

From: Peter Whitelaw <contact information removed>
Sent: July 18, 2016 9:32 PM
To: EA Review / Examen EE (CEAA)
Subject: Comments on terms of reference for EA review

Hi,

I am writing to suggest the following improvements to the terms like reference for the expert panel review of EA processes:

Expand the scope of the definition of EA to ensure the panel can consider impacts on communities, can take a "sustainable development" approach that looks at opportunities to create environmental and social value, not just reduce harm, and can consider cumulative effects.

Ensure the panel can consider the definition of a project to address cumulative effects, including potential effects of future expansion of the project, inclusion of our reference to upstream and downstream components essential to the project (so that for example a pipeline is not considered independent of production and processing and export), and or addition of similar future projects.

Ensure the EA objectives are long term and life cycle oriented. The purpose of an EA should be to support creation of environmental and social value long term.

Consider who undertakes the review and under what contractual arrangements. Currently many EAs are paid for and directed by proponents. While assessors are bound by the Act, they are in a significant conflict of interest. The panel should be able to consider this. Similarly, the panel should be able to consider the lead agency responsible for the review, which may have an internal conflict of interest themselves.

The panel's report should be completely transparent: it should describe the entire engagement process used, including objectives, notifications, engagement activities, data analysis, and approach to responding to comments received. All comments received should be compiled as an appendix to the report.

Rather than a one way flow of information from one related review to another, there is a tremendous opportunity with concurrent or overlapping reviews of CEAA, the Fisheries Act, the Northern EA processes, etc. for a meaningful two way sharing of information. This would enable substantial learning, likely hard to achieve under most circumstances. Take this great opportunity.

Appreciating the importance of an efficient and timely process, slightly extend the panel's deadline to allow a round of comment on the draft report and or to ensure opportunity for another point of two way dialogue through the process (for example, producing a set of objectives, principles, key issues, etc. for discussion). A single point of input/presentations to the panel followed by a report is inadequate for this critical review.

Ensure the multi interest committee is representative across geography as well as interests, and make sure community interests are represented, not just environmental and industry and indigenous interests.

Thank you for undertaking this review and fire the opportunity to comment on the terms of reference.

Regards,

Peter Whitelaw, MCIP
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