

Expert Panel Public Presentation Session

Review of Environmental Assessment Processes

September 19, 2016

Radisson Hotel Saskatoon, Saskatoon, SK

Expert Panel:

Johanne Gélinas, Chair;

Doug Horswill;

Rod Northey;

Renée Pelletier.

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Opening Remarks

Kelly McGee: Good afternoon. Welcome to the public presentations session for the Expert Panel on the Review of Environmental Assessment Processes.

Bonjour mesdames et messieurs. Bienvenue à la réunion publique pour le comité d'experts pour l'examen des processus d'évaluation environnementale.

My name is Kelly McGee. I am the Executive Director for the secretariat supporting the expert panel. There are secretariat staff in the room who can help with any questions you might have. I would like to provide some preliminary information before the panel begins. Please silence your cell phones and electronic devices before we begin. The emergency exits for this room are located behind you on either side.

Each presenter this afternoon has a maximum of ten minutes for their presentation, followed by up to five minutes for questions from the panel members. We encourage you to allow as much time as possible for questions. If you are presenting this afternoon, please be sure to check in with the secretariat staff at the table near the entrance. And the schedule for this afternoon's presentations is also available at that same desk. The panel encourages you to visit their website at www.eareview.ca for a wide range of information related to this review. Madame Gélinas, the Chair of the Expert Panel, will oversee this afternoon's event. There will be an audio recording of today's session, and at a later date we will produce a transcript that will also be posted on the website. Thank you. Madame Gélinas.

Johanne Gélinas: Merci. Good afternoon, and welcome to this first presentation session of the Expert Panel for the Review of Environmental Assessment Processes. First of all, I must say on behalf of the Panel that we're very happy to start in Saskatoon. This morning when I woke up at 6:30 I was just looking at the sky, blue sky, sun rising. It was simply wonderful and so peaceful. So it's a pleasure to be here with all of you.

I would like to begin by introducing the member of the Panel with us today, and then give the micro to Ms. Pelletier. So on my right, Renée Pelletier and Mr. Doug Horswill; and on my left, Kelly, who introduced herself, who is not a member of the Panel but head of our Secretariat; Mr. Rodney Northey, who is also a member of the Panel. Renée?

Renée Pelletier: Before we begin, we'd like to start off this afternoon by acknowledging the First Nations of Treaty 6 on whose traditional territory we are meeting today, and thank them for welcoming us into their traditional territory.

Johanne Gélinas: So the Panel was named by the Minister of Environment and Climate Change, and directed to consider how to: first, restore robust oversight and thorough federal environmental assessments; second, to ensure decisions are based on science, fact, and evidence, and serve the public's interest; third, to provide Canadians with ways to express views and opportunity for experts to participate; fourth, to require projects' advocates to choose the best available technology to reduce environmental impacts; and fifth, how to enhance the consultation, engagement, and participatory capacity of indigenous group.

These presentation sessions, with – which today is the first one, are an opportunity for stakeholder organization and interested Canadians to share their views on environmental assessment processes. Over the next three months, the Panel will be travelling across Canada to hold in-person public and indigenous engagement events. In addition, the Panel's website offers both information on how to register for these events and several other options for sharing your views with the Panel. No later than January 31st, 2017, the Panel will submit a report to the Minister of Environment and Climate Change that includes our conclusions, recommendations, and rationale with respect to the issue within our mandate.

So without any further ado, I would like to invite our first presenter for this afternoon agenda, who is Professor Clint Westman from the University of Saskatchewan. And my apologies if I don't pronounce your name properly. Mr. Westman? Good afternoon.

CLINT WESTMAN, UNIVERSITY OF SASKATCHEWAN

Clint Westman: Thank you very much for that introduction. Good afternoon. Can you hear me?

Johanne Gélinas: Yes.

Clint Westman: OK, great. I'm an associate professor of anthropology here at the University of Saskatchewan. I'm an environmental anthropologist, and I've been on staff here since 2009. I've had tenure for two years now. And one of the areas I've been focusing on is impacts of resource development on aboriginal communities specific to the oil sands developments and other energy developments in northern Alberta. So that's what I'll be speaking to mainly, although I do also have some experience with environmental impact assessment in other context.

Johanne Gélinas: Just before you start --

Clint Westman: Yes.

Johanne Gélinas: -- we have 15 minutes --

Clint Westman: Yes.

Johanne Gélinas: -- and we would like to exchange with you. So if you can focus on your highlights and --

Clint Westman: Sure.

Johanne G  linas: -- conclusion for maybe five minutes, and --

Clint Westman: Absolutely.

Johanne G  linas: -- then we'll talk. Thank you.

Clint Westman: So some of the areas that I've been publishing in, based on my research in northern Alberta, I've been publishing papers on the environmental impact assessment process relevant to the tar sands. So I'll talk about that a little bit. Some of this I've learned from research; some also from working for the federal government, specifically Departments of Indian Affairs and Environment ten, 15 years ago.

So I'm drawing on research that's been published by myself, other anthropologists like Patricia McCormick (ph), Michael Ash (ph), and Janelle Baker (ph), to point to a widespread set of shortcomings in what we see as the social impact assessment, specifically of aboriginal rights and practices, traditional land use, and traditional economic – or pardon me, traditional environmental knowledge. Traditional land use and traditional knowledge of aboriginal people are mentioned in the federal legislation for environmental assessment and protection as areas of interest for the federal government, and so I've been monitoring how this has been done. Again, I'm speaking to the oil sands, and it's coming from over a dozen impact assessment studies that I've looked closely at, specifically the chapters on aboriginal issue around land use. And so I'm not speaking to the other consultation processes, but the federal EIA process.

