public trust in, or commitment to, the Process.

My second research question is based on the premise that, under the above restrictions, not only are the normative objectives of the Process unrealized but the legitimate concerns of public groups may be jeopardized. It asks whether intervenor funding can address this problem.

#### **Research Question 2:**

##### **Does being funded:**

- a) affect the ability of intervenors to be involved in stages of the EARP review where they have no direct access, and**
- b) ensure that the values and interests of public groups are more actively considered at each stage of the Process?**

### **THE EFFECT OF INTERVENOR FUNDING ON THE ACCESS TO AND QUALITY OF PUBLIC PARTICIPATION IN EARP**

The third research area concerns the specific effects of intervenor funding on the quality and extent of public participation, and the effect of the administration of a particular intervenor funding program on that input. Again the contribution intervenor funding can make toward achieving the normative objectives of the process is assessed.

Previous experience with intervenor funding in BSEARP was plagued with serious managerial problems. While it is clear that the overall quality of public input improved with

funding (DIAND, 1985a; 1985b; 1986; Emond, 1983; Graham *et al* 1982) the administration of an intervenor funding program must contend with many problems, as experienced in BSEARP (DIAND, 1985a; 1985b; 1986; Graham *et al* 1982), in order to effectively assist the public to participate in EARP.

The first problem concerns the delivery of funds. The BSEARP hearings were exceptionally prolonged; as a result intervenor funding did not cover the extent and duration of the hearings. While such delays as the BSEARP Panel incurred are less likely to happen in the future, budget accounting must be flexible enough to accommodate more than one fiscal year and adapt to new information from process deliberations. Delivery of funds also raises questions about sufficiency in terms of the amounts allocated and the timing of their delivery: is the amount allocated sufficient for required expenditures? does the announcement of the funding program allow sufficient time to apply for the money and effectively use it? and is the process for approval of funding efficient?

A second problem concerns control over expenditures. A difficult balance must be struck between providing funds that reflect the needs of intervenors, who can be a diverse grouping, and ensuring that funds are used wisely and efficiently. Expenditure control raises several issues. Intervenors whose concerns are not addressed by the Terms of Reference are limited in the contribution they can satisfactorily make to the Process (this was a problem in BSEARP). This raises a fundamental issue of fairness<sup>6</sup>. By leaving concerns outside the Terms of Reference of the review - land claims for example - irrevocable decisions are taken which jeopardize future considerations of weak interests in society. Eligibility criteria may also restrict legitimate interests from access to the Process altogether, i.e. where an interest is judged as not directly affected by the project. Finally, while it may be inefficient to replicate research conducted by the proponent, eligibility criteria may undermine the efforts of intervenors to provide research - social impact assessment for example - that they deem a unique and necessary contribution to the Process.

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6 To act fairly procedurally is to treat the interested parties with equal concern (Beehler, 1983), i.e. to give, and be seen to give, equal attention and weight to the interests of the parties. The importance of "being seen to give" is reflected in an open and deliberately comprehensive process (Finkle and Lucas, 1983).

The third problem area is related to the first, delivery of funds. It concerns the communications strategy used by EARP and FEARO to inform the target publics of issues and procedure in the review. Does the communications strategy allow sufficient time for the public to respond to program announcements? Does it actively seek to compensate for the problems of reaching remote settlements and then allow sufficient time for public groups to prepare a response?

Finally, is the funding committee independent? Are its actions open and comprehensive? Do intervenors perceive that it is acting fairly and does it provide publicly available rationale for its decisions?

My final research questions are based on the premise that even though the administration of the BSEARP funding program was criticised, financial assistance improved both the quality of intervenor submissions and public access to the process. This assistance thereby contributed to the achievement of the normative objectives of EARP. The following research questions ask whether the same results occurred in MFEARP.

**Research Questions 3 and 4:**

**What is the effect of intervenor funding on the quality of public interest interventions in MFEARP?**

**What is the effect of intervenor funding on the number of groups or individuals participating in MFEARP and the nature of their participation?**

In addition, the specific mechanics of the MFEARP intervenor funding program are addressed in light of some of the criticisms levied at BSEARP.

**Research Question 5:**

**How does the administration of the MFEARP intervenor funding program affect public participation in EARP?**

## METHODS AND ORGANIZATION

This thesis examines public participation in EARP and the effect of intervenor funding on that input. A case study is used to analyze a specific application of the Process. The analysis is two pronged. First, questionnaires are developed from the research questions in order to assess

the extent that problems in the EAR Process are addressed by a current application of it. The description of the case study, in Chapter 3, is a summary of the responses of the research participants to these questionnaires. The research questions are interpreted in Chapter 4. Second, evaluative criteria are developed from a theoretical rationale for financially supported public participation in EARP. The criteria are used to perform a summary evaluation of the application of EARP in the case study. They are developed in Chapter 2 and applied to the data in Chapter 4.

The analysis provides insight into, and an evaluation of both the case study and the EAR Process. On the basis of the experience of public groups in the case study, recommendations are made regarding the opportunities for public participation in EARP and the administration of an intervenor funding program. These recommendations are provided in Chapter 5.

Information upon which this analysis is based includes literature in participatory democracy, public choice theory, social and economic evaluation theory and systems ecology; an analysis of previous experience and criticism of the EAR Process and intervenor funding within it; participation in the public meetings held in conjunction with the proposed reform of EARP; questionnaires and telephone interviews with the intervenors and participants in MFEARP; and documents made available from intervenors, government representatives and FEARO involved in MFEARP.

### SCOPE AND LIMITATIONS

The scope of this study is bounded by two influences. First, the case study is focussed on the first of two Phases of funding in MFEARP. Phase 2 funding will be disbursed for public groups to respond to the Environmental Impact Statement. The EIS is not likely to be released until early January, 1989 (Clark, 1987, pers. comm.). Second, my purpose is to address some fundamental problems of structure and process in EARP, the influence of these problems on public participation and the effect of intervenor funding in light of them. Therefore I focus on the fairness, efficiency, accountability and other aspects of the Process rather than detailed examination of the use of funds by intervenors. I also leave aside detailed discussion over who

should provide the funds<sup>7</sup> or what specific form<sup>8</sup> they should take. However, based on the analysis, some recommendations are made on the latter.

The conclusions drawn are limited to information based on a single example, MFEARP, and compared to the only other review where intervenor funding was provided: BSEARP. While the criteria I develop are intended to be as generic as possible there is no escaping the uniqueness of the situation under study. In addition, I had insufficient resources to visit Labrador so that telephone interviews and material supplied through the mail, rather than first hand experience, provide the bulk of my research material. Finally, recommendations and conclusions must be examined in light of my analytical perspective, which necessarily carries a personal value set, that I have tried to make as explicit as possible.

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7 Some observers feel that, because EARP is a government run process, the government should pay the cost of funding intervenors. Others claim that environmental protection is a cost of doing business, like any other, and that the proponent should foot the bill (FEARO, 1988a). I tend to side with the latter argument.

8 Alternatives include cost awards, pre-participation grants, tax credits, a government advocacy office, constituency representation on agencies and so on (Englehart and Trebilock, 1981).

## CHAPTER 2

### PUBLIC PARTICIPATION: RATIONALE, FINANCIAL SUPPORT AND EVALUATION

This chapter provides the theoretical rationale for public participation in EARP. The first section discusses the social, economic, political and philosophical context for participation.

The second section provides rationale for financial support to public participation in EARP. This support is discussed as a means of realizing the theoretical rationale for participation. Finally criteria are presented with which to evaluate the intervenor funding program. They are developed to assess the extent to which the funding program reflects the original rationale for participation and financial support for it. The normative objectives of EARP are supported by both the rationale for participation in EARP and financial support for this input.

#### THEORETICAL FOUNDATION FOR PARTICIPATION IN EARP

In order to make wise decisions about development planning and resource use, decision makers require good information. It needs to be technically accurate but, more than this, it needs to reflect all those significant interests whom the decision will affect. This is the fundamental rationale for public participation in decision making. Whether one analyses the structure of democratic decision making, the social and cultural influence of subjective evaluation on intangible resources, or the constraints on science and ecological prediction, participation of affected interests is essential for the decisions to reflect a balanced and fair representation of concerns.

#### INFORMING DECISION MAKING

Greater public participation in governmental decision making has evolved from and is justified by two related criticisms of contemporary social organization. The first is the inadequacy of public representatives to represent all public constituents in a complex pluralistic society. The problems facing society are increasingly complex; the citizenry is increasingly

diverse; and people are demanding not only access to information but the opportunity to express their knowledge and preferences (Burton, 1979). The failure of the representative model of democracy is evidenced by demands for referenda, lack of support for public decisions and citizen alienation from and cynicism about government (Thompson, 1979).

The second criticism is the untenable assumption of ends-means rationality in technocratic administration and neoclassical economic analyses (M'Gonigle, 1986). Not only are the ends of a political decision making process value laden, but the means by which the decision is researched, formulated, determined and implemented by the bureaucracy is equally non-neutral (M'Gonigle, 1986; Lutz and Luz, 1979). Public groups are justifiably demanding that these non-neutral decisions be more accessible to public scrutiny and accountability. Such decision making within EARP occurs at the screening, initial assessment and monitoring stages of the project review process.

A third reason for participation in decision making processes like EARP derives from new developments in scientific understanding. Not only are facts, knowledge and "truth" not independent of those who present them, but beyond a certain domain of stability, we are simply unable to predict the impact that development will have on natural systems (Holling and Goldberg, 1971; IIASA, 1978; Holling, 1978; Suter, 1981; Paine, 1981).

The following three sections develop the rationale for enhancing public participation in development planning decision making based on these characteristics of contemporary society: representative failure, unattainable neutrality and the uncertainty of prediction.

## REPRESENTATIVE FAILURE

Theories of participatory democracy are built around the central issue that individuals and their institutions cannot be considered in isolation from one another (Pateman, 1970, p42). To be truly democratic a society must have maximum participation in all spheres - economic, political, familial and so on - so that the necessary individual attitudes and psychological qualities for participation can be developed. Representative national institutions are insufficient for democracy when the remainder of our social order is governed by autocratic, hierarchic

organizations in which we learn vastly different coping skills than are required for democratic participation (Thayer, 1984; Pateman, 1970; Friedmann, 1987).

### Elite Domination

Indeed, even under the representative institutional frameworks of contemporary democracy various authors have noted that elites tend to rule (Mosca, 1939), or that elites necessarily rule and that democracy is not compatible with organization, i.e. the "iron rule of oligarchy" (Michels, 1962). In addition, contrary to the pluralist belief in compromise, balance and stability in the political process, the state is actually an instrument of class rule (Ratner and McMullan, 1987); unequal allocations of resources prohibit certain groups from mobilizing or realizing their concerns (Panitch, 1977); and the leaders of the political economy are a relatively homogeneous group (Marger, 1981; Prewitt and Stone, 1973).

One response to such undemocratic characteristics of modern democracy has been a demand for greater citizen participation in government decision-making. However those theorists critical of social reform planning<sup>1</sup> point out that:

as long as the political ground rules and resource distribution remain unchanged, those groups who have traditionally reaped the benefits of the dominant political and economic arrangements will continue to do so regardless of who occupies positions of power or how many are politically active (Marger, 1981).

The formation of EARP, and the structures within it that allow for public review, provide an example where the ground rules have not changed. Participation is allowed in EARP yet critical decision making is still restricted to unaccountable administrators and to politicians who possess broad discretionary powers.

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<sup>1</sup> This is Friedmann's (1987) term. He notes that as a scientific endeavour social reform planning is focused on the role of the state in societal guidance. Academically based in macrosociology (Durkheim, Weber, Mannheim, Popper, Dahl and Lindblom, Etzioni), institutional economics (Veblen, Keynes, Leontief, Tinbergen, Lindblom) and political philosophy (Dewey) this tradition affirms the values of representative democracy, human rights and social justice. As the application of scientific knowledge to public affairs, planning is considered a professional responsibility and an executive function outside the realm of ordinary citizen input or political interference.

## The Potential of Participation

The major function of participatory democracy is education, including both the psychological aspect and the gaining of practise in democratic skills and procedures (Pateman, 1970). As well, participatory democracy seeks to combat abuse of elitist social position, goal-displacement of bureaucratic organization<sup>2</sup>, and agency capture<sup>3</sup> as it strives for equal participation in decision-making and equality of power in determining the outcome of decisions.

Greater public input in decision making will counter the unavoidable personal bias that the so-called neutral bureaucracy brings to the decision making process. It will also broaden the relatively homogeneous perspective supplied to decision makers by an elite recruitment system that draws the vast majority of its political leaders, bureaucrats and technical experts, and corporate decision makers from the highly educated sons of upper- and upper-middle class families who are predominantly white, Protestant, and of northwestern European ancestry (Marger, 1981).

While common background does not ensure a common perspective, the recruitment process systematically favours those with similar training, education, connections and social position. All of these factors shape an individual's approach to problem solving and decision making; they are especially influential on his or her value set. By broadening this perspective, greater public input facilitates fairer and more truly representative decisions.

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2 This refers to the public choice analysis of bureaucratic organization where rational attempts of bureaucrats to maximize their personal utility results in maintenance and growth of the organization or department within it, budget and prestige maximizing, discretion, self-preservation, career promotion and so on. The outcome of this behaviour can often include intra-organizational competition, information distortion and misallocation of resources (Downs, 1967; Niskanen, 1973; Breton, 1974). While this analysis is limited by the assumption that rationality defines the basis of all behaviour, it provides a realistic, albeit cynical, picture of the political forces at work in public bureaucracies.

3 A systems theorist's perspective on bureaucratic decision making. Regulatory decisions are rarely neutral because limited resources in administrative agencies necessitate close co-operation between the regulator and the regulated industry. Administrative boards become dependant on the industry for information. When garnering political support in the legislature the regulator also finds political support in the regulated interests (Anand and Scott, 1982). Thus the regulator is often, if not a tool of the regulated (Selznick, 1949), then operating at the same level of personal experience and in the same urban/professional/bureaucratic context (Hill, 1972); indeed regulated and regulator are often the same people over time (M'Gonigle, 1986).

By themselves, impact assessment processes are not the instruments to rectify the structural bases of elite recruitment in Canadian society. They can however ensure that the development process is more open, accessible and therefore accountable than it is at present. Criticisms of participatory theory note that the individual participation of each citizen in public decision making, i.e. true democracy (Rousseau, 1968), poses difficulties of coordination and organization (Wengert, 1976; Mill, 1949). In addition, face to face participation does not necessarily protect against abuses of smaller community power structures. These criticisms are valid and some balance is required between local empowerment and regional coordination.

### UNATTAINABLE NEUTRALITY

The critical theorists, particularly Jurgen Habermas, have criticized the positivist, singularly empirical approach to knowledge. I concur with their assertions that interpretation and critique are equally as valid approaches to discovery as is empirical inquiry (deNeufville, 1983), and that exclusive reliance on empirical knowledge serves dominant interests. This perspective recognizes that learning also proceeds through communication, dialogue and disagreement (Forester, 1980, 1982a, 1982b; Deutsch, 1978). This perspective emphasizes the bias inherent in the status quo.

To do science is to be a social actor engaged...in political activity. The denial of the interpenetration of the scientific and the social is itself a political act, giving support to social structures that hide behind scientific objectivity to perpetuate dependency, exploitation, racism, elitism, colonialism... (Levins and Lewontin, 1985).

This perspective has implications for methods of evaluation in EIA and greater involvement of affected interests in EIA decision making processes like EARP. One way to counteract inherent personal bias is to embrace it directly. Corbett (1986) suggests that Social Impact Assessment (SIA) be conducted by the communities affected and be based on ad-hoc, flexible bargaining processes in order to achieve the purposes of consciousness-raising, community development and community competence to control impacts. In this way impacts are not assessed merely to provide information to decision makers, but to give communities and affected groups the information and skills they need to manage change (Corbett, 1986; Boothroyd and Rees, 1984).

Whether such purposes can be achieved or such processes will be conducted depends significantly on the structure of the assessment process and the expenditures allowed to intervenors within it. The strength of this alternative approach to SIA is that it is explicitly political. Unlike the present structure of proponent-financed self-assessment this alternative does not hide its biases behind a facade of objectivity.

### Economic and Social Evaluation Theory

At the heart of EIA is the necessity to place a value on ecological and social losses, i.e. costs, resulting from development projects in order to assess them against the comparative benefits of each project to society. The determination of value is usually quite straightforward when benefits are tallied: jobs, production ratios and so on are reflected by market prices. It is far more difficult to assign a monetary value to the integrity and productivity of an ecological system, or to the economic dependence and cultural importance that small communities attach to it. Determination of the value of such "intangibles" is not merely a technical problem, but one of profound philosophical and ethical importance.

Traditional economic analyses assume that facts can be separated from values. This separation has led to methods that value intangibles through user surveys, shadow pricing and equation to existing market goods (Arrow, 1977; Knetsch and Davis, 1977). Cost accounting methods also provide "stepwise means of assessing the true value of [ecological habitats like] natural tidal marshes to society" (Gosselink et al, 1974)<sup>4</sup>. More importantly, economic analyses subordinate the non-rational to the rational, emotion to intellect. This subordination results in methods for valuing intangibles that assume that those things not assigned a value are either not important (Ehrenfeld, 1978) or consignable to a "side-display" which the decision maker can also assess (Bishop and Cicchetti, 1975).

This problem raises two issues of philosophical and ethical relevance to public participation. First, it is a disservice to the decision maker to come up with numbers, by

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<sup>4</sup> This method is widely used, and soundly criticised for errors in its assumptions about economic theory and ecological relationships alike, in the United States (Shabman and Batie, 1977).

whatever means, if there is no justification for them in the first place. The fact that you can come up with a monetary measurement does not eliminate any philosophical question of whether you should come up with one (Peskin, 1975). Indeed finding a value or assigning a monetary "right" to use some part of nature does not ensure its preservation (Ehrenfeld, 1978). As a matter of fact often the reverse is true as Pimental (1975) and Clark (1973) have shown for agricultural production and fisheries exploitation respectively.

Secondly, once non-rational attributes are de-stigmatized and recognized as important, the unique experience and influence of the observer must be recognized. Decision making processes must accommodate the bias surrounding such judgements, for they are grounded in cultural belief systems. Clearly the answer to this problem lies, not with a technocratic elite deciding upon "component intellectual and emotional attributes" (Bishop and Cicchetti, 1975), no matter how speciously they assume objectivity, but in open debate with those individuals and communities affected by a development project.

Further justification for the involvement of affected publics in all stages of decision making in EARP comes from the limits of scientific exactness and accuracy in prediction.

## UNCERTAINTY AND PREDICTION

Practitioners of EIA have made appeals to ecologists to develop techniques that address their problems. They want techniques that provide unequivocal predictions, address specific public concerns and are sufficiently rigorous that they can be defended from an opponent with much to lose financially if the project is rejected (Suter, 1981). Such a demand fails to appreciate that ecosystems are not entirely deterministic, that "chance, probabilistic events, determine a community's status " (Paine, 1981, p256).

While ecological theory has recognized the limits of predictive capability, these limits also hold true for dynamic, non-linear systems of any kind. The inability to predict is not merely a problem of insufficient information. Although States (1980) notes that improvements in the collection and use of information are necessary, the limits of predictability require the development of methods in EIA based on assumptions of ignorance (Holling, 1978; IIASA, 1979) and inexactness (Paine, 1981) rather than certainty. Such developments are in direct contrast to

the original assumptions of impact assessment, and the institutions like EARP that were based on them. Prediction of impacts is assumed as possible as evidenced by the absence of a monitoring component in the original process.

Uncertainty stresses the importance of the monitoring stage of EIA and the incorporation of affected interests in decision making processes like EARP. While it is impossible to test all possible effects of all courses of action, States (1980) offers the following advice:

the effectiveness of the decision process will be directly proportional to the degree of involvement of all interested parties in the early identification and continual redefinition of needed information and how best to go about getting it (p11).

His resultant recommendations are directed specifically toward tests, laboratory conditions, and a research approach that would yield baseline ecological data requiring further iterative testing for site specific concerns. Although his focus is on the professional ecologist's contribution to improving methods in EIA, the implication of the relation between the involvement of all interested parties and the effectiveness of the decision process is a fundamentally different approach to impact assessment.

The fundamental assumption of EIA - that it is a technical process relying on prediction of impacts - is in error. Due to irreducible uncertainty, decision making in EIA involves a fundamental question: what risks or how much risk should we take concerning those things we value that could be affected? Both the importance we attach to these things and the degree of risk we accept are not subject to resolution by expertise but by political choice. The movement toward politicization of the process is essentially justified because risk assessment is a value-laden process. It is only through early and consistent involvement in development projects that affected publics will be able to fairly assess their own risks.

#### FINANCIAL SUPPORT FOR PUBLIC PARTICIPATION

The rationale for intervenor funding in regulatory proceedings like EARP is well established in Englehart and Trebilcock (1981) Aron (1979), Gilmour (1983), Anand and Scott (1982), Berger (1979), and Fox (1979). This section draws substantially on their contributions.

A basic criticism of funding mechanisms, that they exacerbate social conflict by providing a battle ground for competing interests groups to promote their respective self-interests, is simply unfounded. Funding does not create social conflict where none existed before. Besides, conflict can be a social learning and consciousness raising experience (Deutsch, 1973). Regulation already involves a large number of competing producer and other interests. Funding merely alters the nature of the conflict by evening the financial odds between the participating parties.

The following three sections examine how funding changes the relationship between participants. While the three sections are structured to address the theoretical issues raised above, issues overlap. Funding helps to overcome the organizational disabilities of public interest groups, identified in the first section, thereby assisting the public to provide more complete information to decision makers in representative systems. In addition, financial support affords legitimacy to the process when it allows the public to provide information and broader perspectives to a non-neutral decision making system. This link between information and legitimacy is explored in the second section. Finally, funding supports trust: the public's trust in their own judgement and in the judgement of experts who rely on monitoring and feedback rather than on one shot predictions. Trust and education are related in the third section.

#### ORGANIZATIONAL DISABILITIES OF "PUBLIC INTEREST" GROUPS

In order to participate effectively in EARP and other regulatory proceedings, public groups have to overcome significant organizational barriers. For development projects assessed by EARP or any other regulatory procedure, producer and proponent concerns and benefits are concentrated in the hands of a few individuals. The concerns of the public and the environment however are spread much more thinly, over a great range of projects, issues and locations. Large diffuse interests like this are systematically under-represented in public regulatory proceedings as a result of three barriers (Englehart and Trebilock, 1981).

First is the free rider problem where group intervention at a regulatory proceeding may benefit a large group but receive financial support from a minority of its beneficiaries. Those who do not contribute rationalize that withholding their small contribution will not make much

difference. As many other potential contributors similarly reason, the overall effect is that a minority pay the way for the benefit of the "free riders" in the rest of the group.

The second barrier to effective participation results from the transaction costs of group formation. For large diffuse groups it is difficult to establish the interdependence that is possible with small producer associations. Large groups remain "latent" in Olson's (1965) terminology because the benefits they can offer are often small and collective, rather than individual. Financial contributions are smaller when specific individual rewards, eg. magazines, library privileges, discounts and so on, are not forthcoming.

The third barrier is the cost of information. Most individuals are uninformed about specific government regulations unless they are affected by them in day to day activities. Public interest groups could decrease the individual costs of finding and interpreting the information necessary for public intervention by doing so on behalf of a collective. They could decrease the overall costs but not the need for financial support to perform this function in the first place.

