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From: roger emsley<contact information removed>

Sent: July 14, 2016 5:53 PM

To: EA Review / Examen EE (CEAA)

Subject: Commentary on environmental assessment processes: Draft Terms of Reference for Expert Panel

I hereby submit my comments in respect of the Environmental Assessment Review Draft Terms of Reference.

I submit these comments having been involved with and exposed to current practises and procedures during several reviews of assessments carried out by the Vancouver Fraser Port Authority (VFPA) - none of them satisfactory. My comments are as follows:

1. The Draft Terms of Reference need to ensure that the Panel looks at recent environmental assessments and the way that they were carried out. VFPA has been allowed to do its own environmental assessments - often severely flawed - and then to rule on the assessment. This conflict of interest cannot be allowed to continue and the Panel needs to be able to address this.
2. The practice of carrying out assessments needs to be studied. To ensure decisions are based on science, facts and evidence the Panel needs to investigate how assessments can be carried out independently and not influenced by a project's proponent.
3. Public Consultation. The Panel needs to look at how public consultation is carried out. Too often in my experience the public consultation process is carried out by the proponent, with the result that the proponent skews the consultation process in favour of the decision that it wants. It then becomes a "check the box" exercise. Public consultation needs to be managed independently not by a project proponent.
4. In my recent experience with a VFPA project CEAA refused to publicize details of how it handled comments submitted by the public. CEAA practises and procedures need a thorough review to make sure that there is the highest level of transparency and accountability. The Panel needs to delve into how CEAA handles projects - the VFPA RBT2 project would be a good case study.
5. Business Need and Alternatives. The Panel needs to look at the environmental assessment process and how this aspect is currently handled. CEAA 2012 puts real limits on this area, allowing project proponents to get away with not having to explain and justify their project based on need and alternatives.
6. Cumulative Impact Assessment. This is an area that in practise has not been handled well. Proponents find ways to duck this, by for example stating that too little is known about a future project to include it in a cumulative impact/effect assessment.
7. Precautionary Principle. CEAA 2012 does not permit a proper assessment under the precautionary principle. The assessment process must be investigated to determine how to make this a key and credible element of future assessments.
8. Sustainability. The Panel needs to be able to use this as its foundation. How can future projects be required to be objectively and independently measured against the three pillars of environment, economy and socio-community.

Finally in my opinion the apparently all ready made decision that any changes to the environmental assessment process and practises will not apply to existing projects that are already being assessed by CEAA is a cop out. Whatever comes out of this review must apply to all projects, regardless of their status.

Roger Emsley
Sent from my iPad