Dos & Don’ts: Don’t Start Work Before Environmental Assessment Is Complete



If your company is planning to engage in a major development project, such as building a new plant or expanding an existing one, it might need to get an environmental assessment first. An assessment’s goal is to determine a proposed project’s potential impact on the environment and identify the measures the developers must take to eliminate or reduce the risk of harm to the environment. The assessment process can be time-consuming and burdensome. So you may get tired of waiting and start work before it’s complete. But resist the temptation to jump the gun because doing so could be costly.

A company in Alberta learned this lesson the hard way. It applied to various federal and Alberta government departments for approvals related to its proposed construction of an inland marina development on the shore of a lake. Fisheries and Oceans Canada (Fisheries) concluded that the proposed project needed an authorization and environmental assessment, which began in October 2009. But in the spring of 2010, Fisheries was notified that the company had excavated the lakebed and damaged spawning and rearing habitat for many species of fish—before the environmental assessment was complete and a *Fisheries Act* authorization was issued. The company pleaded guilty to violating the *Fisheries Act. The court fined it $8,500 and ordered it to pay $81,000 to the*

Environmental Damages Fund and $500 to the Alberta Conservation Association [*R.J. Williscroft Contracting Ltd.*, Govt. News Release, Jan. 31, 2012].