Intervenor funding provides support to large diffuse groups and minority groups whose voices are not effectively heard in a representative system based on political and economic rather than environmental constituencies.

## INFORMATION AND LEGITIMACY OF DECISION MAKING

In regulated industries citizen involvement decreases the regulators' dependance on the regulated industry for information and data. Under the self-assessment principle in EARP the bias of such dependance is built into the system. Even though the proponent hires consultants to perform the EIA the consultants are still dependant on the proponent for the majority of their information requirements, and their budget.

Where funding broadens participation it also broadens the understanding of the issues that decision makers use in assessing project impacts. If all views are incorporated into a decision the likelihood of later opposition, for future projects or during implementation of the one under review, is decreased.

## PUBLIC CONFIDENCE AND EDUCATION

There is no doubt that intervenor funding improves the fairness of EARP and that general public support would accompany a fair process whether individual voters were involved or not. However this support must be interpreted in consideration of the fulfillment of the longer term obligations established during the proceeding. Because the issues involved in regulation are complex and information-intensive, voters have little incentive to stay informed on the success or failure of the regulations. The result is that

a general prohibition against a class of activities, such as discharge of harmful pollution, may have symbolic appeal. Here, the government may adopt a simple, broad prohibition that secures the political benefit of it being perceived positively by one group of marginal voters as having enacted 'tough' legislation, while allowing for the possibility that regulations or discretionary enforcement will enable the government to engage in low visibility moderation of the perceived effects of the legislation. This strategy depends for its effectiveness upon diffused interest groups facing higher information and organizational costs in monitoring and participating in day-to-day formal enforcement activities than in the initial process of legislative enactment (Hartle *et al*, 1980, emphasis added).

Thus, funding mechanisms are most important in the representation of public interest constituencies in the day-to-day operation of regulatory agencies. For EARP this stresses the need for public involvement and public funding in the monitoring stages of project development. This access and support would instill public trust, recognize the limits of predictive accuracy in impact assessment, and provide valuable information for future project development schemes. It would also make valuable use of and further enhance public knowledge.

A criticism of funding programs is that they can increase overall costs and prolong the hearing of regulatory decisions. In the short term this is undoubtedly the case. However, over the longer term, with more information and a broader perspective used to determine the decision, costs may actually decrease as the need for future hearings on related impacts decreases. One recommendation for minimizing costs is to restrict funding only to public groups who will provide unique perspectives to the proceeding. Not only is such a restriction difficult to determine *a priori* but in EARP, where the proponent is called upon to do the SIA, public groups may fundamentally disagree with the subjective analysis that the SIA necessarily invokes. If

communities were to conduct their own SIA it could constitute a new perspective even though it is ostensibly a repetition of other studies.

### EVALUATIVE CRITERIA FOR AN INTERVENOR FUNDING PROGRAM

Evaluative criteria, with which to judge the intervenor funding program, are developed from the theoretical discussion. They are interrelated and overlapping; as such, each criterion provides insight into the others.

The first two criteria, representativeness and educational, assess the extent that the benefits of participatory theory are achieved in the operation of this funding program. The criteria of accountability and fairness address the extent that public input is used in decision making and therefore its affect on bringing balanced information to bear on a non-neutral decision making system. The criterion of efficiency asks if the various objectives and benefits identified in theory could have been achieved at less overall cost and effort.

Finally, the criterion of effectiveness provides a summary evaluation of whether the funding program assists EARP to achieve the normative objectives of the Process. These objectives reflect the theoretical rationale for participation and funding of public groups. Thus, realization of the first objective, consciousness raising of the trade-offs of development, performs the educational function of participatory democracy; financial support to public groups evens the odds between competing interests and helps to provide balanced information to decision making, thereby counteracting the domination of decision making by a non-neutral and homogenous bureaucracy; and enhancing accountability brings fairness to critical decision making points in the EAR Process.

#### REPRESENTATIVENESS

This criterion assesses the extent that the intervenor funding program supports fair representation of interests in MFEARP. It evaluates how judgements made over direct versus indirect effects of the project affect representation of public concerns. The influence that the eligibility criteria have on representation of specific concerns within each group is also evaluated

by this criterion. It evaluates whether a sufficient diversity of views will be heard, and whether funding is sufficient to allow groups to represent their concerns.

## EDUCATIONAL

This criterion evaluates the extent to which intervenor funding facilitates social learning and mutual education among intervening participants. Such education includes understanding about the EAR Process, the actors involved, and the influence it holds, as well as the the project under review. In addition this criterion evaluates the learning and exchange that occurs among citizens, their organizations, their local governments and other levels of government. This criterion also evaluates the extent to which social learning and consciousness raising is facilitated and/or frustrated by the intervenor funding program and the structure of EARP.

## ACCOUNTABILITY

This criterion evaluates whether funds are used accountably. First the procedure by which intervenors must account for their spending is evaluated<sup>5</sup>. The larger contextual issue under evaluation here is the public accountability of all government actions taken with respect to the project. The ability of the intervenor funding program to assist in the realization of the normative objectives of the Process is dependant upon the extent to which the actions of other government departments involved in the project support the fair application of the Process. Such support might include the provision of necessary information and prompt, considered responses to concern expressed about the project.

## FAIRNESS

The administrative issues addressed by this criterion include the independence of the funding committee and its approach to determining eligibility. Means of determining or clarifying

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<sup>5</sup> The funding mechanism should also ensure that public interest groups are accountable to their client groups, i.e. the mechanism should ensure that the views expressed are actually those of the client group and not merely the views of the leaders or professional advocates they hire. Time and budget constraints prohibit evaluation of this issue for the organizations involved in this study.

bias would include written rationale to support the decision to fund, and unambiguous criteria for eligibility. In addition, the extent to which the eligibility criteria limit allowable expenses is also under scrutiny here; ie. are there fair and reasonable limits given intervenors' required research, and is funding sufficient for their research and organizational needs? This criterion asks the same question of the timing of the funding allocations: did announcement of the program, allowance for application, and delivery of funds allow access to the EAR Process.

In an examination of the requirements of procedural fairness, Finkle and Lucus conclude that it is only when public consultation is "deliberately employed to permit, encourage, and assure that diverse interests are really taken into consideration in decision making that it can be an effective tool for government" (1983, p.viii). This criterion assesses whether public input is given real consideration by the Panel within the review and other government departments whose actions, though outside of the review, are of direct consequence to it.

Finally this criterion addresses alternative sources of funding and support. Public education and public confidence are dependant on the fairness with which all sources of funding, whether part of the funding program or not, are administered. Politicians have the incentive to fund those groups who support them. Unless funding is directed instead to large diffuse groups whose perspectives are underrepresented it merely serves to support politically influential interests already well represented in the majority.

## EFFICIENCY

This criterion evaluates whether the funding program makes efficient use of funds in this public participation program and in EARP in general. It asks whether the benefits of participation could have been achieved at less cost, time and effort, or through different means of assessment or participatory input. For example, given the arguably fallacious assumptions of prediction in EIA, is it efficient to spend \$300 million on the prediction of impacts (in the EIS) while low level flying has been conducted for seven years (since the IEE) with no requirement that its effects be monitored?

Do participants feel that the time, money and effort they put into their intervention is reflected in the decisions of the Panel and the Minister? Alternatively, could funding be more

appropriately spent on public input at the initial decision making points in the EAR Process or as part of monitoring and follow-up review of the project? Could the normative objectives of the EAR Process be more appropriately served through financial support to community or regional development planning concerns?

## EFFECTIVENESS

Effectiveness will be measured in terms of the satisfaction of the intervenor groups with the funding program and the contribution it makes to achieving the objectives of EARP. The normative objectives articulate the ideal operation of certain principles within participatory democracy - education, consciousness raising, equality of access to decision making. While the first four criteria deal with these issues individually, this criterion provides a summary evaluation of the extent to which the funding program contributes to all the normative objectives.

## CHAPTER 3

## CASE STUDY: EARP AND MILITARY FLYING ACTIVITIES IN LABRADOR AND QUEBEC

In this chapter the case study is introduced with a brief description of low level military flying in Labrador and Quebec and the application of EARP to these activities. The next section describes the method used to interview participants in MFEARP with a discussion of its limitations. Finally, the results of the interview questionnaires are provided according to the issues addressed by the five research questions posed in Chapter 1. Discussion and interpretation of the results is provided in Chapter 4.

LOW LEVEL MILITARY FLYING ACTIVITIES IN LABRADOR AND QUEBEC

The airfield in Goose Bay, Labrador was established in 1941 and has supported facilities and operations for the Canadian Forces, the Royal Air Force (RAF) and, primarily, the United States Air Force (USAF). In 1973 the base was transferred from the USAF to the Department of Transport (DOT) and the Department of Public Works (DPW). In 1976 the majority of the US Forces were withdrawn.

During the time of US ownership of the base the civilian population lived in the nearby town of Happy Valley. When the USAF left the towns of Happy Valley and Goose Bay were amalgamated.

Low level flying training by the RAF started in the early 1960's. It has continued since then with "significant fluctuations in the level of activity" (DND, 1981, p.4). Areas overflowed in Labrador and Quebec are approved by the DOT. Projected increases in flight training in 1981 were to accommodate the RAF and the German Air Force (GAF) to use the facilities at Goose Bay for flight training of the Tornado aircraft.

In the summer of 1985, Canada was approached by the North Atlantic Treaty Organization (NATO) as a contender for the siting of a Tactical Fighter Weapons Training Centre (TFWTC). Subject to an approval process, Goose Bay is being considered as the site for

such a centre. The siting of a NATO training facility of this kind would increase the number of flights over Labrador and Quebec considerably.

#### LOW LEVEL FLYING AND EARP

Table I provides a chronology of events in the Environmental Assessment Review of Military Flying Activities in Labrador and Quebec.

Public consultation for the Initial Environmental Evaluation<sup>1</sup> (IEE) consisted of briefings and meetings in the vicinity of Goose Bay. In addition public organizations made their views known to DND and DIAND through letters and submissions.

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<sup>1</sup> The IEE is also known as the Landry Report because it was prepared by Major G. Landry of DND.

TABLE I - Summary of MFEARP

Date	Event
February 1981	DND releases Initial Environmental Evaluation
Summer 1985	Goose Bay airfield is proposed site for NATO TFWTC
November 1985	DND holds information meetings in Labrador and Quebec
February 1986	Minister of Defense refers Military Flying Activities in Labrador and Quebec for public review under EARP
July 1986	Environmental Assessment Panel formed
July-Aug 1986	Scoping workshops to develop draft Guidelines for EIS
August 1986	Panel releases draft Guidelines for EIS
Sept-Oct 1986	Public Meetings to discuss draft Guidelines
January 1987	Panel requests clarification of Terms of Reference Panel makes preliminary recommendations to DND Intervenor Funding Program announced
February 1987	Panel releases Final Guidelines for EIS DND advises Panel it will complete EIS by January 1988
March 1987	Application deadline for Phase 1 intervenor funding
June 1987	DND "White Paper" released Panel releases rationale for incorporation of Public Hearing commentary in Final Guidelines
August 1987	Minister of Environment answers Panel regarding Terms of Reference limiting recommendations to mitigation
September 1987	Minister of Environment releases "Green Paper" on the reform of EARP
March 1988	Budget submission deadline for funded intervenors
May 1988	Research submission deadline for funded intervenors

The major impact of proposed increases in low level military flying activities was concluded in the IEE to be the "effect of aircraft noise on caribou herds, and the resultant effect

on the life style of native people who depend to some degree on the caribou" (DND, 1981, p.20). The IEE also noted that there "has been some mention of the disruptions to the solitude of the northern communities which would be caused by the low flying jets" (DND, 1981, p.20). Land claims and reparation payments to native groups were considered to lie beyond the scope of the discussion.

The IEE determined that the "potential negative impacts will be avoided by adopting the following procedures:

- a. restriction of low level flights in specific areas on a temporary or permanent basis; and
- b. establishment of a joint operations centre to control military operations, and to coordinate military and civilian requirements" (DND, 1981, p.20).

The location of the major caribou herd was to be established in consultation with the provincial biologist. The impact on native life style was considered as follows:

Presumably a good deal of their activity is centred on the caribou so that avoidance of the one should help avoid conflict with the other (DND, 1981, p.21).

The IEE concluded that some individuals will at sometime be overflowed by a low-level fighter aircraft, but this should be a rare event.

While the report mentioned that the program is less favourably viewed in Quebec than in Newfoundland, it concluded merely that its popularity would "ebb and flow with the tide of Federal/Provincial relations" (DND, 1981, p.21).

Since the release of the IEE the scope and scale of the project has changed due to the proposal for the siting of the TFWTC at Goose Bay. In light of this development DND conducted a series of information workshops in Labrador and Quebec in the fall of 1985. As a result of many unanswerable questions about the new project and concerns raised during these workshops, the Minister of Defense referred the project for a formal public review under EARP (FEARO, 1986e) in February of 1986 (Stones, pers. comm. 1988). An Environmental Assessment Panel was appointed by the Minister of Environment in July of that year.

## PUBLIC CONSULTATION IN MFEARP

In order to draft and then review the Guidelines for the Environmental Impact Statement (EIS) the Panel travelled extensively in Labrador and Quebec. The initial set of scoping workshops<sup>2</sup> was conducted informally with no public record. Public meetings on the draft Guidelines<sup>3</sup> were recorded and a three volume compendium of written submissions resulted (Environmental Assessment Panel, 1986).

The Panel reviewed comments from numerous groups and individuals, government agencies and technical experts, and made substantial changes to the EIS Guidelines (FEARO, 1987e) to reflect this input. They also provided a written rationale for incorporation of these comments (FEARO, 1987f).

DND has hired a consulting firm, FENCO, to prepare the EIS. Estimates vary as to its completion date between the summer of 1988 to January of 1989.

## INTERVENOR FUNDING IN PHASE 1 OF MFEARP

In January of 1987 FEARO announced a \$500,000.00<sup>4</sup> intervenor funding program to be dispersed in two Phases. The first Phase, for \$200,000.00 is "to assist intervenors with their information, organization and communication activities leading up to the submission of the EIS" (FEARO, 1987c). An independent funding committee, established by FEARO, granted a total of \$158,000.00 to nine applicants in Phase 1 funding. Eight applicants accepted the funding

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2 Scoping workshops are informal meetings that are held to identify, at an early stage, the concerns of persons that could be affected by the project. Workshops were held in St. John's, Happy Valley - Goose Bay, Nain (although this visit was after the draft Guidelines had been written), Schefferville (including Kawawachikamach and Matimekosh, Quebec), Montreal, Kuujjuaq and Sheshatshit.

3 Meetings were held in the following locations: La Romaine, Wabush Schefferville, Happy Valley - Goose Bay, Cartwright, Mary's Harbour, Sheshatshit, North West River, Kuujjuaq, Kangiqsualujuaq, Nain, Davis Inlet, Makkovik, Rigolet, Forteau, St. John's, Montreal, Hull.

4 Financial support for the program is supplied by the Department of National Defense (\$350,000.00) and the Department of Indian Affairs and Northern Development (\$150,000.00).

offered and one group refused (FEARO, 1988b) leaving the total amount of money allotted in Phase 1 at \$144,000.00. The remainder of the funds will support Phase 2 funding.

A list of successful applicants, their contracted research and the amount they received is provided in Table II. Those groups who applied and were not funded are listed in Appendix 1.

TABLE II - Successful Applicants and Funded Work (Source: FEARO, 1988b)

<u>Organization</u>	<u>Research Contracted (Amount Funded)</u>
Concerned Citizens Group - Opposed to a NATO Base in Labrador, Wabush, Lbr.	To organize consultation concerning appropriate areas for Wildlife and Wilderness Parks and Preserves (National and Provincial) and potential impact of project on tourism developments (\$5,000.00)
Happy Valley and District Ministerial Association Northwest River, Lbr.	To undertake comprehensive consultation with grass roots groups to determine people's information needs about the proposals (\$30,000.00)
Mokami Project Group Happy Valley - Goose Bay, Lbr.	Comparative study of impacts of similar military bases (\$14,000.00)
Naskapi Montagnais Innu Association North West River, Lbr.	Document Innu land based activities in project area - Document impact of project on Innu culture (\$35,000.00)
Combined Councils of Labrador Labrador City, Lbr.	To assist the Council to gather information on the project to permit informed discussion of the issue at Combined Council meeting (\$5,000.00)
Labrador Inuit Association Nain, Lbr.	Consultation with Inuit hunters concerning the George River Caribou Herd with a view to develop mitigation measures and a plan with regard to its management (\$25,000.00)
Mokami Status of Women Happy Valley - Goose Bay, Lbr.	To reach other women's groups in Labrador Council, and establish information exchanges and communication networks to inform them on the project (\$13,000.00)
Societe Makivik Corporation Montreal, P.Q.	Preparation of report comprised of maps and supporting texts to assist Inuit of Kuujjuaq and Kangirsualujjuaq to describe their traditional knowledge during review (\$23,000.00)

Funding for Phase 2 will support activities directly related to the review of the EIS and participation at the public hearings (FEARO, 1987c).

## METHODS AND LIMITATIONS

As noted in Chapter 1 five research questions were developed from a review of previous experience with public participation and intervenor funding in EARP. These questions provided the basis for a questionnaire about the case study - MFEARP. Three questionnaires were developed<sup>5</sup>. The respondents are not a random sample nor is the data amenable to statistical analyses. Therefore the majority of questions followed a partially closed-ended and open-ended format (Dillman, 1978). With this structure, I attempted to elicit the behaviour of participants in the Process as well as their attitudes about it. The research questions were approached directly and through open ended questions about the respondent's overall perceptions of the process, their satisfaction with it and their perspective on its fairness to intervening groups.

Respondents were sent a copy of the questionnaire so that during the interview they had the questions written down in front of them. Participants were told that their responses would be recorded anonymously but that in certain cases it would be obvious whose response was noted. Where government respondents were quoted directly or where it was obvious whose response was noted, I sent a copy of the text to the respondent for ratification.

In each interview I emphasized the importance of the "other" category in the questions. The questionnaire thereby served as a starting point for any further comments or discussion with respondents.

### RESPONSE RATE TO QUESTIONNAIRES

A list of the people and organizations who were solicited for information is provided in Appendix 1. A summary of the means and timing of contact is also shown there. Of 21 possible participants, 16 respondents were interviewed; two others gave their positions over the phone; and three others did not respond. One government agency, the Provincial Ministry of Environment in Newfoundland, declined to participate, noting that the federal EAR Process is taking place in lieu of the provincial process and is acceptable to the province.

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<sup>5</sup> An original questionnaire, sent to funded groups, was modified for non-funded groups and government agency representatives. The same issues are addressed in each; the wording is changed to reflect the experience of each respondent group - see Appendix 3.

I was unable to contact one non-funded intervenor by telephone and did not receive a response to a written request for his participation. The group who was offered funding but declined to accept it provided me with their perspective on the Process in general terms but did not answer the questionnaire. Two other respondents agreed to participate, but after several unsuccessful attempts at conducting prearranged interviews I assumed they were actually not interested in participating.

The combination of a written questionnaire and personal contact during the telephone interview enabled clarification of questions and responses. Participants were most cooperative and generous with their time. They responded frankly over the phone and promptly provided written material on short notice.

## LIMITATIONS

This study is limited because the Process is not far enough along to draw certain conclusions. For instance, it is too soon for government respondents to answer questions about the effect of funding on intervenor groups. It is also too soon for intervenors to comment on the impact that their funded research has on decision making. The study is also limited because I could not visit the region nor participate in any of the proceedings. The telephone also restricts access to non-verbal communication.

## QUESTIONNAIRE RESULTS

The following three sections are intended to provide a neutral summary of interview results; the research questions are addressed in the same order as they were posed in Chapter 1. Rationale for the choice of questionnaire questions used to explore the research questions is provided as well. As much as possible my interpretation of the responses is withheld until Chapter 4. A detailed tabulation of interview responses is provided in Appendix 2<sup>6</sup>.

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<sup>6</sup> A great deal more information was supplied - in the interviews and through correspondence to me by intervenors - than I have been able to summarize. I have tried to include all the issues raised by respondents in the Appendix, however they are not all summarized in Chapter 3 nor are they all interpreted in Chapter 4.

## AUTHORITY OF EARP AND ITS APPLICATION IN MFEARP

As established in Chapter 1, the ambiguous authority of EARP has allowed piecemeal application of the process over the past fourteen years, and minimal public scrutiny into projects that it has assessed. The issue addressed by the first research question is whether the availability of intervenor funding would increase public participation in the process and whether it would increase the number of significant development projects to actually undergo an environmental assessment. To address this issue I asked four questions on each questionnaire. These questions were designed to solicit both the experience of public groups as well as their perceptions of the impact of their actions.

### Efforts to Have the Project Referred for Formal Public Review

All public groups were asked if they took any steps to have the project brought to the formal review stage; government respondents were asked to describe the sequence of events that brought the project to this stage. During some interviews there was confusion about the timing of the decision to go to a formal public review. Part of this problem arises from the way the first question was worded. It did not make a clear distinction between the project assessed by the IEE in 1981 and the larger project under review in 1986. The project assessed in 1981 was proposed increases in low level flying. The project referred in 1986 included the siting of the NATO base in Goose Bay. Those who "had taken steps to bring the project to the referral stage" (5/11 respondents<sup>7</sup>) had been protesting low level military flying in general for several years. These were the native organizations and others who supported them.

Other respondents who noted that the project was brought to the referral stage early by the proponent saw the workshops conducted by DND in 1985 as the screening stage of EARP for the larger project. This issue is discussed further in Chapter 4.

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<sup>7</sup> The total number of respondents to each question varies in this summary because some questions only applied to funded groups; some questions were worded differently between questionnaires; and all respondents did not answer all questions asked.

### Intervenor Funding and Project Referral

When asked how general public participation would be affected by intervenor funding, the majority (13/16, see Appendix 2) of respondents felt that public participation in development planning would increase with intervenor funding at the formal review stage of EARP. When asked later if they would participate without funding, most (5/7 funded groups; 2/4 non-funded groups will continue to participate) respondents said they would have participated without funding but not to the extent that they did, nor with the authority of perspective that the research allowed them to gain.

The questionnaire also asked whether the number of projects referred for formal review would change with intervenor funding in the formal review stage of EARP; most respondents (8/13) felt that the number of projects referred would not change. All respondents mentioned that the availability of intervenor funding had no effect on their efforts to have the project referred for formal review because funding was announced long after the review had started.

One government respondent said that to answer the second question, relating intervenor funding to public participation and project referral, required a sophisticated knowledge of the process which it was unlikely that the public held. Yet most respondents noted that the number of referrals would not change because it is the proponent who controls the decision to refer the project and who is the judge of public concern.

### Public Pressure and the Referral of MFEARP

Within each respondent group there was wide divergence of opinion over the extent to which public pressure influenced the decision of the Minister of Defense to refer this project to the formal review stage of EARP (see responses to question 3, Appendix 2). Interestingly, those who favour the project, both funded and non-funded groups, all noted that public pressure had minimal influence on the referral decision. Those most ardently against the project felt that public pressure was the critical factor for referral.

## STRUCTURAL LIMITS ON ACCESS TO PARTICIPATION IN MFEARP

As established in Chapter 1 the structure of EARP restricts public access to critical decision making points in the process - for example by limiting public access to reaction to Initial Assessment decisions and excluding public involvement in monitoring. These restrictions can jeopardize consideration of public concerns.

