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Subject: Comments on “Review of environmental assessment processes: expert panel draft terms of reference”

Dear Committee,

Thank you for the opportunity to comment on the Terms of References (ToR) for the review of the environmental assessment process. I am writing as a scientist who studies aquatic ecosystems and who has been working in British Columbia in collaboration with First Nations in locations where there are large proposed projects. For example, much of my research focuses on the estuary of the Skeena River, location of the proposed PNW LNG project^{1,2}. Accordingly, I have some level of first-hand experience with the Aboriginal consultation process under CEAA as well as evaluating the scientific basis of environmental assessment applications.

I want to express my deepest appreciation to the Liberal Government for working to improve environmental decision-making in Canada. Below I offer a few concerns and suggestions regarding the ToR.

Effective environmental decision-making entails making decisions

Effective environmental decision-making must have “no” as an option. Otherwise, the process will become a rubber-stamp that continues to burn time, money, and public trust. Even before the legislative changes of 2012, virtually all projects were approved. For example, only one proposal out of thousands of applications between 2006 and 2011 had their application for a Fisheries Act authorization rejected³. There is a similar lack of rejections of CEAA applications. As Dr. Bob Gibson stated, the current Canadian environmental legislation has simply been “making bad projects a little less bad”.

Key questions in environmental decision-making should include: Is this project in the best interest of Canadians? Is the location of the project reasonable from an environmental risk perspective? If one of these answers is “no”, then the project should be cleanly rejected. Some risks do not have technological solutions and cannot be mitigated. This reality should be incorporated into Canadian environmental decision-making.

I am concerned that the ToR continues the status quo and focuses on the traditional approach of incrementally reducing the harm of projects rather than true environmental decision-making where “no” is an option. For example, the short paragraph on Context has no language about “whether” or “if” a project should be constructed. The language instead focuses on “when a project is constructed”.

I suggest that the ToR include phrasing that effective environmental decision-making entails using scientific information to assess whether a project should proceed. I would hope that the

Committee will offer suggestions for bringing the decision-making back into Canadian environmental decision-making.

Independent Science

One of the major problems with current environmental decision-making is that industry proponents hire consultants to collect the scientific data to get their certificate. Thus, the science that underpins decision-making is linked financially to the industry proponent. Science and evidence can be torqued when it is under such strong conflicts of interest.

I suggest that the ToR should not just “[e]nsure decisions are based on science, facts, and evidence”, but also consider the importance of scientific independence.

Learning from Environmental Assessment

At the behest of industry proponents, environmental consultants collect enormous quantities of scientific information. These data are considered intellectual property of the industry proponent and the raw data are generally not made publically available or published in usable forms. I would hazard to guess that the financial resources for private consultants vastly exceeds academic and governmental environmental science. In other words, it is likely that the majority of Canadian environmental science is going into a black hole and not coming out again. This has at least three undesirable consequences. First, it is financially inefficient; each project must be assessed without fully benefiting from previous environmental assessments. Second, environmental assessment does not contribute to scientific progress in Canada. Third, it creates a lack of transparency in terms of the true scientific basis of environmental decision making.

The ToR states that one of the goals of the review is to “ensure decisions are based on science, facts and evidence and serve the public’s interest.” I suggest that the environmental assessment process should also serve the public’s interest; the Committee should consider if improving transparency in environmental assessment would benefit Canada.

Cumulative Effects

The ToR describes environmental assessment as a way to identify “opportunities to avoid, eliminate or reduce a project’s potential adverse impact.” In this sentence, it is noteworthy that project is singular--one project, in isolation. I suggest that the Committee should also consider how cumulative effects of multiple projects are assessed.

In closing, I reiterate my appreciation that the Liberal Government is working to over-haul environmental decision-making. Thank you for considering my concerns and suggestions.

Sincerely,

Jonathan Moore

<Original signed by>

References:

1. Moore, J. W. *et al.* Selling First Nations down the river. *Science (80-).* **349**, 596 (2015).
2. Moore, J. W. & 134 scientists. Scientific flaws in assessment of environmental risks from the proposed Pacific NorthWest Liquified Natural Gas facility at Lelu Island, Skeena River Estuary. **1–9** (2016).
3. Favaro, B., Reynolds, J. D. & Côté, I. M. Letters Canada’s weakening aquatic protection. *Science* **109**, 1225523 (2012).