

July 18, 2016

Canadian Environmental Assessment Agency
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Re: Saskatchewan Ministry of Environment's Comments on the Terms of Reference for the Review of Canada's Environmental Assessment Processes

Thank you for the opportunity to review and provide comment on the Expert Panel's draft terms of reference (TOR) for the review of Canada's environmental assessment (EA) processes. The Saskatchewan Ministry of Environment (the ministry) commends the federal government's initiative to ensure an effective EA process that is inclusive of all Canadians. The ministry supports increased transparency and regulatory certainty and will therefore be actively participating in the review given our experience in the harmonized administration of EA processes between both levels of government. While we do appreciate the opportunities made to date to increase our awareness of the review, we have prepared the following comments.

The ministry supports a more inclusive approach for the review of federal EA processes and appreciates that the scope of review seeks to restore robustness in the federal process while avoiding duplication with provinces and territories. Saskatchewan continues to advocate for the principle of one project-one assessment, as was our official position when we provided recommendations to the House of Commons Standing Committee on Environment and Sustainability in November 2011. Going forward we hope that any changes to federal EA will ensure that regulatory duplication of joint EAs will be reduced through provisions in the federal regulatory framework. For those projects that are subject to federal-provincial EA, it is critical that Canada ensure an effective and streamlined EA process. In order to achieve this intended outcome, collaboration with provinces and territories must exist throughout the expert panel's review of the federal EA process. To that end, the ministry recommends the TOR be amended to emphasize the importance of provincial and territorial involvement through a formal consultation track for bilateral discussions.

Saskatchewan supports results-based regulation with defined environmental protection outcomes and largely leaves the determination of how outcomes are achieved to project proponents. The proposed scope of review raises the matter of requiring project proponents to choose the best technology available to reduce environmental impacts. Improved environmental outcomes can be achieved with a more flexible approach that enables proponents to choose best technologies that leads to innovative solutions. We would prefer to see environmental enhancements for EA processes focused upon providing regulatory clarity, fostering innovation and holding proponents responsible to determine how to achieve desired environmental outcomes.

In addition, throughout the review process and subsequent potential legislative and regulatory changes, the ministry would like to ensure developers in Saskatchewan have regulatory certainty for joint federal-provincial projects currently underway and for any projects initiated in the interim. We believe that the draft TOR should provide project proponents and regulators additional clarity for any projects that were initiated under the *Canadian Environmental Assessment Act 2012*. Regulatory certainty and predictability is critical to ensuring competitiveness and helping get resources to market.

Again, thank you for the opportunity to comment on the draft Terms of Reference that will guide the Expert Panel's work. We look forward to participating fully in the review of Canada's environmental assessment processes.

Sincerely,



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Erika Ritchie
Environmental Assessment Commissioner, Ministry of Environment

cc: Sharla Hordenchuk, Environmental Assessment and Stewardship Branch, Ministry of Environment