The second research question examines the extent that intervenor funding affects the ability of intervenors to be involved in stages of MFEARP where they have no direct access. It also examines the extent to which intervenor funding ensures that the values and interests of public groups are more actively considered at each stage of the process.

Several questions addressed this issue. The first question establishes the experience of intervenors in all stages of the process to date, as well as their anticipated input. The next two questions, asking public groups to rate the opportunities for participation and to identify where greater participation was both desired and useful, elicited broad opinion about the extent that the public feels their values and concerns are considered at other stages of the process besides the formal review.

Finally, responses about the fairness of the process, its purpose, and satisfaction with the Panel's Terms of Reference provide an additional perspective on the level of active consideration of public concerns at each stage of the process and within the larger political context of EARP and development decision making.

### Present and Anticipated Participation

Funded groups were asked at what stages in the EAR Process they had participated, and at what stages they intended to participate in the future; non-funded groups were asked to what extent they were participating without funding. The type of participation completed and anticipated is summarized in Appendix 2. Only one respondent noted involvement in Initial Assessment while another felt deliberately shut out of this stage. There were different interpretations as to when this stage occurred. During the interviews I clarified that Initial Assessment referred to the IEE of 1981. However, the information workshops conducted by

DND in 1985 could be considered a second screening exercise for the expanded project including the NATO base.

While there was no procedure for input into the determination of the Terms of Reference, several groups commented on the Terms of Reference at the hearings for the draft Guidelines. At that stage no funding was available or distributed. The Panel responded to the concerns noted at these hearings with interim recommendations to DND and a request for clarification of their Terms of Reference (FEARO, 1987g). In that request the Panel assumed that they could recommend that flights be stopped altogether. This assumption was refuted by the Minister of Environment eight months later (FEARO, 1987h).

Only research leading up to the submission of the EIS, and after the hearings on the draft Guidelines, was covered by Phase 1 of the intervenor funding program. This participation is summarized in Table 2. Most respondents (5/7 funded groups, 2/4 non-funded groups) said they will be participating at the public hearings in response to the EIS. However only three groups were certain that they would apply for Phase 2 funding for this stage.

Comments about participation at the Ministerial decision depended on what it was. There was strong comment from all groups about the monitoring stage. All groups interviewed (7/7 funded groups; 2/4 non-funded groups still participating) want to be involved and to have funding to support their involvement.

Of the groups who did not receive funding, two completely removed themselves from the process; one because the Terms of Reference did not allow consideration of national defense policy, the other as a political statement against the bias they perceived in the process.

### Ratings of Participation

All public groups were asked to provide a rating of the opportunities for participation at each stage of the review: initial assessment, project referral, determination of the Panel's Terms of Reference, development of Guidelines for the EIS, research leading up to the EIS, public hearings after the EIS, the Ministerial decision and project monitoring. Ratings for participation opportunities varied considerably. While one respondent defended DND's ignorance of "factions against them" during initial assessment, others suspect that back room discussions had already

established the siting of the NATO base as a *fait accompli* and that the process merely takes the pressure off.

The two stages of the formal review that are either complete or near completion - development of the Guidelines for the EIS and research leading up to the EIS - were rated highest. This seemed to reflect the actions of DND's consultant and the Panel rather than the influence of funding. Indeed only 2 out of 7 respondents said that their ratings for participation opportunities in the process improved with funding; this improvement reflected greater access to remote communities for two groups.

### Greater Participation and its Contribution to the Process

When asked at which stage of the Process that they desired greater participation, respondents had a great deal to say (see Appendix 2). Where the desire for greater participation was highest - initial assessment, determination of the Terms of Reference, and project monitoring - comments reflected distrust over a process of decision making that allowed only reactive input, no right of appeal, and no control over the actual direction of the project during monitoring. In the initial stages of project assessment and establishment of the Terms of Reference of the review, respondents noted that funding was not the issue. Access to decision making, Panel selection criteria, project evaluators and information was of greatest concern.

Funded groups were also asked how greater participation would improve the operation of the EAR Process. Most respondents (5/7) noted that greater participation in the Process would increase costs but that it would also increase credibility, efficiency and thoroughness. As well, three respondents commented that greater use of and respect for local knowledge would enhance the information provided to the assessment and make participation more worthwhile to participants.

Government representatives were asked directly how intervenor funding would affect public access to, and influence over, stages of the process besides the formal review. All respondents noted that initial assessment, project referral and determination of the Terms of Reference are not affected by funding. One respondent noted that with funding the public follow the entire process more closely, learn, and can provide better input to the Panel. Public influence

was deemed by all respondents to follow the usual channels. However, one respondent noted that to the extent that intervenor funding enhances public scrutiny, then intervenor funding improves the operation of the process. This respondent also noted that funding does not necessarily lead to public access in monitoring. It might only do so if "they've done their homework".

### Perceptions of Fairness

All interviewees were asked if they agreed (or disagreed) that a) public groups are given fair treatment in MFEARP and b) the funding committee has operated fairly and independently. Two sources of unfairness were identified by respondents: insufficient funding for both individual groups and the whole intervenor funding program, and, at the same time, additional funding made available to one pro-development group through the Department of Regional Industrial Expansion. While all government respondents agreed that public groups had been fairly treated, two mentioned, along with five public groups, that the whole process is thrown into doubt when intervenor funding is restricted to \$500,000.00 in total, yet a pro-development group receives \$500,000.00 in addition to funds received as an intervenor.

When the fairness of the review process is evaluated in this context groups who are against the project do not feel that their values and interests will influence decision making after the public review is over.

### Perceptions of the Purpose of the Review

All respondents were asked what the official purpose of the review was, what they thought it should be, and whether their participation helped to redefine either the purpose or the outcome of the review. Perceptions of the official purpose of the review varied considerably among public groups. There was greater consistency from government respondents (see Appendix 2). Most public groups (8/11) expressed either distrust or dissatisfaction with the process: distrust because the option to stop the flights altogether is not allowed and because preliminary Panel recommendations to DND to keep flights at 1986 levels during the review process were not followed; and dissatisfaction because the process is narrowly focussed, allows

only reactive criticism rather than creative problem solving, and polarizes interests. Two respondents expressed hope that their input will make a difference. Three others noted their input will not redefine either the purpose or the outcome of the review. In further comments another respondent said that to assess the impact of public input the real test was still to come.

## PERCEPTIONS OF THE IMPACT OF INTERVENOR FUNDING ON ACCESS TO AND QUALITY OF PUBLIC PARTICIPATION IN MFEARP

While the only previous experience with intervenor funding in EARP, BSEARP, encountered administrative problems, the quality and quantity of public participation improved with funding. The last three research questions address these issues - the quality of intervenor input, the quantity of public access to the process, and the effect of the administration of the funding program - in MFEARP.

### Intervenor Funding and the Quality of Participation

To determine the effect of intervenor funding on the quality of public interest interventions in MFEARP, I asked respondents about specific effects of funding - quality of submission, attendance at meetings for example - as well as general comments.

Funded groups related their experience so far in Phase 1; non-funded groups noted what they would have liked to do and what they were precluded from doing without funding. For government agency respondents it was too soon to say much about the quality or the quantity of participation that resulted from intervenor funding because intervenor research has not yet been submitted to the Panel.

All funded respondents said that intervenor funding improved the quality of their submissions when preparing research before the EIS, i.e. Phase 1 funding, and that it will allow them to have more informed involvement at the Public Hearings on the EIS. One respondent noted that this funding will also benefit them during monitoring due to the information obtained and the lessons learned.

As well, most intervenors (6/7) agreed that funding improved the professional manner of their presentations. However one respondent noted that sophistication is not necessary to make their point.

### Intervenor Funding and the Quantity of Participation

The effect of intervenor funding on the number of groups or individuals participating in MFEARP and the nature of their participation was assessed in terms of: access to remote settlements (see Question 8 in Appendix 2), participation in the group's activities, and the effect of funding on their political support base.

All respondents said that intervenor funding had no effect on their organization's membership. Contact networks were increased for some or simply put to greater use. When asked if resources were combined between groups, those favouring the development noted some cooperation, while the other funded groups worked relatively independantly of one another. There was some collaboration between peace and native groups in the public hearings in response to the draft Guidelines for the EIS before funding was announced.

Though it was too soon to comment, most government respondents were in agreement with all funded groups when asked if research efforts educate citizen or membership contacts. This education included community involvement, internal knowledge and understanding of intervening groups, awareness of the project and understanding of EARP. The most significant contribution of funding to the majority (5/7) of funded groups was the ability to reach remote settlements and communities.

When asked if intervenor funding broadened or weakened the group's political support base, only one of eleven respondents noted that the lack of funding weakened their support base. All others noted that intervenor funding had no impact on their political support one way or the other.

The last series of questions addressed the administration of the intervenor funding program. Problems that were noted in BSEARP including the eligibility criteria, notification of award, information availability, communications strategy, timing of announcements and delivery of funds were addressed as they affected public participation in MFEARP.

## Eligibility Criteria

Questions about the eligibility criteria focussed on whether respondents found them clear and unambiguous; whether they forced accountable and efficient use of funds; whether they enabled cooperation between groups and how useful that was; whether they forced applicants to represent too many differing views; and whether they allowed applicants to cover their expenses. Generally (11/15), respondents found the eligibility criteria clear and unambiguous. The question of efficiency was difficult for most respondents to answer because it was not related to a specific concept. Those who thought that the eligibility criteria did not encourage efficiency were those who found the criteria unclear and ambiguous. Almost all respondents (10/12) found that the criteria ensured that funds were well accounted for.

There were not many amalgamations between intervening groups as a result of the eligibility criteria. Most of the linkages between interests were already formed. Neither was there much interchange or cooperation between intervening groups. And, no groups found that they had to represent too many differing views as a result of criteria that encouraged cooperation among groups of similar interests.

Most groups (5/7) mentioned that the criteria allowed them to conduct their preferred research as well as cover expenses they considered legitimate. Those who did not receive all the funding they asked for felt they had complied with the eligibility criteria in their requests. It was the decisions of the funding committee and their recommendations regarding how much less the research should or would cost that put the constraints on their preferred research. The result for the majority (5/7) was to scale down the research that they had initially intended to do.

Except for one group, the eligibility criteria had little impact on the groups who did not receive funding; it was the Terms of Reference that restricted their eligibility. The exception had already spent \$80,000.00 on research about project impacts which they conducted in order to provide documentation to government officials who they felt had not recognized their concerns for three years. The criteria did not allow funding for research that had already been conducted (FEARO, 1987i) and therefore did not cover this research.

### Notification of Award

When notification for funding allotment was received, most groups (5/7) received an explanation of the research expected and the amount of funding it would require.

Two groups who did not receive funding are still participating with the use of their own funds. One group withdrew because the review does not allow consideration of national defense policy. Another group, mentioned above, has formally withdrawn from the process because they are \$80,000.00 in debt and perceive the process as biased.

### Proportions of Funding Requests Approved

The proportion of each funding request that was allowed varied considerably. It ranged from 10 to 85 percent of the amount requested. Only two groups appealed to the funding committee about the amount that was allotted. One appealed immediately and was told that there would be no change in the committee's decision. This group refused the funding initially but later decided to accept the amount offered. Another group appealed later when weather increased their expenses so much that they could not complete their research. They were also refused.

In three cases respondents felt that the scope and quality of possible research was decreased by the budget cuts. In particular, four groups noted that regional representation was not obtained to the extent deemed necessary.

### Availability of Information

While two groups in particular noted that the consulting firm, FENCO, hired by DND to prepare the EIS, was very helpful, there were several instances (6 for funded groups; 4 for non-funded groups) where intervenors had difficulty getting information (see Appendix 2). These included difficulties getting the right people, getting them to call back and getting prompt responses to information requests.

One group wanted to use a DND video about the project in order to carry out their research. They report that it was not made available to them. The Combined Councils of

Labrador (CCL) wanted to know the proportion of civilian to military jobs that would result from the NATO base in order to have an informed discussion about the issue at their Annual General Meeting. Full representation at this meeting was the purpose of the intervenor funding expenditures. They were told by DND that the report was not finalized and therefore not yet available. Soon afterwards they found out that the Newfoundland Ministry of Intergovernmental Affairs (NMIA) had made a copy of the same report available to another Assistant Deputy Minister within the Newfoundland government (who they would not name). When CCL asked NMIA to supply them with the report in order to discuss the matter at their Annual General Meeting, they were refused.

Other difficulties included the time taken by the Minister of Environment to respond to the Panel's request for clarification of their Terms of Reference; delays in obtaining information from FEARO about the Process (see Appendix 2); and no response from the Quebec Minister of Environment to direct questions about the project in the legislative assembly or to letters directed to his office.

The effect of these difficulties was for some to increase long distance phone bills and to increase their level of aggravation over the procedure. For the CCL, the lack of information meant that they had less informed discussion at their Annual General Meeting. For the Conseil Attikamek Montagnais, the decision to restrict the Panel's recommendations to mitigatory considerations, as well as the length of time taken to reach this decision, resulted in a boycott of the Process (Le Soleil, 1986).

#### Announcement, Timing and Delivery of Funds

Although some respondents mentioned that time was somewhat tight, generally intervening groups received early notification of the program and found that there was sufficient time to apply for funds before the deadline date. As well, funds were delivered and/or approved of soon enough for the groups to make use of them before the deadline for submissions to the Panel. One respondent felt that the deadline for submission was a little rushed; that some groups did not have sufficient time to complete their studies and that fulfillment of certain research needs required at least two field seasons.

## CHAPTER 4

## EVALUATION OF PUBLIC PARTICIPATION AND INTERVENOR FUNDING IN MFEARP

This chapter evaluates the opportunities for public participation in MFEARP and the influences of intervenor funding on that participation. Recall that, from a public interest perspective, the normative objectives of EARP define a process that raises to public awareness the environmental and related social consequences of development, helps to even the odds between weak and powerful competing interests in society, brings balanced information and judgement to bear on the policy making and project approval process, and enhances the accountability of bureaucrats and politicians by exposing the environmental basis of decision making. This analysis determines if these objectives are met in the case study.

Using the results of the interviews and additional information supplied by participants, I interpret the research questions and apply evaluative criteria to the case study. The analysis includes both a specific evaluation of the case study as well as general commentary on problems, progress and further improvements in EARP suggested by the analysis.

The implications of this analysis and the recommendations based on the findings of the evaluation are provided in Chapter 5.

INTERVENOR FUNDING, PUBLIC PARTICIPATION AND THE NORMATIVE  
OBJECTIVES: APPLICATION TO MFEARP

As in Chapters 1 and 3 the research questions are addressed in three sections according to the problems in EARP identified in Chapter 1: the ambiguous authority of EARP and the absence of any provision in the Guidelines Order to ensure either that the Guidelines are followed or that anyone but the initiating department can trigger the Process, significant limitations on public involvement in the Process, and previous administrative problems in the BSEARP intervenor funding program.

## AUTHORITY OF EARP AND PUBLIC INFLUENCE OVER ITS APPLICATION IN MFEARP

Based on the first premise of this research - as a public process, EARP in part derives its legitimacy and thus its authority from the extent and commitment of participation within it - the first research question asks:

- If an intervenor funding policy were established in EARP, would
- a) public participation in the process increase, and
  - b) the number of significant development projects to actually undergo an environmental assessment increase?

The general perception of respondents (13/16) was that public participation would increase with intervenor funding at the formal review stage of the Process. Intervenors believed (7/9) that funding would also increase the quality of their contributions. While these perceptions cannot yet be proven, experience in BSEARP and so far in the MFEARP case indicate that intervenor funding encourages and assists public participation at the formal review stage of EARP, particularly by providing remote communities with access to information and to the Process. A policy of intervenor funding in EARP would therefore lend legitimacy to the Process by enhancing participation, at least at the formal review stage.

The second part of the first research question addresses two problems with EARP's authority. The first problem concerns its limited range of application: the Process leaves aside assessment of private sector projects, Crown Corporation projects, federal policies and programs, and provincial enterprises not covered by environmental assessment legislation. Intervenor funding at the formal review stage is not capable of influencing this problem in EARP.

The second problem, more pertinent to the case study, concerns proponent control over judgements of significant impact in initial assessment, public access to these decisions, and therefore what constitutes an actual environmental assessment. When affected groups disagree with, or are not consulted during, the IEE or screening decisions their only recourse becomes political protest and a demand for the formal review stage of the process. Indeed, the Process is structured so that public groups may not even know what initial assessment is let alone whether it was conducted to their satisfaction, until the project is well underway.

The questionnaire addressed this problem by asking respondents to describe any efforts they took to have the project referred for formal review. Several public groups also supplied

documentation to support these experiences. The contrast between the responses of some government representatives and the experience of certain impacted groups illustrates the ambiguity in the Guidelines Order when it is called into service as a tool for environmental planning.

#### Referral to Formal Review in MFEARP

In MFEARP, the project under consideration in the IEE was proposed increases in low level military flying activities. The project now under consideration in the public review includes these increases and the establishment of a NATO training facility, the TFWTC. This analysis examines the application of EARP to both definitions of the project.

One government respondent noted that the questionnaire did not make reference to the fact that the definition of the project had changed or that the objective of public groups is not necessarily to get the project to the formal review stage, but to ensure that impacts are addressed and mitigated.

Both points are well taken. In 1981, the IEE assessed proposed increases in low level flying. By 1985, the proposal for the establishment of a NATO base at Goose Bay changed the project under consideration. The definition of "the project" on the questionnaire did not make this distinction clear. As well, the objective of public groups is indeed to ensure that impacts are addressed and mitigated. However, the problem with EARP is that this condition is often not satisfied without a formal public review. The experience of several native organizations before and after development of the IEE indicate considerable disagreement over whether impacts were either addressed and mitigable or later actually mitigated.

The Labrador Inuit Association has been requesting that an Environmental Assessment Panel examine military development in Labrador since 1980 (LIA, 1985). They had difficulty obtaining a copy of the IEE and, once they obtained it, claimed that it misrepresented the situation. At community consultations for the IEE in 1980, DND made a commitment to monitor the effects of low level flying on the caribou and to include LIA in these studies (LIA, 1985). In the IEE, the lack of data on the effects of low-level, fighter bomber operations on caribou was recognized. If a study "were deemed desirable" and if the results were favourable,

Major Landry concluded, it "could expand the geography and airspace available for training" (DND, 1981, p.22). However, no recommendation was made that such a study be conducted or that operations be monitored for further study. The commitment to monitor the effects of low level flying "dissolved with the (community consultation) meeting" and LIA feels that, as a result, "we have lost five valuable years of information" (LIA, 1985).

Another native organization, the Conseil Attikamek Montagnais (CAM) located on the north shore of the Gulf of St. Lawrence in Quebec, has complained of negative psychological, ecological, medical, economic and socio-cultural impacts of the flying activities to DND, DIAND and the Province of Quebec since 1983 (CAM, 1984a; 1984b; 1984c; Conseil de Bande de la Romaine, 1984) long before the proposal for a NATO base was considered. They were not consulted during the IEE.

In keeping with the mitigatory measures recommended in the IEE, DIAND obtained coordinates of hunting camps and villages from CAM and other native groups and supplied these to DND (INAC, 1983a; 1983b; 1983c; DND 1983). Overflights persisted and CAM passed a resolution protesting the flights in their territory (INAC, 1984b). In September, 1984 DIAND assured the native organizations that negotiations would lead toward cessation of the activities in their territories (INAC, 1984c). In the mean time DND told them they would be kept informed (DND, 1984a), that it was impossible to avoid overflight of small groups entirely, and that Canada had international commitments to keep (DND, 1984b). By March, 1985 the Minister of Indian and Northern Affairs initiated a consultation mechanism between the CAM and DND in order to investigate their concerns.

In September, 1985, the Minister of Indian and Northern Affairs advised CAM that DND should examine the problem with Environment Canada (INAC, 1985). CAM contacted the Minister of Environment noting their complaints of the previous two years and asked for financial support for research they were conducting to document concerns that the IEE had not addressed (CAM, 1985).

Finally, representing the Inuit of northern Quebec, the Makivik Corporation notes that the military has been using the land, the air and the sea in the north for over 40 years without acknowledging the presence or aboriginal rights of native people.

We were never informed of these activities until the planes were flying just above our heads...It took years of effort and a common front of many Native groups to finally obtain some information on the military activities on our land and to have this Environmental Assessment Review Process (EARP) set up (Makavik Corporation, 1986).

Contrary to the protest of native groups in the overflight areas, the majority of the inhabitants of Happy Valley - Goose Bay welcome the return of the military as a source of economic recovery since the USAF pulled out in 1973. These interests were well represented in the IEE.

When asked how intervenor funding would affect the number of projects that reached the formal review stage, another government respondent noted that "if the process were operating as it should", the number of projects that reached the formal review stage would not change with intervenor funding. The respondent is right of course. The problem is that it may take a public review to ensure that the Process operate as it should. Like the respondent above, who noted that the objective of public groups is to ensure impacts are addressed and mitigated rather than to ensure the project is referred for formal review, this response ignores the fact that the players - proponent, initiating department and intervenors - are operating with vastly different amounts of power in the Process.

The Process is clearly neither "operating as it should" nor is it even possible for affected groups to ensure that impacts are addressed and mitigated when the popularity of the original project in a primary impact zone (Quebec) is concluded merely to ebb and flow with the tide of Federal/Provincial relations (DND, 1981); when commitments to monitor data that identify the most significant impacts of the development activity are not honoured; when the formal review that finally addresses them does not allow consideration of the option to stop the project altogether no matter what the outcome of the EIS; and when it takes four years of protest from minority groups to have their concerns addressed.

While DND improved the breadth of its public consultation by 1985, and has committed significant effort and funds toward research and information dissemination since then, the structure of EARP afforded no protection to minority concerns after development of the IEE. The Process still affords the public no right of appeal to ensure that the proponent has addressed their concerns, nor any auditing procedure to allow even FEARO to ensure that the intent of the

Guidelines Order has been fulfilled. Without referral to the formal review stage, weak and dispersed interests have no guarantee that their interests will be solicited at initial assessment, and no funding to assist in the organization of their interests. Even if consulted, since the proponent makes the judgement over development impacts, the publics' interests are dependant on the proponent's inherently biased perception of their significance. Indeed, intervenor funding might actually serve as an incentive to decrease the number of projects referred for formal review because increased costs associated with such a program are borne by the proponent. As it is presently structured the Process provides this incentive.

In the words of one government respondent: given the ponderousness of public review one would hope, for everyone's sake, that appropriate measures that avoid significant impacts can be incorporated before the public review point. Given the experience of intervenors in this case study, public groups require more than hope to incorporate appropriate measures: they need guaranteed access to information and decision making, right of appeal over initial assessment decisions, and an administering office with the power to protect their interests and enforce the Guidelines Order.

#### PERCEPTIONS OF PUBLIC ACCESS AND INFLUENCE WITHIN EARP

The structural and procedural restrictions on public involvement in EARP inhibit realization of the normative objectives of the Process. The second research question therefore asks whether intervenor funding improves this situation by increasing consideration of public concerns. Specifically:

Does being funded:

- a) affect the ability of intervenors to be involved in stages of the EARP review where they have no direct access, and
- b) ensure that the values and interests of public groups are more actively considered at each stage of the Process?

