

From: Jacqui Miller <contact information removed>
Sent: July 20, 2016 1:28 AM
To: EA Review / Examen EE (CEAA)
Subject: Environmental Assessment

We are writing regarding the comment period on the draft Terms of Reference for the panel reviewing Canada's environmental assessment process.

Our recommendations on how to help ensure that the review is broad enough and the Panel has adequate resources to identify strategic-level solutions to strengthening EA rather than just incremental improvements to the existing law:

- **Delete the proposed definition of environmental assessment.** Currently, the "Context" section of the Terms of Reference gives a very narrow description of environmental assessment. For the Panel to think expansively outside the box about environmental assessment solutions, it should be first tasked with to explore and define the goals and purpose of modern-day EA to set the context for the new process.
- **Consider whether the National Energy Board and Canadian Nuclear Safety Commission should be at the EA helm.** The draft Terms of Reference currently ask the Panel to assess how the NEB and CNSC are conducting environmental assessments without asking the overarching question of whether they should be at all.
- **Examine bigger-picture questions.** In addition to goals and purpose, the Panel should examine leading-edge solutions to key issues, such as strategic and regional assessment, how to effectively assess and manage cumulative effects, the potential role of Indigenous co-management bodies, and who should be doing assessments and making final decisions.
- **Commission discussion papers by leading thinkers.** The Panel is going to have to hit the ground running in order to accomplish its goals within the timeframe. Discussion papers by experts in the field that explore leading-edge solutions to key issues can provide innovation, direction and a focus for discussions on law and policy reform. The Panel should have adequate resources and direction from the Minister to commission expert advice once appointed, but the Minister should also consider commissioning discussion or options papers in advance, to get the ball rolling. The purpose and role of federal EA would be an excellent start.

- **Show how comments are considered.** The Terms of Reference require the Panel to summarize comments received in its report, which is good. Even better would be for the Panel to have to show how it considered the input it received during the course of the review, for transparency and accountability.
- **Provide a public review of draft report.** To help ensure that the Panel's report best reflects public and stakeholder comments, the outcomes of government-to-government engagement with Indigenous peoples, and expert opinion, the Terms of Reference should provide for a public comment period and Indigenous consultation on a draft of the Panel's report. Given the already tight timelines for the review, the January 31st deadline for the final report should be changed to a deadline for the draft.

Yours Truly,

Jacqueline Miller & Stephen Do

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