



20 July 2016

Review of Environmental Assessment Processes
Canadian Environmental Assessment Agency
160 Elgin Street, 22nd Floor
Ottawa ON
K1A 0H3
By email: CEAA.EAReview-ExamenEE.ACEE@ceaa-acee.gc.ca

Re: Environmental Assessment Processes: Draft Terms of Reference for Expert Panel

Dear Sirs:

The Ontario Rivers Alliance (ORA) is a Not-for-Profit grassroots organization acting as a voice for several stewardships, organizations, and private and First Nation citizens who have come together to protect, conserve and restore healthy river ecosystems.

ORA is grateful for this opportunity to comment on the draft Terms of Reference for the Expert Panel that the Minister of Environment and Climate Change (Minister) will establish to review the Canadian Environmental Assessment Act, 2012 (CEAA).

ORA is pleased that the Minister is taking these important steps to restore the integrity and intent of the purposes of the CEAA to protect the environment; however, we are concerned with the way the draft Terms of Reference is worded; that the expert Panel could interpret its mandate too narrowly.

ORA recommends that the following are included in the Panel's Terms of Reference:

- An expansive and visionary mandate is required, along with the necessary authority and resources to undertake a broad public consultation, and to ensure strong and effective legislative protection.
- The description of environmental assessment must be comprehensive and sweeping to ensure strong and broad goals and purpose.
- The cumulative impacts from all forms of development on a community, stakeholders, and the ecosystem must be thoroughly considered.
- Consideration of a project's implications with respect to global climate change, and its long-term impacts at a local, regional and global scale.
- Ensure the Panel is transparent and accountable by demonstrating how all comments were considered.
- Ensure the Terms of Reference include specific recommendations for legislative changes, and where they should occur in policy and/or guidance.
- Provide a public review of the draft report to ensure the Panel's report sufficiently reflects public, stakeholder and Indigenous comments.



A thorough and sweeping CEAA, with direction for an open, transparent and accountable process, as well as effective oversight and mitigation of impacts is essential.

It is also essential that the scope of the CEAA includes a science-based approach to assess whether or not a project should or should not be built or proceed, not just the types of mitigation techniques that will result in fewer impacts.

ORA is particularly concerned that when the new CEAA came into force in 2012, it resulted in the termination of most ongoing screening assessments for waterpower projects. It is essential that the CEAA require environmental assessment for all waterpower projects, as both large and small waterpower projects can and do result in numerous negative environmental and socio-economic impacts. Additionally, in Ontario there is no requirement for fish passage or up-front dam decommissioning provisions. These and other considerations are crucial if Canadian lakes and rivers are to remain resilient to a warming climate.

Attention to all of the above recommendations are essential if the public is to regain confidence in the will of the government to protect our environment over and above corporate interests.

Most importantly, a citizen's right to a healthy environment must be enshrined in any legislative changes to the CEAA, and the possibility of a "no" outcome is paramount.

ORA also supports the submissions by the Canadian Environmental Law Association and the West Coast Environmental Law Association.

ORA looks forward to taking part in any future consultation opportunities regarding this review.

Respectfully,

Linda Heron
Chair, Ontario Rivers Alliance
<contact information removed>

cc: Honourable Catharine McKenna – Minister of Environment and Climate Change – Catherine.McKenna@parl.gc.ca
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