#### Public Access and Influence Beyond the Formal Review Stage

Conceivably the research associated with intervenor funding could raise public awareness of the trade-offs between development and environmental conservation. The resultant populace would be more informed and able to comment critically on the Ministerial decision as well as the

monitoring program after a formal review. Such education and consciousness raising has already occurred in MFEARP. These people - the intervenors and others involved in their interventions - might also be better prepared to participate in the initial assessment stage of future applications of the Process, although this is conjectural.

It is not possible to positively identify the influence that intervenor funding has on the incorporation of public values and interests in decision making at stages of the Process besides the public review, first, because it is too soon to tell and second, because decision making within the process depends on many interdependent factors. Undoubtedly the Panel receives unique and useful contributions from funded intervenors - the eligibility criteria demand this and experience in BSEARP bore it out. However, the extent that the Panel's recommendations influence later decision making seems quite independent of intervenor funding. The perspectives of participants so far is instructive.

All respondents who are against the project seriously question how much public input, funded or not, will be incorporated into decision making. While they expressed clear satisfaction with the Panel, they have reservations about how seriously its recommendations will be taken once the review Process is over.

Those groups who have expressed satisfaction with the EAR Process are also those in favour of the development. However, over the course of the review, support for a closer examination of the military has increased from groups for and against the project. It is the groups against the development who express the most cynicism that this examination will have much affect. Such cynicism comes as no surprise given that the Panel was originally told not to recommend that the flying activities be phased out or stopped altogether and that such advice would in any case be ignored<sup>1</sup>, and that the Process provides no guarantee to ensure monitoring will involve the public, or, based on previous experience in this case study, even be carried out. In addition, public groups against the project perceive it is unfair to restrict the funding allowed

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<sup>1</sup> The Minister of Environment recently announced that in order not to restrict the independence of the Panel, "what [they] write in [their] report is for [them] to decide". Presumably the Panel can now recommend that the flight training be stopped altogether. However, "because of commitments to its allies, the Government of Canada could not accept such a recommendation [to stop existing low-level training flights]" (March, 1988c).

to intervenors as a whole while additional federal government funding is provided to groups in favour of the project.

The funding they are referring to is \$500,000.00 supplied the Mokami Project Group (MPG) through the Department of Regional Industrial Expansion (DRIE). According to one government respondent DRIE participated in discussions between DIAND, DND and FEARO when the decision was made to fund intervenors through an independant funding committee rather than for each agency to fund their constituent groups. This was the fall of 1986. In December, 1986 DRIE dropped out of the process. The funding program was announced in January, 1987 and funds were allotted by the summer of that year. In September of 1987 DRIE provided an intervenor who had applied for funding, MPG, with \$500,000.00 to "enable the Project Group to continue its activities for an additional three years" (Mokami Project Group, 1988).

The problem here is not whether the development should proceed or whether MPG is worthy of funding under DRIE'S criteria for financial support to economic development organizations. The problem stems from the ability of one government department, DRIE, to participate in negotiations to set up an independant funding committee, and then to drop out of the process and support a pro-development group after the independant committee has decided who should receive how much funding. Intervenor funding may raise public consciousness, and allow participants to comment critically on the formal review stage and even stages beyond it. But, when there are no legal restrictions, or even any policy guidelines on public funding then alternative, and more powerful, sources will continue to support politically influential interests already well represented in the majority.

#### Improvements in MFARP

Despite criticism over the political context in which EARP operates, improvements in public involvement have occurred since the IEE in 1981. The workshops conducted by DND in 1985, and the scoping workshops and Public Hearings conducted so far in the review have included many more communities than did the initial assessment. As well, the Panel incorporated public comments into the Final Guidelines for the preparation of the EIS and

attempted to address public concerns through submission of preliminary recommendations to DND (FEARO, 1987g).

### Further Improvements in EARP

Even so, this case study provides an example of how the structural limitations on public involvement in EARP and the fallacious assumptions of EIA provide a one-sided flow of information to project approval, thereby working in opposition to all the normative objectives of the Process. Under self-assessment, the proponent needed only consult with the small region near the airfield. The IEE could conclude that low level flying would have mitigable impacts and the proponent could levy no firm monitoring requirement upon itself. Now, operating under the assumption of positivist predictability, and without six years of monitoring data, the EIS attempts to predict the impacts of an even greater number of complex interactions between development and environment.

Clearly, the Process should ensure that monitoring take place to determine if mitigatory measures identified in the initial assessment are successful or even necessary. Because the long term impacts of the project will only become known as the project proceeds, the real test of commitment to the incorporation of public concerns is still to come. Only with public involvement in project monitoring can the Process even begin to ensure that public concerns are reflected in the operation of the project. If EARP is to keep pace with the demands of Canadian citizens (Burton, 1979), it must develop processes at all stages of the Process that solicit public advice and consent, rather than relying upon those designed merely to inform and consult.

### THE IMPACT OF INTERVENOR FUNDING ON PARTICIPATION IN MFEARP

When intervenor funding was provided in BSEARP, public access to the Process increased and the quality of intervenor submissions improved. The third and fourth research questions asked whether MFEARP experienced the same benefits. Specifically:

What is the effect of intervenor funding on the quality of public interest interventions in MFEARP?

What is the effect of intervenor funding on the number of groups or individuals participating in MFEARP and the nature of their participation?

It is too soon to answer whether the quality of intervenor submissions improved with funding because intervenor research is neither complete nor submitted at the time of writing. Though research was not submitted, intervenors had completed the majority of their research at the time of the interviews. They unanimously agreed that funding improved both the quality of their submissions to the Panel and allowed them more informed involvement during preparation of the EIS. All agreed funding would do the same at the Public Hearings on the EIS.

The answer to the second question above, though also preliminary, is somewhat clearer at this time. Funding has already assisted remote communities to hear about and understand the issues in the project and to have their concerns brought into the review. The data show that for individual citizens this assistance is characterized by participation in research - responding to surveys, attendance at meetings and workshops, and provision of information. For the public groups this assistance has allowed greater understanding of the EAR Process, access to information and the ability to distribute it, and for one group, the ability to continue normal operations without directing core funding to their intervention.

Research question five asks generally:

How does the administration of the MFEARP intervenor funding program affect public participation in EARP?

Specific problem areas identified in the evaluations of BSEARP included the delivery of funds, timing and information availability. In addition to these issues, this research question investigated the effect of the funding eligibility criteria on the coverage of public concerns in the MFEARP case.

To date, the funding program has been generally well administered. With some exceptions respondents had sufficient time to apply and to use the funds granted. Extensive travel by the Panel also provided an open process with many opportunities for the public to raise issues of concern.

## The Eligibility Criteria and Public Participation in MFEARP

In some cases it was difficult to determine on what basis the funding committee restricted eligible research. It is not clear whether these decisions accurately reflected the needs, circumstances and concerns of the intervening groups or the region under study.

According to all respondents the eligibility criteria ensured both a diversity of views and did not force any unwilling or inappropriate cooperation in the name of expediency. However, many (5/7) respondents felt that overall funding was insufficient to allow them to represent fully the concerns of the groups they represented. Respondents felt that regional representation was particularly reduced by budget cutbacks.

The Town of Labrador City did not receive funding to consider the economic benefits of the project including increased tourism, highway development and multiplier benefits from supply and support to operations in the area. I have insufficient information to determine if the funding committee considered these impacts "indirect" or if they are covered by the EIS. However, while the research done by other intervenors represents this group's support for the project, they feel that their specific concerns remain unrepresented in the process. This respondent thought it incongruous that a small group in the area representing the minority who are against the project should receive funding while the town does not. While he appreciated the need to be sensitive to negative impacts he felt that the funding process did not ensure that all positive impacts of the project are assessed.

As well, the Town of Happy Valley - Goose Bay and the Mokami Project Group protested loudly that the funding allotted by the committee was grossly insufficient to conduct the studies they had applied to do. Both initially refused the funding offered, but the MPG later accepted it. Though neither group provided me with their funding application or the committee's response, presumably the studies they originally proposed are covered in the EIS.

These groups, as well as others, related funding allotments to the issue of local self-determination. Several public groups - both for and against the project - expressed dissatisfaction with a) being research subjects rather than the researchers themselves, and b) seeing local public opinion manipulated by outside forces. While the eligibility criteria and the

decisions of the funding committee are not the cause of this dissatisfaction, they are positioned in the middle of a quagmire of other issues.

First, the Process favoured representation of pro-development concerns in the original IEE. This action necessarily politicized the strategy of minority groups in order to have their concerns addressed, and has resulted in an extreme polarization of interests in the communities.

Second, pro-development groups feel that the funding committee favours groups who focus on negative impacts; yet another government agency provides one of them with alternative sources of funding.

And third, groups for and against the project express a desire for greater self-determination, yet the national and international scope of the issues has invoked participation by national and international organizations (see responses to Question 4 in Appendix 2); the provincial and federal governments are rarely willing to cede power to local governments; and in any case, fundamental value differences about local development needs prevail amongst local participants.

It seems therefore, that when addressing the original research question - how the administration of the MFEARP intervenor funding program affects public participation in EARP - the answer lies not simply with the actions of the funding committee or the affect of its eligibility criteria. Each decision to fund can undoubtedly be rationalized by overall budget constraints (within the funding program) and by the criteria. The problems expressed by participants reflect both an EAR Process that allowed positions to polarize and harden, and a political context that in which EARP is a weak policy instrument and the Ministry of Environment an ineffectual arbiter of environmental concerns.

Without a single, independant source of federal financial support to intervenors in EARP reviews, perceptions of unfairness in funding allotment will justifiably persist. In addition, without a clear legislative mandate for the use of a reformed EAR Process that includes public participation in initial assessment, the incentive remains for a biased self-assessment that polarizes interests.

Instances where information was withheld from intervenors, noted in Chapter 3, are evaluated in the next section.

## APPLICATION OF EVALUATIVE CRITERIA TO THE MFEARP CASE

Recall that the purpose of this thesis is to determine whether there are adequate opportunities for participation in EARP, and then to determine how intervenor funding influences that input. To be considered adequate, participation opportunities in the Process should meet the normative objectives of EARP. Therefore research questions, based on these objectives, provided the basis for developing a set of interview questions of participants in the MFEARP case. Conclusions about the research questions drawn thus far have identified several areas of improvement and unfairness within the case study. The criteria are now used to make summary judgements of EARP and its application in the MFEARP case.

### REPRESENTATION OF PUBLIC INTERESTS IN MFEARP

Consultation with the public has improved substantially since 1981. The information meetings conducted by DND in the fall of 1985, before the formal review, included all communities in the impacted regions. After the referral, DND and the Panel have travelled extensively in Labrador and Quebec and provided newsletters and information centres to inform the public of the project. As well, intervenors commented that the most significant influence of intervenor funding was enabling remote communities access to information and the ability to contribute to the Process.

However, representation of public interests in the Process is restricted by limitations on overall funding and the scope of the review. One respondent questioned whether the meetings held by DND in 1985 actually dealt with the concerns raised or merely noted them. While these meetings did in part lead to the decision to refer the project to formal review, five out of seven respondents mentioned that they had received insufficient funds to cover regional representation. These comments raise two questions. First, are public concerns fully represented, and second, if funding is insufficient to include them, how much weight will public input carry in the final decisions? These questions warrant further investigation in the MFEARP case.

According to the Panel's Terms of Reference, two issues, land claims and national defense policy, are "not within the scope of the review" (FEARO, 1986d). This exclusion effectively

silences consideration of public concerns that oppose low level flight training in principle. Such an action does not make explicit the trade-offs between development benefits and their social and environmental consequences, and normative objective one is not realized. Nor does such exclusion help to even the odds between weak and powerful interests in society. Indeed it disallows certain weaker interests entrance into the public forum altogether while the project is favoured by exceptionally powerful national and international organizations. Normative objective two is also not realized by such exclusion. The project affects the viability of the territories under land claims negotiations and it contributes to the militarization of Canada's arctic. These are legitimate public concerns and they should be represented in the review. It is clearly not for the Panel or the Ministry of Environment to decide the outcome of land claims negotiations, or to set policy for DND, but to exclude these issues from the review is to exclude consideration of the projects most fundamental impacts and leave significant public concerns unrepresented.

#### EDUCATION AND PUBLIC AWARENESS

Application of the Process in MFEARP both facilitated and restricted education of the public. Public education resulted directly from participation in the Process and was enhanced by intervenor funding.

Participants noted that the exchange of information among citizens within and among their organizations was assisted by the Process and especially by funding. Intervenors learned about the project, about the EAR Process and, in some case, about themselves. However public awareness was restricted by poor exchange of information between intervenors and provincial levels of government in both Newfoundland and Quebec. As noted in Chapter 3 the Ministry of Environment in Quebec simply ignored written and verbal demands of native and peace groups to take a stand on the issue. As well, the Ministry of Intergovernmental Affairs in Newfoundland apparently withheld information from local governments after providing it to other provincial Ministries.

While public groups learned about the process and the actors involved, it is impossible to tell how much experience they gained in the "practice of democratic skills and procedure" within their own organizations. Considering the expressions of grave distrust about the process and

forces that operate beyond it, participants at least gained an understanding of how democratic institutions are abused by centralized decision makers. More optimistically, however, whatever the perspective of different groups before the review, it was through an open public process that public support generally rose for a closer examination of the military. As public debate increased, fewer people were prepared to accept simplistic promises of economic benefits from the development. The civilian population wanted to know exactly how much they would benefit.

Thus the EAR Process facilitates consciousness raising at the formal review stage. DND also learned the importance of involving the public early in the process as evidenced by the information meetings conducted in 1985. They included more communities and government representatives than occurred for the IEE. However, the experience of native groups between the IEE and the meetings of 1985 was the antithesis of consciousness raising. The persistence of tight control over decision making before and after the public review is still indicative of a process that seeks to pacify rather than to consult.

## ACCOUNTABILITY WITHIN AND BEYOND THE PROCESS

The accounting practices required of intervenors seemed sufficiently rigorous to ensure accountable use of funds. It is too soon to tell if they were followed.

Requests for information that were not honoured; noted in Chapter 3, cast doubt on the accountability of elected representatives, as well as the credibility of a process that allows intervenors no right to information; particularly when it is critical to their intervention in the review, as was the case with the Combined Councils of Labrador. Normative objective three - to bring balanced information and judgement to bear on the policy making and project approval process - is not realized in MFEARP. In addition the correspondence of three years between CAM and several levels of government is testimony to a system that can ignore minority concerns with relative impunity, and a Process that does little to change this structural unfairness.

Finally, the actions of DRIE - providing vastly greater funding allowances to a pro-development group in the midst of a Process that is funding all concerned interests - particularly after being part of the negotiations that originally set up an independent funding committee,

provides evidence that a) the application of EARP in this case study fails to meet the fourth objective - to enhance the accountability of bureaucrats and politicians by exposing the environmental basis of decision making; b) relative to the political clout of powerful cabinet Ministers, EARP is an ineffectual policy instrument; and c) an intervenor funding policy is required to ensure that federal financial support to intervenors in EARP reviews is determined through one independent agency for the duration of the review.

## FAIRNESS

As noted in Chapter 1, to act fairly procedurally is to treat the interested parties with equal concern (Beehler, 1983), i.e. to give, and be seen to give, equal attention and weight to the interests of the parties. The importance of "being seen to give" is reflected in an open and deliberately comprehensive process (Finkle and Lucas, 1983). The formal review stage of the Process is relatively open. Experience in the IEE however was neither open nor deliberately comprehensive. The EAR Process not only allowed the proponent to disregard certain minority concerns in the IEE, it provided no avenue to have grievances redressed. These grievances come from native groups with fundamental value differences over the use to which the land should be put; land to which they have never surrendered title nor yet negotiated a land claim settlement. Exclusion of a) consideration for the need for the project, and b) the impact of the development on land claims negotiations, from the formal review is deliberately not comprehensive. It seems the only way EARP deals with issues of fundamental differences in values is to exclude any consideration of them. This is neither fair nor comprehensive.

Within the formal review, the Panel has operated fairly as evidenced by the incorporation of public comments into the draft Guidelines for the EIS and the publication of rationale for this incorporation. They also responded to public demands for clarification of their Terms of Reference and made interim recommendations to DND based on concerns expressed at the public hearings on the draft Guidelines.

Beyond the review and the actions of the Panel, significant unfairness stems from the withholding of information and provision of alternative sources of funding. The attention and weight attached to the interests of groups against the development is undermined by financial

support to pro-development intervenors. This action is not only unfair to the affected public groups, it also cast doubt on the credibility of the funding committee who had acted independantly in their funding allocations.

#### EFFICIENCY: TIME AND EFFORT REQUIRED TO ACHIEVE THE NORMATIVE OBJECTIVES

An efficient process is one that achieves its stated purpose with the least overall expenditure of time, money and effort. So far in the MFEARP case the normative objectives are in jeopardy. It is too soon to make a final judgement on the extent they will be realized overall. For example the Panel's recommendations and the Ministerial decision may yet reflect the benefits of intervenor funding, i.e. high quality, unique contributions to the Panel and broad representation of public interests.

Given the problems identified in initial assessment in the MFEARP case - insufficient consultation, lack of monitoring - under what circumstances could the normative objectives be achieved in less time and less overall cost? Opportunities for improvement can be drawn from the case study.

Clearly, if low level flying had been monitored since the IEE in 1981, information would be available that could tell decision makers a great deal more than predictive studies based on the EIS can ever hope to determine. As well, if the IEE had included all affected groups; if commitments to monitor the project at public meetings had been honoured; and if government representatives had responded to the legitimate protests of native groups, then the groups and communities now involved would be less polarized, and more information would be available to the proceedings. As it is, one group has withdrawn their participation and their knowledge from the Process altogether, communities are divided, and in the words of one respondent, "by sidestepping the land claims issue the Public Hearings are sure to be a rat's nest".

While it is difficult to make a comparison between the costs and time involved in this review and one with greater consultation at the IEE and the screening stages, it is clear that the resources needed for a formal review are far greater than those required of the initial stages. Greater public involvement in initial assessment could improve the efficiency of the application of

the Process. For instance, public participation that truly solicited the advice and consent of affected publics would more likely ensure their cooperation, make efficient use of their knowledge, and potentially avoid the need for a costly formal public review. However existing structures for public input at the initial assessment stage are insufficient. With no guaranteed access to this stage, no legal recourse to ensure that commitments made to monitor project impacts are honoured, and no right of appeal, public groups have no assurance that their concerns will be addressed or that the normative objectives of EARP will be realized.

In addition, without intervenor funding in these early stages public groups face the organizational barriers mentioned in Chapter 2 that would restrict their representation in the initial assessment. As Englehart and Trebilcock (1981) conclude, the availability of base-funding through a tax credit program<sup>2</sup> could complement the cost awards provided by intervenor funding programs in EARP.

Most importantly, the public need greater access to information and the right to involvement in project assessment *before* the decision is made about whether the project should go ahead.

#### EFFECTIVENESS IN ACHIEVING THE NORMATIVE OBJECTIVES IN MFEARP

The effectiveness criterion summarizes the extent that the normative objectives of EARP are realized in MFEARP. For each objective certain actions in the case study, especially during the formal review, contribute to its achievement. However, for several reasons each objective was also seriously undermined. For example, while the formal review stage helps raise to public awareness the environmental and related social consequences of development, the actions of DND and NMIA restricted the ability of local governments to make explicit the trade-offs between these and the economic benefits of material growth, by withholding information about the nature and extent of these benefits. For these and the reasons noted above - in

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<sup>2</sup> Such a scheme would adopt and extend the present tax treatment of contributions to political parties to public interest groups. This approach requires further research into certain operational definitions such as who qualifies and how that is determined. Englehart and Trebilcock (1981) suggest qualification be based on representational activities before government regulatory agencies, among others.

Representation of Public Interests in MFEARP - the first normative objective is not reached. As well, intervenor funding helped even the odds between weak and powerful interests in society. However, the actions of another Ministry ensured that the odds were reoriented to favour development interests over impacted communities and environmental concerns; thus the second normative objective is not realized. Objectives three and four are also invalidated by these actions.

Just as the normative objectives are not reached, neither do the evaluative criteria find that the application of EARP in the case study was fair, accountable, representative of public interests, or allowed sufficient disclosure of information for raising public awareness. While these criteria provide an ideal operation of the Process they are not planted in mid air. They are strongly rooted in theories of democratic organization and impact assessment procedure.

Some improvements in the opportunities for participation occurred in this application of EARP - the public meetings conducted by DND in 1985, financial support for intervenor research before the EIS; public involvement in scoping and preparation of the EIS Guidelines - however the basis for the problems noted remains. Initial assessment still does not require public involvement nor is monitoring required after an IEE; the public still have no legal right to appeal initial assessment decisions; and intervenor funding is not guided by a coherent policy framework. Reform of the Process to address these problems is increasingly supported by public opinion. What is missing is political will.

## CHAPTER 5

## CONCLUSIONS, RECOMMENDATIONS AND POLICY IMPLICATIONS

The most general conclusion of this research is that the provision of intervenor funding at the formal review stage does not allow the EAR Process to achieve the normative objectives used in this study to define the primary social objectives of any EIA process. Intervenor funding assists the public to participate in certain ways but the fundamental criticisms of the EAR Process - ambiguous authority and structural restrictions on public input - still apply. These fundamental flaws in the Process were borne out in the application of EARP in the case study: certain groups had inadequate access to information or input to initial assessment; self-assessment by a centralized bureaucracy led to inadequate impact identification in the IEE and no monitoring requirements; information was withheld from intervenors during the formal review; and an alternate source of federal funds was made available to a pro-development intervenor after the funding committee had made their funding allocations.

In addition to flaws in the Process however, fundamental criticisms of the original assumptions of EIA also still apply: impacts and mitigatory measures are assumed to be predictable and therefore not in need of monitoring. In the case study, the effects of low-level flying were not monitored after the IEE and the Process does not yet ensure that monitoring be required after any future initial assessments.

As well, the political and philosophical context in which EARP operates is unaffected by intervenor funding. This context is still technocratic, centralized and mechanistic. It uses EARP to interpret development impacts as technical problems ignoring the reality that the impacts invoke fundamental questions of political value. While the Process allows public input, those in control of the context relinquish no power. In the MFEARP case, this is evidenced by a focus in the Terms of Reference on technical impacts of the project to the exclusion of public policies which affect fundamental value differences between affected groups.

Given such fundamental problems with the EAR Process, incremental reforms like intervenor funding at the formal review stage or independent audit of the initial assessment

stage are analogous to replacing the muffler on an engine with a cracked block. They serve to quiet the protest but do nothing to address the fundamental problems.

In accordance with the normative objectives and the theoretical rationale for participation in development planning developed in Chapter 2, the entire EAR Process should be replaced. Instead, environment-development interactions should be anticipated and managed by a decentralized, holistic, adaptive and participatory planning process that focusses on the causes - policy, program and project - of environmental impacts rather than their effects.

However, given the reality of EARP and the context in which it operates; the likelihood that neither will radically change in the near future; and in recognition of the potential for EARP to approach the normative objectives, several recommendations for improvement are offered based on the analysis of the MFEARP case. They are divided according to the original purpose of the thesis. Therefore two sections - the adequacy of opportunities for public participation in EARP, and the influence of intervenor funding on that input - provide recommendations based on the requirements for a fair EAR Process and conclusions about whether these requirements were met in the MFEARP case.

