



3rd Floor
303 Portage Ave
Winnipeg, MB
R3B 2B4

December 16, 2016

RE: SUBMISSION ON IMPROVING ENVIRONMENTAL ASSESSMENT IN CANADA

Attention: Expert Panel, Review of Environmental Assessment

Green Action Centre appreciates the opportunity to provide input on Canada's Environmental Assessment review. We are encouraged by the Federal Government's commitment to examine the existing legislation, and we are hopeful that this public consultation process will result in EA reform that will ensure the priority of a healthy and sustainable environment for Canadians through adopting a next generation assessment process.

We fully support the West Coast Environmental Law's 12 Pillars of Next Generation EA, as presented in their Federal Environmental Assessment Reform Summit, August 2016. We see these pillars as a cohesive framework that should be implemented as a package in order to have the intended impact.

We also support the fundamental points and key overarching policy issues outlined in the Multi-Interest Advisory Committee's Advice to the Expert Panel Reviewing Environmental Assessment Processes, submitted December 9, 2016 (including support for the non-consensus issues related to Indigenous Rights and Climate Change). We do not intend to recount the comprehensive details in the report. However, our reflections below either reiterate or link to several key areas found in the document.

Of particular note, we urge that the environmental assessment process shift from one driven by a focus on ecological impacts on paper, and economic impacts in decision making, to one based on sustainability principles objectives and standards. Economic gains are important for our country to flourish, however, these cannot be at the expense of the environment. Next generation assessment at the federal level must therefore recognize sustainability-enhancing economic, ecological and social objectives and that these are interdependent.

The Precautionary Principle should be applied as a fundamental consideration when assessing projects, and the potential for long-term negative impacts on the environment should outweigh potential short-term economic gains. Moreover, we feel that the right to a healthy environment, including the right to clean air, clean water and healthy food, should be included as a guiding principle for the Act.

We support the Federal Government's efforts to implement a pan Canadian Climate Strategy. As such, we feel it is essential to integrate the Assessment processes and Canada's climate goals under the Paris Agreement (adopted at COP21), including the assessment of direct and upstream GHG emissions of proposed projects.



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Moreover, we strongly recommend that a climate assessment or climate test be applied before a full assessment to ensure that proposed projects which are shown to severely impact Canada's ability to reach its climate goal, do not proceed. In our opinion, the outcome for these types of high-risk projects is that a pre-screen should promptly determine whether they should proceed at all. Introducing a more streamlined and efficient process can avoid wasting time, money and remove ambiguity for government, the proponent and the public. We recommend that government introduce a framework for how it will meet its climate change goals in their next generation assessment process, and then proposed projects can be assessed within this framework to determine compatibility. Decisions to reject projects that are not compatible will then be made in a more reasonable timeframe, to enable investment of capital in lower risk and more sustainable alternatives.

A pre-screen approach should also be applied to the presence or absence of consent from indigenous communities experiencing direct adverse effects from proposed projects and undertakings. Where one or more adversely affected indigenous communities are not prepared to consent to the proposed project after a process of negotiation and accommodation with crown agencies, other indigenous jurisdiction and the proponent at the beginning of the process, the assessment should proceed no further. This would provide similar benefits to the assessment process as the GHG emissions pre-screen. The assessment could be restarted if and when agreement is obtained.

We would also like to stress the need for integrated and regional and cumulative effects assessments, as there are often cases, such as projects and development in northern Manitoba, which have multifaceted impacts. We believe that the EA process would be strengthened by placing the assessment of cumulative effects at the centre of the assessment process at all levels regional, strategic and project. A legal and funding framework should be developed for conducting regional environmental assessments to ensure their implementation achieve benefits of efficiency and effectiveness in project level assessment. The Federal government should take a leadership and oversight role, coordinating provincial, territorial, local and indigenous jurisdictions and ensuring that obligations are met.

Finally, we urge that the principle of non-regression be included in a new Act, to make certain that we are never again faced with a similar outcome of the major weakening of the Act that occurred in 2012. While there may be changes to the Act, based on scientific progress, these should be aimed at strengthening regulations to deal with new threats to health and nature.

We would like to conclude by thanking you for this opportunity. We are eager to see the progress on the EA review and look forward to seeing the results next year.

Please feel free to follow up with us if you would like to consult further on the points in our submission.

Best regards,



Tracy Hucul,
Executive Director



William Dowie,
President of the Board, Green Action Centre

cc. Peter Denton, Chair, Green Action Centre Policy Committee

204-925-3770 | greenactioncentre.ca | tracy@greenactioncentre.ca

