

Port au Port Bay Fishery Committee

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

July 19, 2016

Dear Sirs/Madams:

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

Dear Sirs/Madams:

The Port au Port Fishery Committee was formed in November 2013 at a public meeting in the Community of West Bay, Newfoundland and Labrador. The meeting was attended by fishers and other residents of the Port au Port and Bay St. George area concerned about the collapse of the Scallop Fishery in Port au Port Bay.

We appreciate this opportunity to comment on the draft Terms of Reference for the Expert Panel that the Minister of Environment and Climate Change (the Minister) will establish to review environmental assessment (EA) processes.

The following comments relate to systemic governance and regulatory management issues directly related to and including environmental assessments and arise from the experiences of members of the Port au Port Bay Fishery Committee in relation to oil exploration and development in the marine/coastal region of Port au Port Bay and within the larger Gulf of St.

Lawrence context. These issues and experiences are further outlined in the attached report *Marine/Coastal Governance and Management - Port au Port Bay, Gulf of St. Lawrence: Report and Recommendations* .

Review of environmental assessment processes: Expert Panel Draft Terms of Reference

- **Context and Scope:**

The context and scope of the terms of reference of the review of environmental assessment processes should include connections to what we believe should be a democratic, multi-sector, integrated, ecosystem and science based management and regulatory system working primarily for the interests of citizens and the protection of the environment.

*" Environmental assessment **informs government decision-making** and supports sustainable development by identifying opportunities to avoid, eliminate or reduce **a project's** potential adverse impact on the environment before the project is undertaken, and by ensuring that mitigation measures are applied when a project is constructed, operated and decommissioned." - terms of reference*

While acknowledging the context and connections of environmental assessment processes in informing government decision-making, the terms of reference should be wider in scope and not primarily focused on project specific environmental assessment. As our *Marine/Coastal Governance and Management - Port au Port Bay, Gulf of St. Lawrence* indicates, cumulative environmental impacts and broader strategic and regional assessments should be an integral part of a broader assessment and decision making process.

The terms of reference should include a review of environmental assessment processes to ensure that they include and support collaborative and consultative decision making involving the federal government, provincial governments, industry, First Nations and the general public - and not be restricted to primarily "government decision making" in terms of referring to decisions by members and employees of a federal or provincial governments.

The context and scope of terms of reference of a review of environmental assessment processes should include the context and connection of environmental assessments to a democratic, multi-sector, integrated, ecosystem and science based governance and

regulatory system working in the interest of citizens, communities and the environment.

- **Canada - Newfoundland and Labrador and Nova Scotia Offshore Petroleum Boards**

While the review of environment assessment processes includes "Rebuilding trust in environmental assessment processes" and "Modernizing the National Energy Board" the scope of the review should also include review of the East Coast Offshore Petroleum Boards.

The members of the Port au Port Bay Fishery Committee have little trust in any independence and objectivity of the C-NLOPB. We agree with the recommendation of former NL Judge Robert Wells in his report to our provincial government on offshore safety in the oil industry and what he considered to be his most important recommendation "that there should be a separate, independent regulatory agency created for worker safety and environmental protection." Our Committee believes that the C-NLOPB, the Federal Government and the Provincial Department of Environment and Conservation in their roles as partners in a conjoint regulatory body, should not be both *facilitator* for oil and gas development and the *regulator* for worker safety and environmental protection - including administering environmental assessments.

It would be much appreciated if you would consider our recommendations regarding changes to the Terms of Reference.

Thank You,

Port au Port Bay Fishery Committee:

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