### OPPORTUNITIES FOR PARTICIPATION IN EARP

For the federal EAR Process to meet the normative objectives, several operational improvements are required. The Process must provide some assurance that at each stage impacts are truly assessed. To provide this the Process requires a watchdog function to ensure self-assessment meets the requirements of the Guidelines Order. In addition, EARP requires complete information for decision making and, that projects accommodate the social, ecological and political context in which they will operate, rather than the reverse. All of these requirements necessitate public involvement at all stages of EARP.

This study concludes that while public consultation by DND improved by 1985, and has been extensive during the formal review, it was insufficient in the preparation of the original IEE. The result was to intensely polarize the communities affected. In addition, according to one intervenor DND did not honour a commitment to monitor the effects of low level flying on the

caribou after completing the IEE. DND has financially supported caribou research since 1986. Whether a commitment to monitor after the IEE was actually made is not at issue here. The Process is the problem. It should ensure that proponents make and honour monitoring commitments after an IEE. Monitoring is necessary to check the original assumptions of the IEE or screening decisions, and to verify the appropriateness and utility of any mitigatory measures recommended there.

All intervenors expressed a desire to be involved in monitoring and as noted in Chapter 2, it is only during monitoring that the public can be sure that the day to day mitigatory measures are in fact being carried out. The importance of public involvement in the design and conduct of a monitoring program is just as critical after an IEE as after a public review.

Another conclusion of this research is that in several instances, information was not supplied to intervenors in a fair and timely manner. Clearly, some information pertinent to the project or to DND would be confidential. However, the ratio of civilian to military jobs that would result from the project is not a security issue. As well, the video produced by DND informing and promoting Labrador as a site for low-level flying is intended for public viewing. Both should have been promptly made available to intervenors. While the former was not finalized at the time of the request to DND, it was apparently made available to some provincial government agencies. Considering the importance of the issue to the intervention affected - the Combined Councils of Labrador wanted the numbers to discuss the issue at their Annual General Meeting - even preliminary figures would have provided the necessary information.

Finally, from this examination of the MFEARP case, it is concluded that the Panel's Terms of Reference allow insufficient representation of public concerns on two fundamental issues: land claims negotiations and the militarization of the Canadian arctic.

Based on the requirements for EARP and the conclusions drawn from the case study, I make the following recommendations:

#### RECOMMENDATIONS FOR PUBLIC PARTICIPATION IN EARP

To satisfy the criteria of representativeness, fairness and efficiency, the Process needs greater public involvement in the initial assessment stage. Such consultation needs to be

clarified and strengthened in the present structure of EARP. While consultative mechanisms between some departments and the communities they affect already go beyond EARP guidelines - for example between DIAND and community officials on certain community projects (Grady, pers. comm., 1988) - the importance of this decision making point necessitates that public involvement at this stage become a required element of initial assessment.

Ideally, initial project assessment should be integrated into the existing regional and/or community planning framework of the impacted area. Recognizing that such a framework does not always exist, and that it may be formulated with even less public involvement than is presently allowed in EARP, I also recommend that the public have an avenue to appeal the decisions of the IEE and screening procedures. Such an avenue could be incorporated into the recommendation made by CEAC: in order for environmental assessment to become an integral part of decision making the regulations should "provide for an independent audit of the initial assessment stage by the Office responsible for the reformed Process" (1988).

It is also recommended that the information used for initial assessment decisions, and appeals to them, should be publicly available. Publication of a Bulletin several months after a decision has been taken is clearly insufficient. These data should be much more accessible, for example by filing the essential information in a public register in the regional offices of the department concerned (Rees, 1980a). Such notice could include: the rationale for the decision, the assumptions on which it is based, explanation of mitigatory measures, the public involvement that occurred (public groups could ratify these statements), and the means by which information about the project can be further verified. In this way public appeals would have the benefit of open debate based on a public record.

I also strongly recommend that project monitoring be a required element of any application of the EAR Process, after initial assessment and after formal public review. This monitoring should include follow up reports that are publicly available. Public involvement could take two general forms. As recommended by one government respondent, the first is membership on a monitoring advisory board. This body could include several public interest perspectives and would set priorities for monitoring as well as plan and implement a monitoring strategy. Such a body might also be instituted on a permanent regional basis in order to oversee

the implementation of numerous "EARPed" projects. This strategy would allow concentration of expertise as well as a focal point for consideration of cumulative impacts. The second form of public involvement could include identification of what to monitor as well as design and implementation of the monitoring program. Here participants could be chosen on the basis of experience and knowledge in the area as well as previous participation in the review studies.

Local government respondents expressed interest in such an advisory board; native organizations an interest in participation in monitoring. Acknowledging that all participants will bring bias to the procedure, the structure of the advisory board and the field personnel must allow for consideration of differing views and continual checking of assumptions and record keeping.

Arguably the most important institution for on-going coordination of the development and the environment it is affecting, the monitoring advisory board should have the authority to recommend modification and even cessation of the project if, in the course of its observations, the project poses significant environmental and social risks.

Access to information throughout the Process is critical to the realization of the third normative objective: to bring balanced information and judgement to bear on the policy making and project approval process. All government departments should be legally required to supply prompt and complete responses to reasonable information requests when they pertain to any stage of a EARP review.

In consideration of the importance of the values affected by project impacts, I recommend that public input be sought when drafting the Panel's Terms of Reference in formal public reviews. Also considering the above and the information generated by a public review, I recommend that the Terms of Reference customarily allow the Panel to make recommendations about the policies that are the causes of the development projects themselves.

#### THE EFFECT OF INTERVENOR FUNDING ON PUBLIC PARTICIPATION IN EARP

For an intervenor funding program to assist public participation in EARP it needs to fulfill several requirements. The program should be announced with enough time and latitude so

that all affected groups have sufficient time to apply. The funds should be approved of and delivered with enough time for their efficient use. Funding allocations should be sufficient to fully represent public concerns and the means by which all funds are supplied to the Process should be independent and fair.

This study concludes that the communications strategy used by the funding committee as well as the timing of program announcements was satisfactorily administered. Some question remains however as to whether funds were sufficient to fully represent the entire region affected by the project. Several respondents noted that they could not adequately cover the region they wanted to study. While the most beneficial effect of the funding was to assist intervenors to reach remote communities, some mentioned that this access was still not sufficient.

Finally I conclude that the provision of federal funding through DRIE to a pro-development intervenor, in the middle of a review in which this department had originally participated in negotiations to set up an independent funding committee, is an unfair and irresponsible use of public funds.

Based on the requirements of an intervenor funding program noted above and the conclusions drawn about its application in MFEARP, several recommendations are made.

#### RECOMMENDATIONS FOR INTERVENOR FUNDING IN EARP

It is recommended that the communications strategy - as it affected announcements, timing and delivery of funds - used by the funding committee, be adopted in future funding programs. Concerning the sufficiency of funds and its effect on regional representation, better consideration needs to be given to the travel costs of participants covering a large region.

Concerning sources of funding besides those supplied through the independent committee, fairness in funding mechanisms requires a one-window approach to government agency funding sources. With no routine policy guidelines on intervenor funding, partisan support will continue. Intervenor funding in EARP requires a regularized process where all government funds are provided to participants through one independent entity.

One way to finance such a process would be to set up an Environmental Assessment Studies Fund (EASF) (Rees, pers. comm. 1988). Like the Environmental Studies Revolving Fund

(ESRF) presently administering technical environmental studies in the north through DIAND and the Department of Energy Mines and Resources (EMR) (EMR, DIAND, 1983), the EASF could be proponent-financed by an obligatory contribution, perhaps on a regional basis, as a yearly tax of doing business in an area.

As stressed above, monitoring is crucial to the interpretation and use of EIA as an adaptive and social learning process. As well, in order to make efficient use of public knowledge, particularly in the north, monitoring should include public representatives in an advisory and operational capacity. A funding mechanism like the EASF mentioned above could support public representatives to a monitoring advisory committee. However given the potentially extensive financial support that monitoring may require for certain projects, alternative funding mechanisms may be necessary. One that would complement the *ad hoc* awards provided through an EASF is the type of tax incentive scheme recommended in Englehart and Trebilcock (1981, p210). Their recommendations would extend the present tax treatment of contributions to political parties to public interest groups who represent environmental and impacted community constituencies in both impact assessment hearings and in later monitoring of the assessed development.

### RECOMMENDATIONS FOR FURTHER RESEARCH

Recommendations for further research are divided between the case study and the Process in general.

#### THE MFEARP CASE STUDY

This study is preliminary. Further research is required to evaluate the quality of intervenor submissions in Phase 1 of the funding program. In addition an evaluation of the effect of intervenor funding on the entire project is required. This should include an assessment of the impact of intervenor funding on the quality of intervenor submissions as well as the impact of funding on the decisions in the review, and the extent that public input is reflected there. Such

studies could also consider the funding that would be required for monitoring and the representation of public groups who could assist in this review.

## THE EAR PROCESS

Four general areas in the Process would benefit from further research or pilot study.

First, research could determine the administrative, institutional, financial and spatial requirements of an Environmental Assessment Studies Fund using the ESRF administered by DIAND and EMR as a starting point. Second, and perhaps as part of the same study, research could assess the merits of a tax incentive scheme, recommended by Englehart and Trebilcock (1981), as it could assist public interest representation in all stages of EARP. This research could follow up on the recommendations of the 1981 study and develop criteria for eligibility as well as recommendations for lowering the administrative costs of such a scheme.

Third, further research is required into the application of improved consultation mechanisms for public involvement at the early stages of the assessment. Such mechanisms need to address the loss of self-determination that results from exclusion from decision making at the initial stages, and the polarization that results from processes that do not include, or even recognize, entrenched and deeply held value differences, particularly regarding land ownership and territorial rights. Examples of the type of alternative mechanisms possible include the incorporation of development proposals and EARP assessment procedures into existing regional or community planning frameworks, community conducted SIA (Corbett, 1985; Boothroyd and Rees 1984), and citizen based planning (Susskind, 1977) where citizens set their priorities in a regional context, and self-consciously learn through ongoing involvement in the formulation and implementation of local policies.

Fourth, the MFEARP case study provides a good starting point for research to determine the value of public involvement in monitoring. Such an evaluation could assess funding requirements, the contribution of local knowledge, and the social learning that such participation engenders.

## EARP, ENVIRONMENTAL POLICY AND SUSTAINABLE DEVELOPMENT

This study focusses on intervenor funding and public participation in EARP. Specification of normative objectives and evaluation of public involvement against them in the process provides the larger political context for such a focus. The context in which EARP ultimately rests however is in the efforts to achieve sustainable development<sup>1</sup> practice in Canada.

As the World Commission on Environment and Development (WCED) pointed out, development involves a progressive transformation of economy and society. More than this,

physical sustainability cannot be secured unless development policies pay attention to such considerations as changes in access to resources and in the distribution of costs and benefits (WCED, 1987, p.43).

This qualification on development regulation is exactly the point of the normative objectives used here for EARP. Where there are social consequences and trade-offs they should be made explicit; where there are inequities in the distribution of costs and benefits, particularly when marginalized groups bear the weight of the costs, then the policy should redress this imbalance.

The WCED report also stresses that "the pursuit of sustainable development requires a political system that secures effective citizen participation in decision making" (WCED, 1987, p.65). The normative objectives of EARP are founded on this principle. The Canadian Council of Resource and Environment Ministers (CCREM), in their Report on the National Task Force on Environment and Economy, recognized "the leadership role played by non-government organizations with respect to the early identification and public debate on environmental issues" (CCREM, 1987). In concert with the World Commission on Environment and Development, CCREM also made recommendations to increase public participation in these matters. They were, however, notably silent about how this participation might be assisted financially. Some of the actions recommended above would assist non-governmental organizations in this "leadership role".

The WCED report stated that the fundamental challenge of sustainable growth and development, where environment and development are systemically locked together, requires

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<sup>1</sup> Development that meets the needs of the present without compromising the ability of future generations to meet their own needs (WCED, 1987).

major changes in the way governments and individuals approach issues of environment, development and international co-operation. We must shift from the "standard agenda", where environmental policy, laws and institutions focus on environmental effects, to an approach concentrating on the policies that are the sources of those effects (WCED, 1987, p310).

By its very structure EARP is an example of the effects-focussed policy approach that the WCED report criticises, even when it is applied! However, recommendations for reform have come from within EARP<sup>2</sup>. As well, public observation, criticism and demand for participation has been, and continues to be, a significant driving force toward sustainable development policy. For example, it was public participation in the Lancaster Sound EARP that focussed public debate on the absence of any co-ordinating policy or planning framework in northern development (Davidson, 1981). Ultimately this debate led the Panel to reject the proposal until a regional planning framework was developed within which the project could be properly assessed.

The recommendations made here for greater participation in EARP and for financial support to that input would assist the EAR Process in facing the fundamental challenge of sustainable growth and development. Ultimately however, I believe this challenge requires a radically different mindset: from centralized control to decentralized decision making and regional coordination; from exploitation to co-existence; and from expectations of mechanistic predictability to an appreciation for natural diversity, compromise and uncertainty.

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<sup>2</sup> Wallace (1985) reports that in 16 out of 25 EARP reports between 1975 and 1984, 39 process related recommendations were made. These included specific recommendations regarding FEARO or EARP, enhanced mechanisms for co-ordination, recommendations for intervenor funding, and recommendations for policy or procedural change.

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APPENDIX 1  
LIST OF INTERVIEWEES

INTERVENORS - APPLIED AND FUNDED

Organization and Contact	Initial Telephone Contact	Mailed Questionnaire, late Feb. '88	Phone Interview March, '88
Mr. Jim Prowse Concerned Citizens Group - Opposed to a NATO Base in Labrador, Wabush, Lbr.	X	X	X
Rev. Peter Loughheed Chairperson, Church and Society Committee Happy Valley and District Ministerial Association Northwest River, Lbr.	X	X	X
Mr. Ian Strachan Mokami Project Group Happy Valley - Goose Bay, Lbr.	X	X	X
Mr. Greg Penashue President, Naskapi Montagnais Innu Association North West River, Lbr.	X	X	
Mr. Steve Michelin Past President Combined Councils of Labrador Labrador City, Lbr.	X	X	X
Ms. Judy Rowell Environmental Advisor Labrador Inuit Association Nain, Lbr.	X	X	X
Ms. Barbara Wood; Ms. Jane Lloyd Mokami Status of Women Council Happy Valley - Goose Bay, Lbr.	X	X	X
Ms. Lorraine Brooke Head of Research Department Societe Makivik Corporation Montreal, P.Q.	X	X	X

## INTERVENORS - APPLIED, FUNDED AND DECLINED AWARDED FUNDING

Organization and Contact	Initial Telephone Contact	Mailed Questionnaire, late Feb. '88	Phone Interview March, '88
Mr. Al Durno - Town Manager Mr. Hank Shouse - Mayor, Town of Happy Valley - Goose Bay, Lbr.	X	X	

## INTERVENORS - APPLIED AND NOT FUNDED

Mr. Paul Charest Director of Research Conseil Attikamek - Montagnais Quebec, P.Q.	X	X	X
Mr. Andrew von Rhedey A Northern Perspective - Labrador Project Happy Valley - Goose Bay, Lbr.		X	
Mr. Cecil Vincent Town Manager Town of Labrador City, Lbr.	X	X	X
M. Gilles Fontaine Les Amis de la Terre Quebec, P.Q.	X	X	X
Mr. Ernie Regehr Project Ploughshares Conrad Grabel College University of Waterloo Waterloo, Ontario	X	X	X

## RELEVANT GOVERNMENT AGENCIES

Organization and Contact	Initial Telephone Contact	Mailed Questionnaire, late Feb. '88	Phone Interview March, '88
Mr. Tony Downs/Ms. Ginger Stones Environmental Protection Officer Directorate of Conservation and Environment Department of National Defense Ottawa, Ontario	X	X	X
M. Michel Bourgon Assistant Secretary to the Panel M. Guy Riverin Secretary to the Funding Federal Environmental Assessment and Review Office Ottawa, Ontario	X	X	X
Mr. Michael Barrett Department Head Environment and Resource Management Department Kativik Regional Government Kujjuuaq, P.Q.	X	X	X
Mme. Brigitte Bourque Chief of Staff Ministers Office Ministry of the Environment Quebec, P.Q.	X	X	
Mr. Bruce Moores Assessment Biologist Conservation and Protection Environment Canada St. John's, Newfoundland	X	X	X
Mr. Keith Grady Acting Manager - Environmental Agreements Indian Environmental Protection Indian and Northern Affairs Canada, Ottawa, Ontario	X	X	X
Mr. David Jeans Assistant Deputy Minister Environment and Lands Ministry of Environment St. John's, Newfoundland	X		

## APPENDIX 2 - QUESTIONNAIRES AND RESPONSES

This appendix provides the questions asked of all interviewees and the responses they gave. In each notation the questions asked of funded intervenors are provided, then their responses; the responses of non-funded intervenors and government representatives follow. Where the question differed for the latter two respondent groups, the variation of the question is provided before their responses. Responses are noted anonymously and are summarized from telephone interviews. Where I have summarized several responses together they are noted in italics.

Each questionnaire had the following title and set of definitions:

### QUESTIONNAIRE REGARDING INTERVENOR FUNDING IN THE ENVIRONMENTAL ASSESSMENT REVIEWING MILITARY FLYING ACTIVITIES IN LABRADOR AND QUEBEC

Definitions: "the project" refers to the existing and proposed increases in the low level military flying activities of the Department of National Defense in Labrador and Quebec.

"MFEARP" refers to the Environmental Assessment Review of Military Flying Activities in Labrador and Quebec

"EARP" refers to the federal Environmental Assessment and Review Process

### QUESTIONS AND RESPONSES

1. EARP is often presented as a two stage process: in-house screening and a formal public review. In cases where there are potentially significant environmental impacts, the first objective for intervenors is to ensure that the project is referred for a formal review.

Did your group take any steps in order to have the project brought to the formal review stage.

Funded Groups:

Yes: 3      No: 4

Non-Funded Groups:

Yes:2      No: 2

Please describe any steps you took.

Funded Groups:

- did not know there was a difference between in-house evaluation and the formal review stage
- the project was brought to the formal review stage early by the proponent
- four years worth of letters and phone calls to local Members of Parliament, Federal and Provincial Environment Ministries
- not involved in any official way; pleased with the referral; fought hard to get information groups to go all up and down the coast
- went to meetings in indirect support of Labrador Inuit and Naskapi - Montagnais
- the process itself forced the project to be referred

Non-Funded Groups:

- three years of letters and phone calls to DIAND, Quebec Ministry of Environment, Prime Ministers Office, Local MLA's
- letters to government in support of native organizations and addressing the need for the project and National Defense Policy

Did the possibility that you might receive funding affect these efforts?

- *no group had any knowledge that funding might be available and it bore no relevance on the efforts that any public groups did or did not take.*

Government agencies were asked:

Please describe the sequence of events, and the participants involved, that led to the decision to:

a) refer the project to the formal review stage:

- this question does not clarify that the definition of the project had changed; there are two processes is parallel: one is the low level military flying activities that have been going on since 1979, the second is the possibility of establishing a NATO training base where some of the activities would include low level flying; the objective of the public is not necessarily to get the project referred but to obtain reassurance that all effects are addressed and mitigated

- where there are significant impacts from a project the primary objective is to stop the project or to stop the impacts; referral to formal review is a secondary question; given the ponderousness of public review one would hope, for everyone's sake, that appropriate measures that avoid significant impacts can be incorporated before the public review point.

- the IEE only addressed existing and proposed increases in low level flying; the study was considered adequate and included mitigating measures; with time this project was more and more related to the selection of a NATO base; this led DND to conduct information workshops in 1985 in an effort to inform people of what was proposed

- DND realized that there was much more concern and need for information than they had anticipated; in the fall of 1985 groups were more organized and the two factors, public concern and the need for more information, led the Minister to refer the project for a formal public review.

and b) fund intervenors in the process:

- intervenor funding has been raised at most EARP reviews as a big issue

- intervenor funding came up after public consultation on the Guidelines; it was determined to be important after previous experience with northern and remote communities who had no access to libraries; the translation of northern experience and needs into southern language was also a consideration

- discussions between FEARO, DND, DIAND and DRIE in the summer and fall of 1986 led to the decision to fund intervenors through an independent funding committee rather than for each agency to fund their constituent groups; DRIE dropped out of the process in December, 1986; the final contributions to the funding program involved \$350,000.00 from DND and \$150,000.00 from DIAND

- it is a federal principle that costs for environmental assessment relating to a project should be seen first as a cost of doing business, where pressure on the proponent or the province in which development is affecting native communities does not result in cost coverage then DIAND funds native groups directly; in this case FEARO did not have any money and the proponent therefore covered the larger share of the costs.

2. If intervenor funding were a standard feature of the formal public review stage of EARP, how would general public participation in development planning be affected?

Funded Groups:

	increase	decrease	not change
a) participation would	[6]	[ ]	[1]
b) the number of projects that reached the formal review stage would	[2]	[ ]	[4]

- do not know the answer to part b

- it is pretty straightforward that both participation and the number of projects referred would increase

- I don't see any connection between the number of projects referred and intervenor funding

- decisions are made prior to the process, EARP is a formality, a necessary detail

Non-Funded Groups:

	increase	decrease	not change
a) participation would	[4]	[ ]	[ ]
b) the number of projects that reached the formal review stage would	[3]	[ ]	[ ]

- don't know how the number of projects that reached the formal review stage would be affected by intervenor funding

Government Representatives:

	increase	not change	decrease
participation would	[3]	[2]	[ ]
the number of projects that reached the formal review stage would	[ ]	[4]	[ ]

- the number of projects referred would not change if EARP is operating as it should

- the number of projects referred would not change because the proponent controls referrals and judges public concern

- to answer whether the number of projects referred would change requires sophisticated knowledge of EARP and long term advance planning by intervenors

3. In your opinion, how much did public pressure affect the decision of the Minister of Defence to refer this project for a formal public review?

