

July 20, 2016

Sent via email

Review of Environmental Assessment Processes  
Canadian Environmental Assessment Agency  
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**Re: Comments on environmental assessment processes: Draft Terms of Reference for the Expert Panel**

Thank you for the opportunity to provide comments on the draft Terms of Reference for the Expert Panel that the Minister of Environment and Climate Change (the Minister) will establish to review the environmental assessment (EA) processes associated with the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). The Toronto and Region Conservation Authority (TRCA) has a vested interest in the review of EA processes given our role as a public commenting body under both federal and provincial EA review and approval processes. Further, for some major infrastructure projects that are approved under an EA process, TRCA reviews for their detailed design where it affects our regulation, Ontario 166/06 as amended. TRCA is also a resource management agency for nine watersheds and the Lake Ontario shoreline, with delegated authority in plan review to represent the provincial interest for natural hazards, as well as being one of the largest landowners in the Toronto Region. In addition, as a proponent of EAs, TRCA follows the process set out in the Class Environmental Assessment for Remedial Flood and Erosion Control Projects document. TRCA is encouraged to be a part of the federal government's consultation process on environmental assessment and is pleased to provide comments to aid the Minister in establishing a draft Terms of Reference for the Expert Panel.

We understand the Minister has identified the review of the Canadian environmental assessment processes as a top priority. As stated on the government's website, environmental assessment helps inform government decision-making and supports sustainable development for projects that could have an adverse impact on the environment. In TRCA's jurisdiction, our staff review applications for major new greenfield communities, redevelopment, infilling and intensification, and the substantial servicing projects to service this growth within the Greater Toronto Area. Therefore, TRCA sees the review and update of the federal EA process and its relationship to the provincial EA process as critical to all public agencies, proponents and stakeholders given the significant levels of urbanization and the potential impacts of climate change being experienced here and in communities across Canada.

At this current time, TRCA offers the following comments for the Panel's consideration. We would welcome opportunities for further input as the Panel's work progresses.

Detailed Comments

TRCA is supportive of the current scope of review that the Panel will be using when considering the matters raised in the Minister's mandate letter and the mandate letter of the Minister of Indigenous and Northern Affairs:

1. How to restore robust oversight and thorough environmental assessments of areas under federal jurisdiction, while working with the provinces and territories to avoid duplication?
2. How to ensure decisions are based on science, facts and evidence and serve the public's interest?

3. How to provide ways for Canadians to express their views and opportunities for experts to meaningfully participate?
4. How to require project advocates to choose the best technologies available to reduce environmental impacts?
5. How to ensure that environmental assessment legislation is amended to enhance the consultation, engagement and participatory capacity of Indigenous groups in reviewing and monitoring major resource development projects?

As well, the review may benefit from the addition of other matters such as the EA processes' ability to:

- consider and address cumulative impacts;
- encourage adaptive management in the planning and design of public infrastructure projects;
- assess the mitigation and adaptation measures necessary to combat the potential effects of climate change;
- coordinate with development/land use planning processes;
- ensure that the environment is adequately considered when compared to economic considerations (i.e., investigating both ecosystem-economics and social-economics approaches in the EA, not just an economic valuation based on the capital cost of the infrastructure to be provided).

Moreover, through the review of the CEAA, TRCA believes that it is important to provide for harmonization between the federal and provincial EA processes, as the avoidance of duplication is a major benefit for proponents, regulators and the economy. For example, amendments to the EA process to facilitate harmonization would help to prevent potential forced changes having to be implemented into a project that has already received approval through the provincial EA process. TRCA would like to encourage federal agency staff in their various departments to become engaged in the provincial EA process at the early stages of project planning; this would help frame the provincial EA process so that proponents are made aware upfront, of both levels of governments' requirements (e.g., regarding EA approval and permitting after approval). CEAA, as a coordinating agency, should again be contacted early in project planning so that federal agency input can help frame the provincial EA process and even participate in the review of the provincial documents.

Thank you once again, for the opportunity to provide comments on the draft Terms of Reference for the Expert Panel. We look forward to providing further input on the federal EA review where opportunities arise. Should you have any questions, please contact the undersigned.

Sincerely,

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