

July 20, 2016

Via email to CEAA.EAReview-ExamenEE.ACEE@ceaa-acee.gc.ca

Review of Environmental Assessment Processes
Canadian Environmental Assessment Agency
160 Elgin Street, 22nd Floor
Ottawa ON K1A 0H3

Re: Environmental assessment processes: Draft Terms of Reference for Expert Panel

Thank you for the opportunity to comment on the draft terms of reference for the proposed independent expert panel review of Canada's federal environmental assessment (EA) process.

Background

Salmon Beyond Borders is a campaign driven by sport and commercial fishermen, community leaders, tourism and recreation business owners and concerned citizens, in collaboration with Tribes and First Nations, united across the Alaska/British Columbia border to defend and sustain our transboundary rivers, jobs and way of life.

Please find our brief yet collective comments regarding the Terms of Reference for the Canadian Environmental Assessment Process below. It is also worth noting that we support the comments prepared and submitted by Northern Confluence on July 19th, 2016.

Purpose of Environmental Assessment Legislation

In letters to the Minister of Environment and Climate Change and the Minister of Fisheries, Oceans and the Canadian Coast Guard regarding the new administration's policies, Prime Minister Justin Trudeau laid out terms of reference for an environmental review process and his intent to improve on existing processes and recapture the public trust. Some of the items on his priority list included:

- Robust environmental reviews and oversight;
- Science-based decision processes;
- Use of best available technology to reduce negative environmental impacts; and
- An open public process that includes expert input.

In addition, Prime Minister Trudeau mandated reviews for the Fisheries Act and the Navigable Waters Protection Act, to *restore lost protections and incorporate modern safeguards*.

We wholeheartedly support and encourage these reviews and the Prime Minister's intent to safeguard fish and wildlife resources in the face of development and improve public process and dialogue throughout the decision-making process.

Scope of the Review

The review process provides an opportunity for EAs to expand beyond the current project-by-project model to also include analyses of cumulative impacts anticipated when there are multiple projects in a region.

The northwest region of British Columbia that borders Southeast Alaska has several large-scale mining projects in operation and at various stages of development. Canada's current EA process appears insufficient on a project-by-project basis and does not include cumulative impact analyses or a review of oversight and mitigation measures available in the event of unforeseen failures. As such, the EA process has failed to adequately address concerns raised by Alaskans regarding downstream impacts to fish and wildlife and an existing wild salmon-based economy.

An effective way to address concerns on both sides of the border and uphold the Boundary Waters Treaty would be to initiate a watershed-level environmental assessment that considers cumulative impacts for this region in cooperation with the province, First Nations, the State of Alaska, Alaska Tribes and stakeholders.

While it is essential that Canadians are able to participate meaningfully in a revised EA process it's also important for downstream interests to be considered and addressed in a significant way.

We recommend that the expert panel review the possibility of incorporating a regional approach and cumulative impact assessments when multiple projects are operating in a watershed, which is especially the case with transboundary mines in this region. In addition, we request that all parties or entities who are affected by a project under environmental assessment have a meaningful role in environmental reviews and that at least, Alaskans have a place at any stakeholder panels that may be formed.

Complementary Mandates

In terms of complementary mandates and reviews, it is our understanding that the Fisheries Act and other protective laws were dramatically weakened by the Harper administration in 2012.

Pertinent to this review is the need to recapture the strong mandate to protect fish and fish-bearing streams from the negative impacts of development and reinstitute the appropriate triggers under the EA process by which to do so. Numerous environmental assessment safeguards were eliminated in 2012, many of which are important to ensuring the impacts and cumulative effects of various activities are understood, avoided and/or mitigated.

Given our concerns regarding mining impacts to transboundary watersheds, we also support a thorough review of the Navigable Waters Protection Act with an eye toward recapturing lost protections for fisheries resources of concern to stakeholders in the transboundary regions of both Canada and the United States.

Thank you for the opportunity to participate in this comment period.

Sincerely,

Salmon Beyond Borders
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