Funded Groups:

- little, the controversy arose after the referral; controversy was there before but the hearings allowed it a voice
- the entire reason; there is no way that DND would have referred the project without public pressure; DND ignored public pressure for many years and it was therefore extreme by the time of the referral
- to some extent
- made quite a difference however if they want to have a base here they are going to have one regardless of the review
- potential for outcry without the review was even greater; the Landry report was inadequate and biased
- significantly; there was lots of public controversy
- participation did not force the referral but without native protest the Terms of Reference would not be as broad as they are and the hearings for the Guidelines would not have taken place to the extent that they did

Non-Funded Groups:

- the more you pressure them, the more they move
- growing criticism of the whole process led the Minister of Defense to seek a process to legitimize it; he used EARP
- very much, first Labrador, then the Province of Quebec, then the national and international community
- not at all, I'm sure it would have been done

Government Representatives:

- a bit of both: public pressure and the need for more information as DND realized that the IEE did not address the new project
- ask DND
- don't know, obvious there was public outcry; can't judge what the Minister of Defense was thinking
- unknowns were the most important factor in addition to public concerns
- 99%; the project should have gone to formal review at the very beginning; with no communication conflicts arise and positions harden

## 4. Please respond to the following questions regarding the Terms of Reference of MFEARP?

## Funded Groups:

Under the Terms  
of Reference of MFEARP:

	Agree	Don't Know	Disagree
our organization has a public forum where none existed before	[5]	[ ]	[2]

- there was some participation before but not to this extent

- we were able to talk to the Panel before

all significant impacts of the project are being considered	[5]	[1]	[1]
---	-----	-----	-----

- identifying land claims as "something to consider" skates around the issue

- great deal more now than they may have been before

- still serious limitations on monitoring and "no-go" scenarios

- as much as humanly possible; Panel included comments from draft Guidelines

our membership supports our participation in MFEARP	[7]	[ ]	[ ]
---	-----	-----	-----

- so far; no guarantee we will continue; we will pull out if the Panel does not recognize our concerns

- the Ministerial Association supports our position as does the national and international Church community; the entire congregation does not necessarily support us; lost of media flack over this; we have more support than we did 2 years ago; people are now questioning who will really benefit

- some feel there should be no review because low level flying is not new (its been going on since 1962); these people are in the minority

general public support for our concerns has increased	[5]	[1]	[ ]
---	-----	-----	-----

- neither increased nor decreased

- increased through increased awareness

- no way of evaluating this; tremendous amount of friction in Happy Valley

- Goose Bay between native and non-native people

other (please explain)

- public support has not increased for land claims or native concerns but it has increased for a more careful examination of the military

## Non-Funded Groups:

Under the Terms  
of Reference of MFEARP:

	Agree	Don't Know	Disagree
our organization has a public forum where none existed before	[1]	[ ]	[3]

- forum for presentation yes; for debate no
- the council is a public forum, media access too
- media, access to DND consultations

all significant impacts of the project are being considered	[1]	[1]	[2]
---	-----	-----	-----

- Guidelines are theoretically comprehensive but doubt if EIS will have enough time to reflect all the requirements
- specific exclusion of defense policy

our membership supports our participation in MFEARP	[2]	[ ]	[1]
---	-----	-----	-----

- we have formally withdrawn from the process

general public support for our concerns has increased	[2]	[ ]	[ ]
---	-----	-----	-----

- public support has not changed
- there is general and growing concern about the low level military flying and about peace and disarmament issues but this is quite independant of MFEARP

## other (please explain)

- we were on the FEARO mailing list; after our presentation at the Public Hearings we stopped receiving mail; our briefs were sent as a package but they did not include our submission in the compendium

## Government Representatives:

Under the Terms of Reference of MFEARP:

Public groups have a forum for their concerns:

in addition to other  
legal, institutional  
or political avenues  
(please describe)

[4]

where none existed before

[2]

- media available before

- media, international forums (Innu have received support from the United Nations and international churches); also raised issue with the Minister of Indian and Northern Affairs who referred complaints to DND and DOE

- provincial process was a fall back; injunction possible but difficult task if not impossible when policy is deemed in the national interest; local political action

- certain groups used the media but the communities and some individuals had no previous forum

- no previous forum however the natives made their views known directly to DIAND

General public support for intervenors has:

increased

[2]

not changed

[1]

decreased

[ ]

- don't know; if quality of presentation increased then support would increase

- not in any position to know; some tried for publicity, whether useful or supportive I don't know

- intervention process has received support but there is no change of public support one way or the other

- it is not a question of public support; before the review there was a perception of government arbitrariness; the review and funding within it enables people to feel that there is an opportunity to raise their concerns; it provides a fair hearing and enhances perceived fairness; therefore public concern about the decision is decreased

Significant impacts of the project are:

completely considered [5]      partially considered [ ]  
 (please describe any discrepancies)

- Terms of Reference are comprehensive with respect to environmental concerns; they preclude issues of defense policy and land claims

- in no position to comment if there are discrepancies in consideration of socio-economic concerns

Other (please explain)

### OPPORTUNITIES FOR PARTICIPATION IN MFEARP

A diagram of the EARP process is attached (Source: adapted from the Revised Guide to the Federal Environmental Assessment and Review Process. Ottawa:FEARO, 1979). Several important stages in the process are identified and numbered beneath the diagram. The following five questions refer to this diagram.

5. At which stages in MFEARP is your organization participating?

Funded Groups:

Stage:	What kind of participation:	Is this participation covered by intervenor funding:
1. [ ]	[ _____ ]	[ _____ ]
	- tried to become involved but were left out of the process	
2. [1]	[ _____ ]	[ _____ ]
	- lobbied since 1980 to have project referred	
3. [5]	[ _____ ]	[ _____ ]
	- protested that the Terms of Reference did not include defense policy and land claims	
	- suggested that the Terms of Reference be broadened to include the "no-go" option	
	- meetings in Ottawa with FEARO	
	- tried for amendments to Terms of Reference	

4. [7] [ ] [ ]

- we were not consulted in the scoping workshops; surprized at the level of participation the Panel got without funding at this stage; everyone was stung when it was announced that funding was not retroactive to cover this period

- many people focussed on other grievances besides responding to the Guidelines

5. [7] [ ] [ ]

- see Table II for description of funded research activities

6. [5] [ ] [ ]

- not sure if we'll apply for funding; too soon to say; hearings not scheduled yet

- depends how we feel; dont think we'll apply for funding

- don't know, likely we'll apply however most of the radicals have left

- don't know, the group membership and executive have changed

7. [6] [ ] [ ]

- all respondents noted that it depended on the decision

- basically in favour of the NATO base but concerned that it include the necessary precautions

- up to the membership; can't comment yet

- hope to be involved

8. [7] [ ] [ ]

- would like to be involved in monitoring and would need funding to do so
- want involvement but do not want to repeat what other organizations are doing to our satisfaction
- interested to see who, how monitoring will be done; leary of DND accountability
- hope to be involved; some are anxious to be involved
- hope the decision is to have long term monitoring; we would want to be involved and need funding to do so; part of the deficiency in monitoring is that there is insufficient funding for it
- our concerns with respect to monitoring are that it will only identify the status quo; we prefer management of the caribou herd year round
- we want to be directly involved in developing the program, decisions over whether to monitor, what to monitor and directly involved in the watchdog program that results; there will be hell to pay if we are not involved

6. Would your organization be participating in MFEARP if you were not funded?

Funded Groups:

yes: 5                  no: 2

If yes, at what stage of MFEARP would your organization participate without intervenor funding?

1.	2.	3.	4.	5.	6.	7.	8.
[ ]	[ ]	[3]	[7]	[4]	[6]	[2]	[2]

- we had lobbied so much to get the project to the formal review stage that we had to participate at stage 4 without funding; we would not have participated past stage 4 without funding
- would have spoken out, put a short presentation together but we could not have represented Labrador women the way we have done without funding
- our principle aim is to lobby for or against anything that affects Labrador; our participation would have been more limited without funding and we could not have included all communities in our Annual General Meeting
- prior to funding we were supported by the United Church Peace Organization; we held public forums to have all players come and state their case; we would have spoken but not to the extent that is possible now
- we would have intervened without funding but the communities we are assisting would have had less involvement at stage 5

Non-Funded Groups were asked:

Is your organization participating in MFEARP without intervenor funding?

yes: 2                      no: 2

- the process does not respect the rules; decisions are made before the project is reviewed; we are \$80,000.00 in debt as a result of this process; we have formally withdrawn our participation and any supply of information to the review because 1) the Panel can't recommend that the flights be stopped altogether, 2) DND did not conform to the Panel's preliminary recommendation to keep flights at 1986 levels, rather they increased them by 20%, and 3) the Minister of Defense has already stated publicly that if NATO chooses Canada as the site for the base then we will have the base

- the process does not allow consideration of our concerns

If yes, at what stage of MFEARP is your organization participating?

Stage:

What kind of participation:

1.     [1]                      [ \_\_\_\_\_ ]

- submitted briefs, took a position, asked for support

2.     [1]                      [ \_\_\_\_\_ ]

- lobbied since 1983 for referral

3.     [2]                      [ \_\_\_\_\_ ]

- presentation of briefs

- lobbied for Terms of Reference to include "no-go" option

4.     [4]                      [ \_\_\_\_\_ ]

- submissions at hearings on draft Guidelines

5.     [2]                      [ \_\_\_\_\_ ]

- staying informed; receiving releases in constant contact with Tri-Community Board (Labrador City, Wabush and Happy Valley - Goose Bay); receive briefing from Mokami Project Group; attended Concerned Citizens Group workshop

- presentation of briefs

6. [2] [will reapply for funding ]  
 7. [2] [ ]  
 8. [ ] [ ]

How are you managing to participate?

	Yes	No
using own resources:	[2]	[ ]
obtained funds from elsewhere:	[ ]	[ ]
other (please explain):	[ ]	[ ]

7. How do you rate the opportunities (workshops, allowable research, hearing procedures, access to Panel and/or Ministers, etc.) for participation in the 8 stages of MFEARP?

Funded Groups:

Stage:	1.	2.	3.	4.	5.	6.	7.	8.
Poor	[5]	[5]	[4]	[1]	[2]	[1]	[2]	[2]
Fair	[2]	[1]	[3]	[3]	[2]	[2]	[2]	[1]
Satisfactory	[ ]	[ ]	[ ]	[3]	[3]	[2]	[ ]	[ ]
Unable to comment	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[1]

- overall assessment good

Stage 1:

- lots of dialogue; DND didn't know there were factions against them when they started; some groundwork needs to be done before the public gets involved

- we had no opportunity to speak to the IEE

- abysmal

Stage 2:

- would have had input if we'd had the opportunity

- not in the public domain at all

- government and military had already sorted out their case; the decision was a *fait accompli*; IEE had said no significant impacts

Stage 3:

- leaving out land claims, one of the key reasons to oppose the project, prejudices the whole issue; raises issues of inefficacy of the review especially when the Panel can't recommend that the flights stop altogether; we are pleased that the Panel raised the issue but feel that the process only takes off the pressure; we wonder how seriously the Panel is being taken

## Stage 4:

- this stage allowed all communities repeated "kicks at the cat"
- we were not involved in scoping

## Stage 5:

- DND consultants in contact; keep us up to date; provide background documents; very happy with this
- not enough time; can't do a serious study in 9 months; funding is important and useful; funding allows some independence within the community and it decreases suspicion that outsiders are telling people their problems; it is the process that is the problem

## Stage 6:

- because of our history with DND we anticipate difficulty getting information

## Stage 7:

- MacMillan said we can address him if we are unhappy
- sufficient access; not sure of influence
- decision here undercuts the whole process; EARP is only to take pressure off

## Stage 8:

- anybody's guess
- would think there would be liaison committees or tri-partite committees
- need follow through to end of process with funding; want a say in who monitors
- depends on the EIS and the Ministers decision

Does being funded improve your rating of any of the opportunities?

Yes: 2                      No: 5

- happy to receive funding but it doesn't change the way the process is structured
- no because we didn't get much
- public has access with or without funding
- no, because so much was done without funding
- yes, for stage 5 on behalf of the communities

## Non-Funded Groups:

	Stage: 1.	2.	3.	4.	5.	6.	7.	8.
Poor	[1]	[3]	[3]	[1]	[1]	[ ]	[ ]	[ ]
Fair	[ ]	[ ]	[ ]	[2]	[ ]	[1]	[ ]	[ ]
Satisfactory	[1]	[ ]	[ ]	[ ]	[1]	[1]	[1]	[1]
Unable to comment	[1]	[1]	[1]	[1]	[2]	[2]	[2]	[2]

- we have no problems with EARP

## Stage 2:

- only input is public pressure

## Stage 3:

- environmental groups should be on Panel

## Stage 4:

- we had no money to do research

## Stage 5:

- bias from proponent; should do the work but address all the issues, i.e. a complete SIA; DOE should provide external research

## Stage 6:

- should be more room for debate; Panel and information should be bilingual

## Stage 7:

- MacMillan says if NATO wants a base then regardless of the EARP there will be a base

8. How does intervenor funding affect your participation in the eight stages of MFEARP?

Funded Groups:

a) makes no difference [ ]

b) unable to comment [ ]

c) improves participation as follows:

	1.	2.	3.	4.	5.	6.	7.	8.
allows us to have more informed involvement at	[ ]	[ ]	[ ]	[ ]	[7]	[7]	[1]	[1]
improves the quality of our submissions to the Panel	[ ]	[ ]	[ ]	[ ]	[7]	[7]	[ ]	[ ]

*All the following responses relate to the effect of intervenor funding generally or on public involvement in stages 5 or 6.*

broadens our political support base	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
-------------------------------------	-----	-----	-----	-----	-----	-----	-----	-----

weakens our political support base	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
------------------------------------	-----	-----	-----	-----	-----	-----	-----	-----

*- only two respondents said that their political support base was broadened during the proceeding but that it was only marginal*

*- all other respondents noted that it intervenor funding had no effect on this area or that it depended*

enabled attendance at meetings	[ ]	[ ]	[ ]	[ ]	[1]	[ ]	[ ]	[ ]
--------------------------------	-----	-----	-----	-----	-----	-----	-----	-----

improved the professional manner of our presentation	[ ]	[ ]	[ ]	[ ]	[6]	[ ]	[ ]	[ ]
--	-----	-----	-----	-----	-----	-----	-----	-----

*- yes the submission is more professional but sophistication is not necessary to make the point*

*- yes but not enough money was provided*

provided a way of  
getting information on  
MFEARP to remote  
communities and  
settlements

[5]

- yes, definitely
- *for three groups this was the most important contribution that funding made*
- we had insufficient time to complete our research
- improved access to communities in a minimal way, not to the extent that we wanted

other (please  
explain)

- funding forced rigour upon the organization; without it we may not have felt as obliged to follow through on the intervention
- in terms of assisting intervenors to participate, funding is not the issue; rather the need is for greater access to other decision making points in the process, access to information about other stages of the process and the importance on knowing what is going on and where the important decision making points are

Non-Funded Groups were asked:

How does the refusal to fund your organization affect your participation in the eight stages of MFEARP?

a) makes no difference [2]

- makes no difference because we are not participating
- means that we do not participate

b) unable to comment [ ]

c) affects participation as follows:

	1.	2.	3.	4.	5.	6.	7.	8.
means that we have less informed involvement at	[ ]	[ ]	[2]	[2]	[2]	[2]	[1]	[1]
detracts from the quality of our submissions to the Panel	[ ]	[ ]	[1]	[2]	[2]	[2]	[1]	[1]
broadens our political support base	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
weakens our political support base	[ ]	[ ]	[1]	[1]	[1]	[1]	[1]	[1]
- neither, we operate from a fairly mixed position								
limited attendance at meetings	[ ]	[ ]	[ ]	[ ]	[1]	[ ]	[ ]	[ ]
- our participation was limited due to the time and distances involved in travel in Labrador								
detracted from the professional manner of our presentation	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
decreased our ability to reach remote communities and settlements	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
other (please explain)	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

- the Terms of Reference limited socio-economic study of the project to a very limited area; funding was also restricted to those groups representing the negative sides of the issue; we were restricted from participating fairly

9. At which stage(s) would you like to have greater participation in the process?

Funded Groups:

Stage:	What kind of participation:	What type of funding would you require:
1. [5]	[ _____ ]	[ _____ ]
	<ul style="list-style-type: none"> <li>- want to be part of developing the IEE; want right of appeal at this major decision making point; with right of appeal we could have started the process much sooner</li> <li>- local people didn't know what was happening until it was underway; want inclusion in the initial decisions; want input into whether the low level flying should happen at all; want to be kept informed in non-technical language</li> <li>- want contact with the evaluators</li> <li>- in Stages 1, 2, and 3 funding is not the issue, access is the issue</li> <li>- hard to be specific about funding</li> <li>- want public board to review screening proposals; want access to significant decision making; we have serious doubts as to whether the meetings that DND held actually dealt with the concerns or merely noted them</li> </ul>	
2. [4]	[ _____ ]	[ _____ ]
	<ul style="list-style-type: none"> <li>- public should have access to decision making</li> <li>- public should determine whether a project is referred, perhaps by referendum; should be able to see the criteria used for decision making, know why a project does not go through</li> </ul>	
3. [7]	[ _____ ]	[Yes: 1 _____ ]
	<ul style="list-style-type: none"> <li>- want access to decision making; determination of Panel; appeal and discussion of Terms of Reference</li> <li>- want to see criteria for selection of Panel and determination of Terms of Reference</li> <li>- rather than responding and negotiating change, the process should be a cooperative effort from the very beginning</li> </ul>	

4. [3] [ \_\_\_\_\_ ] [needed funding: 2 ]
- process is reasonable, they ignored us but the process is reasonable
  - for stages 4, 5, and 6 local knowledge and experience (for and against) will have as much impact as \$3 million given to FENCO; local knowledge should be recognized and supported; process should be guided better to prevent theatrics and emotionalism; Panel's Guidance is too loose; took issue with people who had never been to Happy Valley - Goose Bay and who were trying to affect it
  - needed funds at this stage
  - needed help at this stage to prepare better presentation at hearings on draft Guidelines; we did this with no research staff or funding
  - needed more information, simpler language, more time to reflect between hearings; one shot chance is too short, too rushed
5. [3] [ \_\_\_\_\_ ] [needed more \$: 2 ]
- needed more funds at this stage; we were restricted to one representative from each community for our Annual General Meeting; potential for bias with such limited representation
6. [3] [ \_\_\_\_\_ ] [ \_\_\_\_\_ ]
- as long as fair balance is given to informal and technical hearings this is OK
7. [4] [ \_\_\_\_\_ ] [ \_\_\_\_\_ ]
- should reflect public concerns, not the decision of vested interests
  - should allow opportunity for review, chance for impartial board to review the decision
  - want right of appeal
  - want a full briefing in Labrador before decision or shortly after, and for the Minister to come to our Annual General Meeting
8. [7] [ \_\_\_\_\_ ] [ \_\_\_\_\_ ]
- want to be deeply involved; to show how sensible local groups can contribute and benefit the whole process
  - want to be involved from priority setting to actual monitoring
  - want larger role in monitoring; it is only at this stage that you can have input into the direction the project takes

General comments:

- would like to see cooperation instead of reaction and antagonism
- tight control over the beginning and the end of the process throws the whole process into question

Would greater participation at other stages improve the process? For example by decreasing costs, increasing public trust, making better use of public resources?

- local groups could show their competence to the benefit of the project; we wanted to do a scientific socio-economic impact study; the consultant is relying on anecdotes that are too subjective.
- more input makes process more honest to the public; also makes involvement more worthwhile to the public groups; for Panel decision to be acceptable these opportunities need to be incorporated or the process is a waste of time and money; whenever possible also serves to identify major obstacles early; not sorting out land claims is unfair and it also ensures that the public hearings are going to be a rats nest
- learning and public education benefits
- increase public trust; get input from the people: what they want, what they are willing to accept; with billions already invested the amount for public input is a small proportion and it would make their job a lot easier if there were more opportunities for public input
- costs increase but so does credibility, efficiency, thoroughness and trust; greater sense of environmental justice and reflection of public opinion; broader public opinion than just local groups would help
- demystify the process; lots of confusion when there is no overall view; hard to participate without knowing all the process components; it would decrease confusion and increase public trust
- more involvement would increase public trust; with the beginning and the end of the process tightly controlled whole process is thrown into question; want access to significant decision making rather than just feeding in information; we seriously question whether the meetings that DND held actually dealt with the concerns or were just lip-service

Non-Funded Groups:

At which stage(s) would you like to have greater participation in the process?

Stage:	What kind of participation:	What type of funding would you require:
1. [2]	[ _____ ]	[dont know _____]
	- present briefs when process begins so that concerns can be addressed from the beginning	
2. [2]	[ _____ ]	[ _____ ]
	- public should have access to decision making	

3. [3] [ ] [ ]  
 - want access to decision making, determination of Panel, appeal and discussion of the Terms of Reference
4. [2] [ ] [ ]  
 - adequate
5. [2] [ ] [ ]  
 - more broad based input of information; more time  
 - natives should be involved as researchers not just as subjects of research; they have abundant local knowledge; we have formally withdrawn and will not provide information to their research as a political statement against the bias in the process
6. [2] [ ] [ ]  
 - would have had a greater level of involvement if we had received initial funding
7. [ ] [ ] [ ]  
 - no change besides political pressure
8. [2] [ ] [ ]  
 - joint committees with concerned groups  
 - more planning with groups

General comments:

- rather than being excluded, we haven't been drawn into the process

Government Representatives were asked the following three questions in the section on Opportunities for Participation in MFEARP:

How does intervenor funding affect the access that intervenors have to other stages and decision making points of MFEARP besides the formal review stage, i.e. screening, initial environmental evaluation, determination of the Terms of Reference of the Review, the Ministerial decision, post construction monitoring?

- funding is not aimed at the first three stages therefore it is not supportive of any of these areas; the Ministerial Decision and monitoring stages may be affected indirectly because they will be based on the Panels report which will be based on the proponents response to the Guidelines which will be based on public input; with funding public groups are better equipped to have input into the Panel's recommendations

- intervenor funding has no effect up to the review stage because the screening and IEE are internal decisions; at the Ministerial decision and monitoring stages intervenors have a higher quality of information which could be used beyond the review process; this is conjectural; the process allows input at a level not possible any where else; whether formal review or lobbying is more successful is impossible to tell; problem sometimes is information overload and such a range of opinions can cloud the issue

- due to education and knowledge gained through the intervention the public groups would have greater access to the Ministerial decision and to monitoring decisions

- this is hypothetical; presumably intervenor funding increases the level of participation at the formal review stage and as a result the public is more aware of the proposal, documentation and have access to information from previous stages of the process; access at the Ministerial decision and in monitoring depends on the Panel's recommendations; there is no necessary impact from intervenor funding; without intervenor funding Panel's have still recommended public involvement in monitoring

- public groups are normally only active at the Public Hearing stage; with funding they contact the Secretariate and the consultants and follow the process much more closely; there is no access to the screening and IEE stages nor after the Public Hearings but previous intervenor funding may keep level of awareness up so that activity will be higher

How does intervenor funding affect the influence that intervenors have over these other stages of the process?

- funding assists intervenors to gather better information for the Panel review which will have influence at later stages as per the process; with intervenor funding in the BSEARP hearings the quality of input from northern and small communities was far superior but can't yet say for MFEARP
- influence will follow the usual channels; with respect to the decision the public benefited and so did DND so monitoring could be influenced
- the assumption is that the quality of the process improves with public scrutiny; to the extent that intervenor funding increases public scrutiny the process will be improved
- intervenor funding only increases public awareness; if they've done their homework the Panel could recommend that some public groups do monitoring

Could intervenor input at any of these stages improve the operation of the process, i.e. by lowering costs, instilling public trust, making use of public resources, or in any other ways?

