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From: Ziggy Kleinau<contact information removed>  
Sent: July 19, 2016 4:52 PM  
To: EA Review / Examen EE (CEAA)  
Cc:<contact information removed>  
Subject: Comments on the Draft Terms of Reference of the Expert Review panel

Dear CEAA, the following comments are submitted on behalf of the Bruce Peninsula Environment Group (BPEG), a not-for-profit organization, founded in 1989.

Please be kind enough to acknowledge receipt.

sincerely,

Siegfried (Ziggy) Kleinau,  
Co-founder and Outreach Director BPEG.

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 must be first tasked with exploring and defining the goals and purpose of modern-day EA to set the context for the new process.

- There ought to be no role model the National Energy Board and Canadian Nuclear Safety Commission to be played for forging a new modern model of an Environmental Assessment structure. Their EAs are outdated and fundamentally flawed. The ToR should task the RP to come up with a modern EA version that addresses Climate Change, costs and ALTERNATIVES.
- Also the RP should examine bigger-picture questions: In addition to goals and purpose, the RP 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 are needed. The RP is going to have to meet a very short timeline 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 RP 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.
- There must be a rule on how comments are considered. The ToR requires the percentage of public comments received in its report, which is good. Even better would be for the RP to have to show how it considered the input it received during the course of the review, for transparency and accountability.
- We need a public review of draft report. To help ensure that the RP’s report best reflects public and stakeholder comments, the outcomes of government-to-government engagement with Indigenous peoples, and expert opinion, the ToR 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.

