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July 19, 2016

To Whom It May Concern:

Thank you for the opportunity to comment on these serious and contentious issues. I wish to address each of the five “how to” matters listed under the heading Scope of Review on web page

<https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/share-your-views/eap-draft-terms-reference/draft-terms-reference-ea.html>.

*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?*

To my knowledge, most (if not all) Canadian provinces include a government ministry devoted to environmental oversight, regulation, etc. It is likely that these vary in funding support (governments seem always to be stressed to find sufficient funds for government programs given current taxation regimes), breadth of expertise, as well as in ideological slant with regard to government regulation (often termed “interference” by free market ideologues). While it makes sense to consult with provincial counterparts, it would be negligent of the federal government to accept provincial recommendations at face value without a thorough review of their procedures, especially with regard to broad public input.

Sometimes fiscally stressed governments rely extensively on data supplied by promoters of specific projects, data that can often come with its own more or less “built in” conclusions regarding project desirability (“jobs, jobs, jobs”) or environmental responsibility (“world class safeguards,” etc.). It hardly requires observing that the opportunity for misleading regulators on either of these aspects of proposed developments must be both rich and tempting, enabling the exaggeration of both national benefits from projects and the downplaying of environmental and/or social risks attendant on them.

Insofar as the above observation is true, it seems prudent that the governments also carefully attend to objections raised by environmental organizations, which rarely have a direct economic stake in the outcome of assessment deliberations.

If assessments are to be made of projects that fall under federal jurisdiction, it behooves the federal government to ensure that adequate assessments are done (even if this should require expansion in the number of qualified ministry personnel) and, in the event of approvals, to maintain follow-up oversight on a periodic basis to hold developers to

account for any claims made by proponents and accepted by government after due examination.

*2. How to ensure decisions are based on science, facts and evidence and serve the public's interest?*

Canadian universities, many of which suffer serious fiscal constraints, are often dependent upon corporate support for specific avenues of research. While there is nothing wrong with this per se, it has similar potential to create a problem like that described in the second paragraph under (1.) above. Insofar as federal review of project proposals is reliant on externally supplied data, when such data is indirectly provided by corporate funding from a company that stands to profit extensively from project approval, the chances that the data will be fully objective and reliable become diminished.

Insofar as the federal government wishes to base its decisions in these cases on sound data, it once again requires that the federal ministry fund university (or other research institutions') research to ensure that the interests of the broader public are upheld, not just those of share and bondholders.

*3. How to provide ways for Canadians to express their views and opportunities for experts to meaningfully participate?*

Opportunities to comment (such as the one I avail myself of today) are a welcome start.

It is true that most industrial developments that might threaten environmental damage and/or local community well-being have broadly divergent impacts. As an example, the Tar Sands developments in Alberta provided considerable employment benefits to Canadians from many different areas of the country; the pollution of the Athabasca River basin and the downwind communities in the North and to the east are somewhat more localized. Thus cost and benefit are disproportionately distributed.

It seems to me that where local communities are threatened with potentially dramatic damage (e.g. offshore oil or dilbit spills, increased SO<sub>2</sub> in the airshed) that their local citizens should receive *considerably larger weight* with regard to any objections they might raise. Well publicized public meetings in the affected local communities are an absolute requirement.

Further, in many cases extant here in British Columbia, industrial projects require acquiescence by First Nations whose territories have never been ceded by treaty into the broader Canadian dominion. While I do not pretend to speak for any group in particular, it strikes me as incumbent upon the governments of Canada and of British Columbia to settle any outstanding land claims' treaties *before* approving such projects, and proceeding only with full knowledgeable consent by the affected native groups.

*4. How to require project advocates to choose the best technologies available to reduce environmental impacts?*

Clearly defined and written regulations with regard to the above general principle must be applied to *all* proposed developments above a small, basic size. If necessary, a small department of what might be termed “technogeeks” might be established within the federal ministry of the environment, a group of experts charged with investigation into global technological developments into industrial hardware and processes involved in proposed industrial projects. There should be a mandate for “best in class” investments (cleanest, most efficient, etc.) that provide the highest level of protection for natural processes and for human health and safety, particularly in the most highly affected areas. Processes that would never be acceptable for an urban concentration such as Vancouver should be equally unacceptable in remoter, less populous communities.

*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?*

Alluding to the final paragraph in (3.) above, it is increasingly important to eliminate the shameful delays in treaty discussions, to justly compensate First Nations for exploitation of their lands and resources in previous years, and to invite them into the broader partnership of Canadian confederation.

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Under the section entitled Public Access to Information, it is encouraging that your process for this review will make public the information it receives. Transparency of process is critical to engender the trust and good will of Canadians, particularly when past years have seen extensive direction of policy by private lobbyists and compliant officials.

Finally, I would like to reiterate concerns about the global implications of Canadians’ industrial and commercial activities. We are a country that has the potential to “punch above its weight” in a wide variety of global arenas: financial investments in industrial developments in foreign countries may be beneficial *or* harmful; participation in foreign conflicts may enhance or demolish our international reputation as a fair and/or neutral third party focused on peace and cooperation rather than conflict and competition; our production of greenhouse gases or other toxins may repudiate our international commitments to a juster, safer world. It is incumbent upon the Government of Canada to try to recover some of our lost reputation through closer attention to our citizens’ behaviors’ global impacts.

Thank you for this opportunity to comment.

Best wishes,

**Al Lehmann**  
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