- no doubt that if you involve the public earlier on that you can lower costs and instill trust; monitoring is usually highly technical; needs the responsibility of highly qualified personnell; funding to the public would probably not help this, it could but it is unlikely; citizen representation on a committee to oversee the project is possible but you dont need the type of intervention involved in public review
- there is potential to improve the process with greater input but as many difficulties may also be raised; earlier decisions have to be made, such as whether to increase flying at the base; public input at this stage would only add confusion; there is an argument on both sides: while it is important to identify all the issues it is difficult to say how extensive the involvement should be; more involvement in monitoring would support the process, to ensure that intentions are fulfilled; need a mechanism for involvement rather than a lot of opinions; at some point the responsibility rests with the elected representative
- no doubt that the earlier up the pipe you have public input the easier it is; it would lower costs and instill trust; however money is not the big driver, time and effort are; earlier input improves the process, the problem is how; monitoring makes practical use of public resources, we are examining this now
- yes it helps to ensure project decisions are grounded, take into account relevant concerns and increase public trust; could argue both sides regarding the influence on costs; the key dimension is the responsiveness of government to public concerns with respect to the environment
- with greater public input all the way through the process the better the process

10. How does intervenor funding affect the amount and type of public participation in your group's activities?

Funded Groups:

	increases	no effect	decreases
Organization membership:	[1]	[6]	[ ]
Network of contacts:	[4]	[3]	[ ]
Other (please explain):	[ ]	[ ]	[ ]

- funding did not increase our network, it merely allowed us to make more extensive use of it than before

- there was no effect on our membership because we were involved long before this came about

	yes	no	unknown
Resources between groups are combined:	[4]	[3]	[ ]

- we combine with the Mokami Project Group at our meetings and with development associations; the process should let us communicate with the province more but it didn't; with more funding we could have brought in high profile speakers like Gwynne Dyer too

- minor combination of resources but enough to say yes

Research efforts educate citizen contacts:	[7]	[ ]	[ ]
--	-----	-----	-----

- it was a learning process for our group; we were also allowed access to a part of the community that we previously could only reach in a haphazard fashion

- conducted seminars that assisted the public to determine their own social analysis

- intervenor funding program served as a learning process for the group, for our budget requirements for research in Labrador and for the needs of our constituent group

- it was a learning process for understanding the EAR Process,

Other (please explain):	[ ]	[ ]	[ ]
-------------------------	-----	-----	-----

- regular employees didn't have to spend their time on the project; we can continue day to day work with separate funding for this project; our other funding sources appreciate this

## Non-Funded Groups were asked:

How does the absence of intervenor funding affect the amount and type of public participation in your group's activities?

	increases	no effect	decreases
Organization membership:	[ ]	[3]	[ ]
Network of contacts:	[ ]	[1]	[2]
Other (please explain):	[ ]	[ ]	[ ]

- this question does not apply because we are not participating

	yes	no	unknown
Resources between groups are combined:	[ ]	[ ]	[ ]

- if we were an environmental or a native group then resources would have been combined

- we combined resources with the Mokami Project Group

- our interests are represented by the Mokami Project Group

Research efforts educate citizen contacts:	[ ]	[ ]	[ ]
--	-----	-----	-----

- conferences and education were at our own expense so public awareness was not as it should have been

Other (please explain):	[ ]	[ ]	[ ]
-------------------------	-----	-----	-----

- with funding we would have been able to do research and education on the issue of the political impact of the project

## Government Representatives were asked:

How does intervenor funding affect intervenor participation in MFEARP?

a) makes no difference [ ]

b) unable to comment [4]

*- all respondents noted that it was the intention of the funding program to improve the quality, professional manner of presentation and informed content of intervenor submissions but that it was too soon to comment because none of them had seen the results of the program; similarly it is too soon to comment on the affect of intervenor funding on public and community organizations*

c) affects participation as follows:

Submissions are:

more professional [ ] about the same [ ] less professional [ ]

higher quality [ ] about the same [ ] lower quality [ ]

more informed [ ] about the same [ ] less informed [ ]

Public and community organizations:

are strengthened [2] do not change [1] are weakened [ ]

- experts are drawn to some groups therefore they are strengthened
- personal opinion that they are strengthened
- FEARO communications have been very good

expect funding they should receive [2]

expect funding they should not receive (please explain) [1]

- groups expect funding they should receive but it depends what they do with it
- inevitable that some groups would expect funding they should not receive but global scale social impacts are not relevant in this process

Remote communities:

are better represented [4] representation does not change [ ]

are under-represented [ ]

- too soon to say
- remote communities are better represented both because of funding and the efforts of the Panel

For all intervenor input there is:

- full representation of public interests [3]
- incomplete representation of public interests (please explain) [ ]

Intervenor research results in:

- education of the general public [ ]
- little or no affect on the general public [ ]
- confusion of the general public [ ]
- other (please explain) [ ]

- there is potential for all of these things but it is too soon to say
- intervenor research will result in more community involvement because of the use of surveys by the intervening groups for their research
- raises awareness of the project; EARP is a dry academic process; many thought that the hearings on the Draft Guidelines were the Public Hearings for the whole project; intervenor funding should help in the understanding of the process.
- too soon to say

Other (please explain)

ADMINISTRATION OF MFEARP

11. How was your organization affected by the funding eligibility criteria?

Funded Groups:

	Agree	Disagree	Comments
Our organization:  found the criteria clear and unambiguous	[5]	[2]	[ _____ ]

- found them very difficult to interpret because intervenors were supposed to produce original material that did not duplicate the EIS; this was very difficult to interpret because the EIS was not out yet and it was, theoretically supposed to cover everything
- what they asked for and what they approved for funding were too completely different things

found the criteria  
forced accountable  
use of funds

[5]

[1]

[\_\_\_\_\_]

- interpretation by FEARO was ambiguous; our first request was affirmed and then later specific components of the research were not included; this left us wondering what we would be held accountable for

- pretty standard; FEARO made it as painless as possible given the requirements of Treasury Board

found the criteria  
enabled efficient use  
of funds

[4]

[3]

[\_\_\_\_\_]

- no due to lack of clarity

- poorly expressed, poorly laid out; forced a narrow focus

benefited from  
cooperation with  
other applicants  
within our  
intervening group

[3]

[ ]

[\_\_\_\_\_]

- four groups said this question was not applicable

benefited from  
cooperation with  
other applicants  
outside our  
intervening group

[1]

[3]

[\_\_\_\_\_]

- three groups said this question was not applicable

was forced to  
represent too many  
differing views

[ ]

[6]

[\_\_\_\_\_]

was unable to  
conduct our  
preferred research

[2]

[5]

[\_\_\_\_\_]

- we are operating with our own funds at a deficit

- we are "belt-tightening"

- the research allowed through the funding was not possible with the amounts allotted

- we are limited in what we can do; could be our fault; we couldn't guess how expensive the research was going to be

- we are less able to do our preferred research

was unable to cover  
expenses we  
considered  
legitimate

[2]

[4]

[\_\_\_\_\_]

- cutbacks were generally handleable but there was no leniency given when  
extenuating circumstances increased our expenses beyond our control

other (please  
explain)

[ ]

[ ]

[\_\_\_\_\_]

- the money required to perform an audit of funds spent should have been  
provided in addition to the money allotted for research purposes; it put a  
strain on our budget to conduct an audit with 20% of our allowed funding

- funding was cut so much that we couldn't do the job

- we had to submit a budget in March and submit our research in June;  
timing was tight as it was; early budget submission was an extra blow;  
however FEARO said we could budget for future expenses

#### Non-Funded Groups:

How was your organization affected by the funding eligibility criteria?

	Agree	Disagree	Comments
Our organization:  found the criteria clear and unambiguous	[2]	[1]	[_____]

- I knew from the criteria that they would not fund retroactively but we  
had been promised funds the year before so I applied anyway

- thought the funding allocation was weighted in favour of those who view  
the project negatively

- ambiguous; we were told one thing in a letter; something else when we  
called Ottawa

found the criteria forced accountable use of funds [2] [ ] [ \_\_\_\_\_ ]

found the criteria enabled efficient use of funds [2] [ ] [ \_\_\_\_\_ ]

benefited from cooperation with other applicants within our intervening group [2] [1] [ \_\_\_\_\_ ]

benefited from cooperation with other applicants outside our intervening group [2] [1] [ \_\_\_\_\_ ]

- refusal of funding was a waste and not done in the spirit of cooperation; other intervening groups could have benefited from this money

was forced to represent too many differing views [ ] [3] [not applicable: 1 ]

was unable to conduct our preferred research [2] [1] [ \_\_\_\_\_ ]

- research was already done

was unable to cover expenses we considered legitimate [2] [ ] [not applicable: 1 ]

other (please explain) [ ] [ ] [ \_\_\_\_\_ ]

- the criteria were not generally a problem; we thought we were eligible when we applied because we believed that the assessment of the need for the project was part of the process

- with no formal budget we are relying on the Mokami Project Group; attending Chamber of Commerce meetings, the Concerned Citizens Group workshop, development corporation meetings; but our concerns are not fully addressed by any of these groups or forums

- we were never sure when things were coming up: when the draft Guidelines were coming, when the EIS would start, when the EIS was due; we were constantly scrambling to respond

Government Representatives were asked:

What is your perspective on the funding eligibility criteria?

	Agree	Don't Know	Disagree
The criteria:			
are clear and unambiguous	[4]	[1]	[ ]
ensure funds are used efficiently	[4]	[1]	[ ]
- can't tell yet			
- don't like this question; there is no basis for comparison			
ensure funds are well accounted for	[3]	[2]	[ ]
force intervening groups to represent too many differing views	[ ]	[1]	[4]
- there is only so much money			
limit intervenors from conducting their preferred research	[1]	[2]	[2]
- research restrictions are a function of the Terms of Reference; restrictions are not such a bad thing			
- if the research in the application fit the Terms of Reference and did not duplicate DND's research then funding was considered alright; applications totalled \$840,000.00; we distributed \$144,000.00			
are insufficient to cover legitimate expenses	[1]	[2]	[2]
limit legitimate interests from access to the process	[1]	[1]	[3]
- for the last three questions I am speaking on behalf of the native groups; from the government point of view the criteria were not unfairly restrictive but the natives would say that there was not enough money nor relevant or sufficient research coverage			
other (please explain)			

12. When you were notified that you were to be funded:

Funded Groups:

a) Were reasons given for the amounts provided?

Yes: 5      No: 2

What were they?

- recommended decreased use of clerical staff
- concluded that the research could be done with less travel and time
- slightly modified and explained changes
- we were merely told we were successful

b) Were any constraints attached to your use of the funds?

Yes: 2      No: 3

What were they?

- we wanted to do a scientific assessment of attitudes in the area most affected; the committee selected one piece and offered limited funding
- general but not restrictive

How did you respond?

- initially we rejected the funds offered then later felt that some money was better than none
- as noted above we received two different descriptions of what our research was to include on separate contacts with FEARO; we left it ambiguous and included what we had initially outlined

Non-Funded Groups were asked:

When you were notified that you were not going to be funded:

a) Were reasons given for the refusal?

Yes: 2      No: 2

What were they?

- our research was deemed outside of the Terms of Reference of the review

b) Did you appeal the decision?

Yes: 1      No: 2

What was the result?

- no change in the decisions

c) If you are participating with the use of other funds, what elements of your original budget are you now spending? Any particular research emphasis?

- we are participating with our own budget; relying on Mokami Project Group although they still do not address our concerns; we attend Chamber of Commerce meetings; the Concerned Citizens Group workshop and development corporation meetings

- we have formally withdrawn from the process

- we are doing some adult education with funding supplied by the Ministry of the Environment; concentrating on socio-economic cultural impacts

13. What proportion of your funding request was approved?

10%, 16%, 20%, 50%, 75%, 75%, 85%

If you received less than requested:

a) Did you appeal the amount approved?

Yes: 2      No:5

- we appealed immediately; the funding committee is ignorant of the situation in Happy Valley - Goose Bay, and does not understand the needs of regional or scientific research

- once we had overspent due to weather conditions we appealed over the phone for some of the funds not committed to the first Phase of funding

What was the result?

- *no change in the amount supplied in both cases*

b) What elements of the budget are you now spending? Any particular research emphasis?

- spending all elements of the budget and tightening our belt
- time and budget restrictions cuts out regional participation
- scope and quality of research is less extensive; we can't compete with slick videos from DND; not doing a public opinion survey; couldn't fly in speakers for our public forum
- spending entire budget and operating at a deficit
- can't cover regional area as we wanted to; only spending what we received; our biggest problem is finding a woman translator willing to do telephone work
- we are utilizing the funds as we see fit with no reference to the narrow frame of reference proposed by the funding committee; we dont anticipate any problems with this
- we could only bring in one representative per community at our Annual General Meeting; this is not a large enough cross section to cover all the socio-economic and cultural groups in all the communities

14. Did you need to get information from any of the following organizations? If so, did you have any difficulties obtaining information?

Funded Groups:

Dept. of	needed info.		had difficulty		nature of difficulty
	Yes	No	Yes	No	
Defense	[6]	[1]	[4]	[2]	[_____]

- had difficulty getting the right people, getting them to call back and getting prompt responses
- wanted to use the DND promotional video for a workshop; it was not made available and we had to obtain it from other sources
- we wanted to know the proportion of civilian to military jobs that would result from the installation of the NATO base; when we requested this information from DND they were not sure if the numbers were realistic so they were still classified; otherwise DND has been very helpful

FEARO	[4]	[1]	[1]	[ ]	[_____]
-------	-----	-----	-----	-----	---------

- delays in obtaining information about the process after direct requests to have material sent by facsimile or to have an information file installed in the region in order for us to remain informed

The Panel	[3]	[1]	[ ]	[3]	[_____]
Intervenors	[1]	[3]	[ ]	[1]	[_____]
local governments	[4]	[1]	[1]	[3]	[_____]

- we attempted to obtain the information about proportions of military to civilian employment from the Provincial Intergovernmental Affairs Ministry (NMIA); we had found out that the Assistant Deputy Minister of another Ministry (*who they would not name*) had received access to this information through NMIA but when we requested it they refused to provide it

individual citizens	[4]	[ ]	[ ]	[4]	[_____]
other (please describe)	[ ]	[ ]	[ ]	[ ]	[_____]

- we found the researchers for other intervening groups very helpful

- consulting firm for DND, FENCO, was also very helpful; we appreciate this

For each difficulty please explain how your intervention was affected.

	Yes	No
The following difficulty: [_____]		

delayed our submission	[ ]	[ ]
------------------------	-----	-----

increased our expenses	[1]	[ ]
------------------------	-----	-----

- long distance phone calls to FEARO and DND

decreased the quality of our submission/intervention	[1]	[ ]
--	-----	-----

- lack of information about employment has meant less informed discussion at our Annual General Meeting

other (please explain)	[ ]	[ ]
------------------------	-----	-----

- affected the tone of our submission; aggravation factor; made us seriously consider if we would continue to participate

## Non-Funded Groups:

	needed info.		had difficulty		nature of difficulty
	Yes	No	Yes	No	
Dept. of Defense	[4]	[ ]	[2]	[2]	[_____]
- people at DND were very kind but could not supply certain information because it was confidential					
- ongoing difficulties obtaining comprehensive information					
FEARO	[3]	[ ]	[ ]	[3]	[_____]
The Panel	[3]	[ ]	[1]	[2]	[_____]
- delay taken by Minister of Environment to decide upon "no-go" recommendation					
Intervenors	[3]	[ ]	[ ]	[3]	[_____]
local governments	[3]	[ ]	[1]	[2]	[_____]
- no response from the Quebec Minister of Environment to direct questions in the legislative assembly on the issues and to letters directed to his office					
individual citizens	[1]	[ ]	[ ]	[1]	[_____]
other (please describe)	[ ]	[ ]	[ ]	[ ]	[_____]

For each difficulty please explain how your intervention was affected.

	Yes	No
The following difficulty: [_____]		
delayed our submission	[ ]	[ ]
increased our expenses	[ ]	[ ]
decreased the quality of our submission/intervention	[ ]	[ ]
other (please explain)	[ ]	[ ]

- we have formally withdrawn from the process and the Montagnais Panel member has resigned due to the decision not to allow a "no-go" recommendation



## Government Representatives:

Date: January, 1987: 1;      Fall, 1986: 1; not applicable: 3

FEARO announcement      2

Meeting

Newspaper      1

Mail      1

Telephone

Other      1

- aware through involvement with Hibernia

- public hearings in Kuujuaq

16. Were you given enough time to apply for funding before the deadline date?

## Funded Groups:

Yes: 6      No:

- barely

- if we had received our mail on time we would have had lots of time

## Non-Funded Groups:

Yes: 4      No:

- we were rushed

- it was tight

## Government Representatives were asked:

Was sufficient time allowed for intervenors to apply for funding before the deadline date?

Yes [3]      Don't Know [1]      No [ ]

ask them

17. Were funds delivered or approved soon enough to allow you to use them effectively before the deadline for your submissions to the Panel?

## Funded Groups:

Yes: 6      No: 1

- scientific research required two field seasons; time to finish research overall was very tight

Non-Funded Groups were asked:

How was your organization affected by the time taken by the funding committee to disapprove of your funding request?

- timing was tight
- three months; not a calamity
- problem was before when DND and DOE slowed it down

Government Representatives were asked:

Were funds delivered or approved soon enough to allow intervenors to use them effectively before the deadline for submissions to the Panel?

Yes [2]                      Don't Know [2]                      No [ ]

- ask them

18. Do you agree with the following statement?

"Public groups are given fair treatment by MFEARP."

Funded Groups:

Agree [1]                      Don't Know [2]                      Disagree [4]

- real test is still to come, i.e. whether public has any influence on the decisions
- insufficient funding; no problem with the process
- we've been treated extremely well; I have no problem with the EARP process; have sympathy with the idea that the process leans toward assessing problems; it is a sensitizing process and rightfully so; but not sure if all the positive impacts are fully assessed
- Mokami Project Group got intervenor funding and \$500,000.00 from John Crosbie's ministry; EARP is a weak process compared to what political sources can do; we are told intervenor funding is limited, yet lots of money is available for pro-development groups
- fair? dont know, Mokami Project Group asked for \$80,000.00 and received \$18,000.00; later in the summer they got \$500,000.00; what's fair?
- funding available to pro-development groups is much more than intervenor funding; Mokami Project Group got \$500,000.00 from John Crosbie
- not enough money for the whole process; we are told that money is tight but the Mokami Project Group is given \$500,000.00 to be the cheering section for DND.

## Non-Funded Groups:

Agree [ ]                      Don't Know [1]                      Disagree [3]

- only well organized, establishment groups get funded

## Government Representatives:

Agree [5]                      Don't Know [ ]                      Disagree [1]

- agree and disagree; pro-development group (Mokami Project Group) received a huge amount of funding from the Department of Regional Industrial Expansion; at the same time there is limited funding attached to the review

## 19. Do you agree with the following statement?

"The MFEARP funding committee has operated fairly and independently."

## Funded Groups:

Agree [ ]                      Don't Know [4]                      Disagree [3]

- don't know what they based their decisions on; should have given everyone the same amount

- no part of the inner dealings, don't know who was turned down

## Non-Funded Groups:

Agree [ ]                      Don't Know [2]                      Disagree [2]

- all public concerns were not given a fair hearing; Terms of Reference unjustifiably restricted our group from participating

## Government Representatives:

Agree [4]                      Don't Know [1]                      Disagree [ ]

- most impressed

- can't answer; no contact with them

20. What is the official purpose of this EARP review? What do you think the purpose should be?

Funded Groups:

- official purpose to look at the effects of low level military flying activities; should be a process that does not look at effects but allows no-go option and also be a process that creatively and effectively deals with the current polarization between proponents and opponents

- process is in stage of evolving; dont know enough; afterwards, 8 months from now will have a better idea; we are anxious about monitoring

- official purpose is for government to find out how people feel about the project and what effect the development will have on people and the environment; should be the above and to follow up on the actual input so that it is reflected in the decision; I dont think it is; quite often it is a waste of money because no matter what the outcome of the public review the government will do what they want to do

- official purpose is to address the concerns that have arisen over the use of the land for low level military flying activities and a TFWTC; should be to try and find common ground that allows co-existence between yesterday and tomorrow so that the choice is still available between both lifestyles (Goose Bay as a military base and opportunities for hunting and fishing); we want to restrict development but not to the point of not having it; just to a point where both lifestyles can co-exist and so that we can increase the standards of living and education for people in Labrador

- to discover the negative effects of low level military flying activities and the TFWTC on the people of Labrador; should be the same

- official purpose is a stage or a detail to go through; it is not a hugely serious consideration of the project and it certainly does not consider the no-go scenario; should wait for studies to be conducted objectively look at the situation and then make a decision; but that is the ideal world

- official purpose claims to mitigate potential harmful effects of the project; should be an authority to cancel the project; it has far too narrow a purpose by excluding land claims and national defense issues; it is too reactive to criticism rather than being more intentional and sensitive to the whole environment; should be more proactive

### Non-Funded Groups:

- process started with a given; that the activity is required; official purpose should be broader and have to determine whether low level military flying activities contributes to or are damaging to global peace and security; the question of need is not properly considered; whether the activity is required needs to be considered in the judgement over the costs and benefits of the specific project
- official purpose is to keep the public quiet; by giving the impression that they are being listened to while holding back funds and time the public is actually kept quiet; no information, no time to present or research, last minute contacts and Ministerial discretion make the process a farce; should operate as it is written
- official purpose is to evaluate whether a NATO base and low level military flying activities out of Goose Bay would have positive or neagtive impacts upon the people living in and affected by that activity and also to identify problems and if they can be mitigated; should be as stated above; we agree with EARP
- official purpose is in two parts; first is to mitigate the effects of low level military flying activities with no option to recommend suspension of them altogether (which we asked for); the second is to recommend the future of a TFWTC (but we know the process is biased and that the decision has already been made); should be to allow recommendation of no-go option that had recommendation power, i.e. with enough time for the field studies to give adequate impact results

### Government Representatives:

- official purpose has two parts; the first is to discover the impacts of the current flying program and to shape it to minimize adverse impacts and enhance positive impacts; the second concerns the TFWTC, to determine its potential impacts in order to facilitate a decision over whether to proceed and accept the centre in Canada; this is as the purpose should be
- *same as above comment*
- to evaluate the potential impacts of the low level military flying activities and to identify, avail of and implement the best possible mitigative measures; I support the process, it is not without its glitches; is was also done to respond to a public concern
- an objective fact finding opportunity to weigh the relative merit and potential hazards of the proposal and to provide opportunity for groups to participate and have their concerns identified and incorporated; this is as it should be
- to study the social and environmental impacts of the low level military flying activities, mainly on people and the environment affected; as it should be

21. Does participation by your group help to redefine the purpose, or the outcome, of the process?

Funded Groups:

- wish it would, this was our hope when we tried to change the Guidelines; but we weren't successful; we are staying in the process because we feel there is some hope that we can have some influence
- no not a lot to do with it; one good thing is that at least we tried to let people know; we tried to speak
- provide information that low level military flying activities and the TFWTC are not in the best interests of Quebec and Labrador environmentally, politically, socially or otherwise
- no, probably not
- we are hoping; aimed at broadening the purpose, encouraging the public to do their own social analysis

Non-Funded Groups:

- we demand reform of the Panel selection process
- not really, dont think so

Government Representatives:

- *not applicable in four cases*
- our organization helped to ensure that the review was sensitive to native concerns

22. Are there any further comments you wish to make about your experience as an intervenor in MFEARP?

Funded Groups:

- it would be very interesting later to have an opportunity to have give an evaluation of the process
- strongly feel that if government really wants to reach local people they need to speak in language we understand; the Panel is intimidating; smaller groups at the hearings would make it easier to speak; it would also help if the Panel was in town longer to allow people time to reflect; perhaps with three short meetings instead of one long one
- communities want to be more masters of our own destiny rather than having it handed to us by St John's or Ottawa
- the total amount of money provided to intervenors is a pittance compared to the 100's of thousands of dollars the federal government has provided to pro-base groups to promote low level flying and the TFWTC; not only does this show the extreme bias on the part of the federal government, it makes a mockery of the supposedly openly available funds for public participation in the Process; it is rather difficult to provide accurate, factual information to the public when they are literally being bought out by federal government funds both in terms of promised employment and by their pro-base propaganda
- if you call back after the EIS and the Hearings, could say more; big steps are still to come; experience so far is satisfactory but it is too early to tell if the whole process will be satisfactory
- people, whether pro- and anti-development, are very fatalistic; government will do what they want anyway; our seminar asks what do you want to happen to your community; gives them a voice; self-determination; this is what we would like the whole process to be doing; we had real questions about whether we should join the process; afraid we were legitimizing a process that was biased but afraid that we would lose the only chance we had to speak out; from a long term perspective the project may well go ahead but if we have increased the social analysis for some of the community that that is something to offer for the future

### Non-Funded Groups:

- it was fun to see how different the process is in action from what it is on paper; process is too long; Panel should be bilingual as should all reports whether technical or not; to date only non-technical reports are translated; too many non-accessible files
- we have a concern as a community that perhaps not all of the issues get equal weight; sometimes people are reluctant to throw themselves into the fray when you may be attacked for self interest
- funding was allotted too late in the process; amounts were too small; decisions are already made for both low level flying and whether to accommodate the base; process has to take into account different interests directly and indirectly, positively and negatively affected; this is a very complicated issue that includes lots of different sizes of cities and settlements who have different interpretations of development; there are whites and natives with different conceptions about development as well; there is a parallel process of land claims negotiations which are considered outside of the review; yet this undermines the efforts of the tri-partite process

### Government Representatives:

- we have high hopes for intervenor funding; feel that it is a positive contribution to EARP; the decision to go to the public review was made after a series of community meetings held in 20 communities in Labrador in late 1985; a combination of many unanswered questions about the project's impacts and the concerns of the public at these community meetings prompted the decision to go to formal review
- intervenor funding is high on the public agenda; many Panels have recommended that a funding program exist; there was lots of support for intervenor funding at the national workshop (for the Reform of the EARP) it is difficult to put the policy in place; funding will not replace what the Panel is doing or what FEARO is doing
- all funding should be public knowledge; Mokami Project Group funding should be announced; there shouldn't be one pot of money for intervening groups and another for those who favour the project; intervenor funding should be divided evenly between those for and against the project

### APPENDIX 3

#### RESEARCH PURPOSE AND QUESTIONNAIRES SENT TO INTERVIEWEES

Each respondent was sent a statement of the research purpose attached to an interview questionnaire and a cover letter identifying the researcher and the purpose and timetable of the research. An example cover letter is provided first, then the statement of purpose, and finally the three questionnaires sent to each of the respondent groups: funded intervenors, non-funded intervenors and government representatives. The stages of EARP referred to in the questionnaires are shown in the schematic diagram of the Process at the end of this Appendix.

Dear ...,

As indicated in our telephone conversation of February 5, 1988, I am a graduate student at the University of British Columbia in the the School of Community and Regional Planning. My research examines the role of intervenor funding on public participation in the Environmental Assessment Review of Military Flying Activities in Labrador and Quebec (MFEARP). A brief description of my research purpose and research questions is attached.

The results of the project would be greatly enhanced if you would assist me in the following ways. Please:

- 1) review the attached questionnaire and answer the questions in a phone interview in early March;

and, provide me with:

- 2) a description of your organization;
- 3) your application for funding to the FEARO funding committee;
- 4) the funding committee's notification of award;
- 5) examples of correspondence describing your efforts to have the project referred for formal review; and
- 6) examples of correspondence describing later efforts you made to obtain intervenor funding in MFEARP.

I would sincerely appreciate if you could provide this information by March 4, 1988. Please forgive the short notice; the list of intervenors who received funding in Phase 1 of MFEARP only became publicly available on February 3, 1988. Thank you very much for your time and cooperation.

Sincerely,

Judy Cooper

## RESEARCH PURPOSE AND QUESTIONS

The purpose of this research is to determine how intervenor funding affects public participation in the federal Environmental Assessment and Review Process (EARP). First, I assess whether there are adequate opportunities for public participation in EARP and then, determine how and to what extent intervenor funding influences that input. I have developed five research questions based on three general problem areas identified in my literature review of EARP.

The first problem area I identify is that EARP has a) limited legal authority to achieve its objectives, and b) an institutional framework that limits its application still further. My first research question is based on the premise that, as a political process, EARP in part derives its legitimacy, and thus its authority, from the extent and commitment of participation within it.

### Research Question:

If an intervenor funding policy were established within EARP would

- a) public efforts to participate in the process increase, and
- b) the number of significant development projects to actually undergo an environmental assessment increase?

The second problem area that my literature review identified is that, where EARP does apply, public participation is limited by several structural and procedural constraints. For example, the public role is limited to reaction, the public only have access to a few stages of the process, and in any event, inefficient use is made of public knowledge. My second research question is based on the premise that, under such restrictions, legitimate concerns of public groups may be jeopardized.

### Research Question:

Does being funded:

- a) affect the ability of intervenors to be involved in stages of the EARP review where they have no direct access, and
- b) ensure that the values and interests of public groups are more actively considered at each stage of the process?

The third research area concerns the specific effects of intervenor funding on the quality and extent of public participation, and the effect of the administration of a particular intervenor funding program on that input. The only other time that intervenor funding was provided in EARP was in the Beaufort Sea Hydrocarbon Production and Transportation EARP (BSEARP). My final research questions are based on the premise that even though the administration of the BSEARP program was criticised, financial assistance improved both the quality of intervenor submissions and public access to the process.

### Research Questions:

What is the effect of intervenor funding on the quality of public interest interventions in MFEARP?

What is the effect of intervenor funding on the number of groups or individuals participating in MFEARP and the nature of their participation?

The last research question addresses the mechanics of the MFEARP intervenor funding program in light of the problems identified in BSEARP (late delivery of funds, an inefficient approval process, unfair allocation and insufficiency of funds, and a poor communications strategy).

Research Question:

How does the administration of the MFEARP intervenor funding program affect public participation in EARP?

If you have questions about my interests or purpose please contact me for clarification.

QUESTIONNAIRES REGARDING INTERVENOR FUNDING IN THE ENVIRONMENTAL  
ASSESSMENT REVIEWING MILITARY FLYING ACTIVITIES IN LABRADOR AND QUEBEC

Definitions: "the project" refers to the existing and proposed increases in the low level military flying activities of the Department of National Defense in Labrador and Quebec.

"MFEARP" refers to the Environmental Assessment Review of Military Flying Activities in Labrador and Quebec

"EARP" refers to the federal Environmental Assessment and Review Process

QUESTIONNAIRE SENT TO FUNDED INTERVENORS - 7 INTERVIEWS CONDUCTED

1. EARP is often presented as a two stage process: in-house screening and a formal public review. In cases where there are potentially significant environmental impacts, the first objective for intervenors is to ensure that the project is referred for a formal review.

Did your group take any steps in order to have the project brought to the formal review stage. Please describe any steps you took.

Did the possibility that you might receive funding affect these efforts?

2. If intervenor funding were a standard feature of the formal public review stage of EARP, how would general public participation in development planning be affected?

	increase	decrease	not change
a) participation would	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) the number of projects that reached the formal review stage would	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. In your opinion, how much did public pressure affect the decision of the Minister of Defence to refer this project for a formal public review?

4. Please respond to the following questions regarding the Terms of Reference of MFEARP?

Under the Terms of Reference of MFEARP:

	Agree	Don't Know	Disagree
our organization has a public forum where none existed before	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
all significant impacts of the project are being considered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
our membership supports our participation in MFEARP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
general public support for our concerns has increased	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other (please explain)			

OPPORTUNITIES FOR PARTICIPATION IN MFEARP

A diagram of the EARP process is attached (Source: adapted from the Revised Guide to the Federal Environmental Assessment and Review Process. Ottawa:FEARO, 1979). Several important stages in the process are identified and numbered beneath the diagram. The following five questions refer to this diagram.



weakens our political support base

other (please explain)

9. At which stage(s) would you like to have greater participation in the process?

Stage:	What kind of participation:	What type of funding would you require:
1. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
2. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
3. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
4. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
5. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
6. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
7. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
8. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>

10. How does intervenor funding affect the amount and type of public participation in your group's activities?

	increases	no effect	decreases
Organization membership:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Network of contacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please explain):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	yes	no	unknown
Resources between groups are combined:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research efforts educate citizen contacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please explain):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADMINISTRATION OF MFEARP

11. How was your organization affected by the funding eligibility criteria?

	Agree	Disagree	Comments
Our organization:			
found the criteria clear and unambiguous	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
benefited from cooperation with other applicants within our intervening group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

benefited from cooperation with other applicants outside our intervening group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
was forced to represent too many differing views	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
was unable to conduct our preferred research	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
was unable to cover expenses we considered legitimate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
other (please explain)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

12. When you were notified that you were to be funded:  
 (Note: if the material you are sending me fully answers this question, please disregard)

- a) Were reasons given for the amounts provided? What were they?
- b) Were any constraints attached to your use of the funds? What were they? How did you respond?

13. What proportion of your funding request was approved?

10%	25%	35%	50%	75%	85%	100%	1
-----	-----	-----	-----	-----	-----	------	---

If you received less than requested:

- a) Did you appeal the amount approved? What was the result?
- b) What elements of the budget are you now spending? Any particular research emphasis?

14. Did you need to get information from any of the following organizations? If so, did you have any difficulties obtaining information?

	needed info.		had difficulty		nature of difficulty
	Yes	No	Yes	No	
Dept. of Defense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
FEARO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
The Panel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Intervenors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

local

governments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
individual citizens	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
other (please describe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

For each difficulty please explain how your intervention was affected.

	Yes	No
The following difficulty: <input type="text"/>		
delayed our submission	<input type="checkbox"/>	<input type="checkbox"/>
increased our expenses	<input type="checkbox"/>	<input type="checkbox"/>
decreased the quality of our submission/intervention	<input type="checkbox"/>	<input type="checkbox"/>
other (please explain)	<input type="checkbox"/>	<input type="checkbox"/>

15. When and how did you hear about the intervenor funding program? Please check the source and provide specifics.

Date:

FEARO announcement	<input type="text"/>
Meeting	<input type="text"/>
Newspaper	<input type="text"/>
Mail	<input type="text"/>
Telephone	<input type="text"/>
Other	<input type="text"/>

16. Were you given enough time to apply for funding before the deadline date?
17. Were funds delivered or approved soon enough to allow you to use them effectively before the deadline for your submissions to the Panel?

18. Do you agree with the following statement?

"Public groups are given fair treatment by MFEARP."

Agree  Don't Know  Disagree

19. Do you agree with the following statement?

"The MFEARP funding committee has operated fairly and independently."

Agree  Don't Know  Disagree

20. What is the official purpose of this EARP review? What do you think the purpose should be?

21. Does participation by your group help to redefine the purpose, or the outcome, of the process?

22. Are there any further comments you wish to make about your experience as an intervenor in MFEARP?

QUESTIONNAIRE SENT TO NON-FUNDED INTERVENORS - FOUR INTERVIEWS

CONDUCTED

1. EARP is often presented as a two stage process: in-house screening and a formal public review. In cases where there are potentially significant environmental impacts, the first objective for intervenors is to ensure that the project is referred for a formal review.

Did your group take any steps in order to have the project brought to the formal review stage. Please describe any steps you took.

Did the possibility that you might receive funding affect these efforts?

2. If intervenor funding were a standard feature of the formal public review stage of EARP, how would general public participation in development planning be affected?

	increase	decrease	not change
a) participation would	[ ]	[ ]	[ ]
b) the number of projects that reached the formal review stage would	[ ]	[ ]	[ ]

3. In your opinion, how much did public pressure affect the decision of the Minister of Defence to refer this project for a formal public review?

4. Please respond to the following questions regarding the Terms of Reference of MFEARP?

Under the Terms of Reference of MFEARP:

	Agree	Don't Know	Disagree
our organization has a public forum where none existed before	[ ]	[ ]	[ ]
all significant impacts of the project are being considered	[ ]	[ ]	[ ]
our membership supports our participation in MFEARP	[ ]	[ ]	[ ]
general public support for our concerns has increased	[ ]	[ ]	[ ]
other (please explain)			

OPPORTUNITIES FOR PARTICIPATION IN MFEARP

A diagram of the EARP process is attached (Source: adapted from the Revised Guide to the Federal Environmental Assessment and Review Process. Ottawa:FEARO, 1979). Several important stages in the process are identified and numbered beneath the diagram. The following four questions refer to this diagram.



base	<input type="checkbox"/>							
weakens our political support base	<input type="checkbox"/>							
other (please explain)	<input type="checkbox"/>							

8. At which stage(s) would you like to have greater participation in the process?

Stage:	What kind of participation:	What type of funding would you require:
1. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
2. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
3. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
4. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
5. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
6. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
7. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>
8. <input type="checkbox"/>	<input type="text"/>	<input type="text"/>

9. How does the absence of intervenor funding affect the amount and type of public participation in your group's activities?

	increases	no effect	decreases
Organization membership:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Network of contacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please explain):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	yes	no	unknown
Resources between groups are combined:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research efforts educate citizen contacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please explain):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADMINISTRATION OF MFEARP

10. How was your organization affected by the funding eligibility criteria?

	Agree	Disagree	Comments
Our organization:			
found the criteria clear and unambiguous	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

benefited from cooperation with other applicants within our intervening group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
benefited from cooperation with other applicants outside our intervening group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
was forced to represent too many differing views	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
was unable to conduct our preferred research	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
was unable to cover expenses we considered legitimate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
other (please explain)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

11. When you were notified that you were not going to be funded:  
(Note: if the material you are sending me fully answers this question, please disregard)

a) Were reasons given for the refusal? What were they?

b) Did you appeal the decision? What was the result?

c) If you are participating with the use of other funds, what elements of your original budget are you now spending? Any particular research emphasis?

12. Did you need to get information from any of the following organizations? If so, did you have any difficulties obtaining information?

	needed info.		had difficulty		nature of difficulty
	Yes	No	Yes	No	
Dept. of Defense	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
FEARO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
The Panel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Intervenors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
local governments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
individual citizens	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

other (please describe)                                                                  [ \_\_\_\_\_ ]

For each difficulty please explain how your intervention was affected.

	Yes	No
The following difficulty: [ _____ ]		
delayed our submission	<input type="checkbox"/>	<input type="checkbox"/>
increased our expenses	<input type="checkbox"/>	<input type="checkbox"/>
decreased the quality of our submission/intervention	<input type="checkbox"/>	<input type="checkbox"/>
other (please explain)	<input type="checkbox"/>	<input type="checkbox"/>

13. When and how did you hear about the intervenor funding program? Please check the source and provide specifics.

Date: [ \_\_\_\_\_ ]

FEARO announcement	[ _____ ]
Meeting	[ _____ ]
Newspaper	[ _____ ]
Mail	[ _____ ]
Telephone	[ _____ ]
Other	[ _____ ]

14. Were you given enough time to apply for funding before the deadline date?
15. How was your organization affected by the time taken by the funding committee to disapprove of your funding request?
16. Do you agree with the following statement?

"Public groups are given fair treatment by MFEARP."

Agree                     Don't Know                     Disagree

17. Do you agree with the following statement?

"The MFEARP funding committee has operated fairly and independently."

Agree                     Don't Know                     Disagree

18. What is the official purpose of this EARP review? What do you think the purpose should be?
19. Does participation by your group help to redefine the purpose, or the outcome, of the process?
20. Are there any further comments you wish to make about your experience as an intervenor in MFEARP?

QUESTIONNAIRE SENT TO GOVERNMENT AGENCY REPRESENTATIVES - FIVEINTERVIEWS CONDUCTED

1. EARP is often presented as a two stage process: in-house screening and a formal public review. In cases where there are potentially significant environmental impacts, the first objective for intervenors is to ensure that the project is referred for a formal review.

Please describe the sequence of events, and the participants involved, that led to the decision to a) refer the project to the formal review stage, and b) fund intervenors in the process.

2. If intervenor funding were a standard feature of the formal public review stage of EARP, how would general public participation in development planning be affected?

	increase	not change	decrease
participation would	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
the number of projects that reached the formal review stage would	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. In your opinion, how much did public pressure affect the decision of the Minister of Defence to refer this project for a formal public review?

4. Please respond to the following questions regarding the Terms of Reference of MFEARP?

Under the Terms of Reference of MFEARP:

Public groups have a forum for their concerns:

in addition to other legal, institutional or political avenues (please describe)

where none existed before

General public support for intervenors has:

increased  not changed  decreased

Significant impacts of the project are:

completely considered  partially considered   
(please describe any discrepancies)

Other (please explain)

OPPORTUNITIES FOR PARTICIPATION IN MFEARP

5. How does intervenor funding affect the access that intervenors have to other stages and decision making points of MFEARP besides the formal review stage, i.e. screening, initial environmental evaluation, determination of the Terms of Reference of the Review, the Ministerial decision, post construction monitoring?

- 6. How does intervenor funding affect the influence that intervenors have over these other stages of the process?
- 7. Could intervenor input at any of these stages improve the operation of the process, i.e. by lowering costs, instilling public trust, making use of public resources, or in any other ways?
- 8. How does intervenor funding affect intervenor participation in MFEARP?

- a) makes no difference [ ]
- b) unable to comment [ ]
- c) affects participation as follows:

Submissions are:

- more professional [ ]    about the same [ ]    less professional [ ]
- higher quality [ ]        about the same [ ]    lower quality [ ]
- more informed [ ]                    about the same [ ]    less informed [ ]

Public and community organizations:

- are strengthened [ ]    do not change [ ]                    are weakened [ ]
- expect funding they should receive [ ]
- expect funding they should not receive (please explain) [ ]

Remote communities:

- are better represented [ ]        representation does not change [ ]
- are under-represented [ ]

For all intervenor input there is:

- full representation of public interests [ ]
- incomplete representation of public interests (please explain) [ ]

Intervenor research results in:

- education of the general public [ ]
- little or no affect on the general public [ ]
- confusion of the general public [ ]
- other (please explain) [ ]

Other (please explain)

ADMINISTRATION OF MFEARP

- 9. What is your perspective on the funding eligibility criteria?

The criteria:	Agree	Don't Know	Disagree
are clear and unambiguous	[ ]	[ ]	[ ]

- ensure funds are used efficiently
- ensure funds are well accounted for
- force intervening groups to represent too many differing views
- limit intervenors from conducting their preferred research
- are insufficient to cover legitimate expenses
- limit legitimate interests from access to the process
- other (please explain)

10. Did intervenors ask for information from your organization?

Yes  Dont' Know  No

If so, was it denied in any instances?

Yes  Dont' Know  No

If so, please explain the reasons for this.

11. When and how did you hear about the intervenor funding program? Please check the source and provide specifics.

Date: [ \_\_\_\_\_ ]

- FEARO announcement
- Meeting
- Newspaper
- Mail
- Telephone
- Other

12. Was sufficient time allowed for intervenors to apply for funding before the deadline date?

Yes  Dont' Know  No

13. Were funds delivered or approved soon enough to allow intervenors to use them effectively before the deadline for submissions to the Panel?

Yes  Dont' Know  No

14. Do you agree with the following statement?

"Public groups are given fair treatment by MFEARP."

Agree

Don't Know

Disagree

15. Do you agree with the following statement?

"The MFEARP funding committee has operated fairly and independently."

Agree

Don't Know

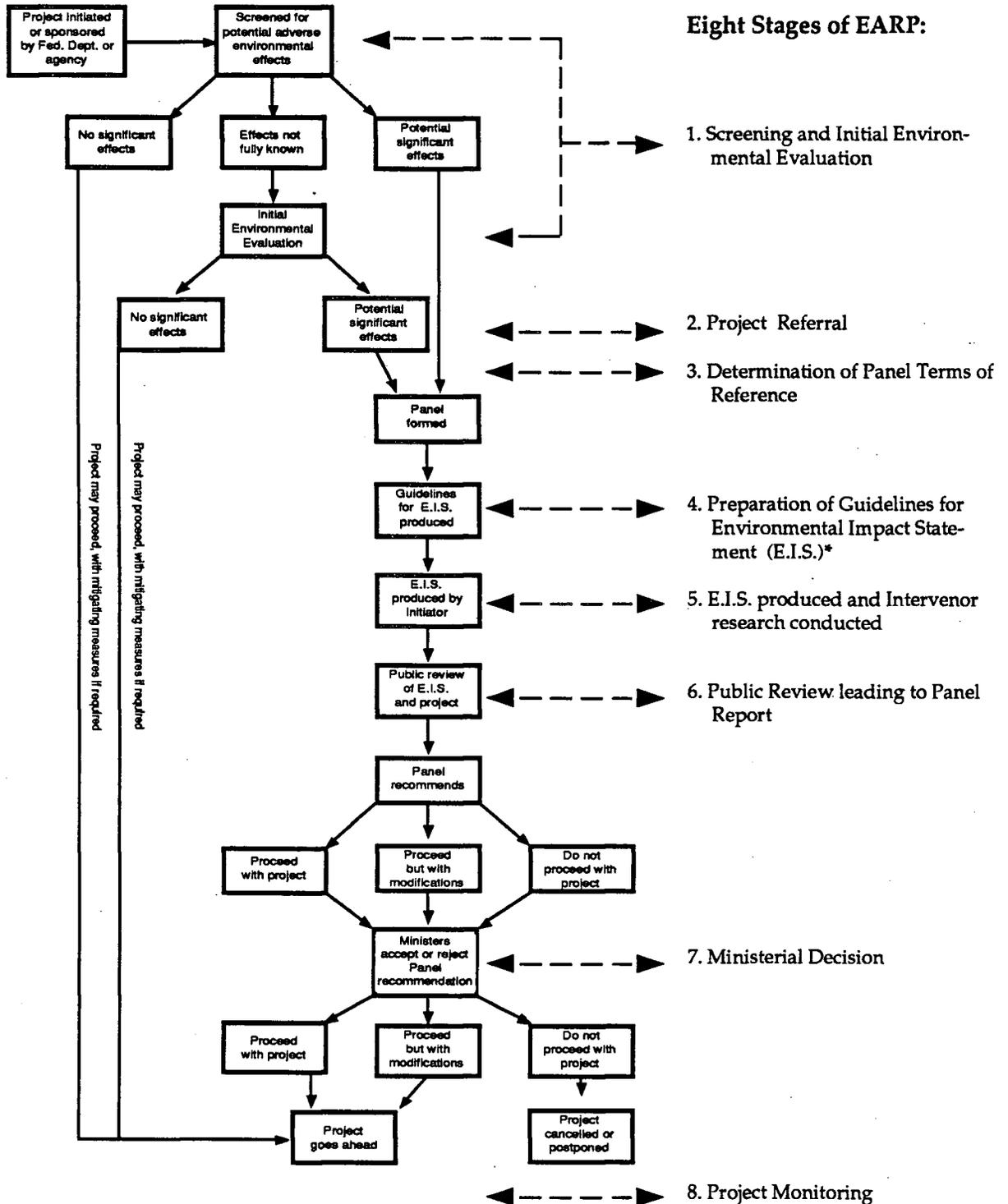
Disagree

16. What is the official purpose of this EARP review? What do you think the purpose should be?

17. Does participation by your organization help to redefine the purpose, or the outcome, of the process?

18. Are there any further comments you wish to make about intervenor funding or your experience in MFEARP?

# The Federal Environmental Assessment and Review Process



\* Note that this diagram does not show the public input to the draft guidelines at this stage.

Source: adapted from the Revised Guide to the Federal Environmental Assessment and Review Process. Ottawa: FEARO, 1979.