Basically what we've found is that the consultants who are doing the research are normally working for third-party consulting companies hired by the industry proponent. It's very difficult to actually find out who is writing the studies of the social imp—the impacts on traditional land use or cultural land use, things of this nature. Often it's anonymous. When we can't find out who has written these studies, we find that it is typically not somebody with a Master's or a PhD in social science, like anthropology or geography. Typically it's someone who already works for the environmental consulting firm, maybe holding a Master's degree in biology. OK? And so this has been an area, because it is not professionalized like archaeology, engineering, and biology, it – it becomes a bit of a slippery slope where anybody can become a social impact expert. So you have people going and doing quick studies in aboriginal communities, talking to trappers, vulnerable individuals such as elders. Many people do not speak English well, do not have strong literacy skills, and they're being asked to discuss the nature of their attachment to the land and animals with people who do not have a academic qualification to be talking about such things.

So what we find is a lot of, as Donald Trump would say, dopey approaches to understanding cultural change, or cultural dynamics like the way

wages and capitalism impacts communities that are still dependent to some extent, to a great extent, on food from the bush and on traditional social patterns around the trap line. And so there's a lot of impacts – cultural, linguistic, emotional, and relational impacts – that are not being captured in these studies. One would suggest that, in hiring such people, the proponents do not want these impacts to be – to be explored. OK? So I think it's very important that there be a standard for the type of people who are producing these, again, very sensitive and very culturally specific studies on aboriginal land use and aboriginal traditional knowledge.

Currently it's – it would be a best case scenario sort of if an archaeologist was doing these things, but often these people are not trained in interviewing aboriginal elders, have no interview training. For those of us who know the regional literature, we see that the literature that is being quoted is wildly inappropriate, for instance referring to books on the Plains Cree from the 1930s here in southern Saskatchewan to apply to Fort McMurray area. OK? The panels are not catching these things because the panels and their permanent secretariat also do not have adequate training in social sciences. Typically the panellists are engineers. I haven't done a careful study of this, but I can almost guarantee you that 90 percent of the panellists are middle-aged white men with a scientific or technical training.

And again, there doesn't seem to be – it seems like almost any assertion by the proponents about the impacts of their projects can pass muster. I've pointed to several studies where the proponent has been allowed and unchallenged to say that the massive oil sands contiguous developments will actually improve certain aspects of the land, including fishing, OK, or scenery, OK? This is actually being reported in the – in the statements. And apparently it's passing muster with the proponents. The studies always find that, even as the number of developments grow in a small area, that there will be no long-term impact because they rely on projections of reclamation of land and say well, any impact will be addressed by reclamation. During the decades prior to reclamation, we're going to lose a lot of knowledge and a lot of ability to work on the land from aboriginal people, and there's no guarantee of reclamation anyway.

I think that covers a lot of the main things I wanted to talk about, lack of capacity on the part of the proponents, consultants, and apparently on the panel and their staff that is evaluating such things, because these – these unbelievable assertions never go unchallenged. So it points to a fundamental lack of understanding about aboriginal aspirations and aboriginal futures, and, frankly, a less than full implementation of the parts of the statute governing environmental assessment where traditional land use is recognized as a very important consideration.

One other thing I learned from working in the federal government on what they call caucuses that review these things prior to going to the panel, it's a time for technical experts from the federal government to ask questions about the content of various aspects. At the time I was employed by the Department of

Indian Affairs, Alberta Region, as a policy analyst and looking at the chapter of more than one major project, including coal mining, so not just tar sands now. I'm being told by my supervisors that the Department of Indian Affairs has no interest and that protecting traditional land use is not really something I should be looking out for. Don't rock the boat too much, OK? The Department was mainly interested in looking for things that might cause impacts on its financial mandate, not in protecting aboriginal land rights. So the question I had at that time was who in the caucus of federal officials is responsible for reviewing impacts on aboriginal land use. Pretty well the answer's nobody, OK? And so assertions about mine berms and other scientific impacts will eventually find their way to the desk of an expert in the federal government that may be able to push back a bit. That doesn't happen with social impacts, and it's very concerning to me.

And so it seems that really nobody is sort of minding the shop. I'm very glad that this panel has been impor—appointed. And I want to make finally clear that I think your mandate should be more than just looking at the amendments that the previous government had made, even though these were quite controversial, but rather looking sort of root and branch at the whole thing. Because I think a number of the issues I've been pointing to predated the Harper government and have been intrinsic to environmental assessment in Canada over the last 20 years. In short, we haven't met the promise of our statutes and the great work we saw being done in the Canadian north in the seventies. It's become a quick-and-dirty version of that.

And so in closing, I'll just say there's a famous article either in Nature or Science by David Schindler at the University of Alberta, who said the tar sands need solid science. And it began to – began a trend of articles that were proving polluting impacts of tar sands. So what I want to say is that we also need solid social science, and that the standards for determining social impacts must be improved through this process if the process is to have credibility. That's about all I have to say.

Johanne Gélinas: Thank you.

Clint Westman: Thank you.

Johanne Gélinas: Renée is dying to ask you a question.

Clint Westman: Sure.

Renée Pelletier: Thank you, Professor. That was great. Just to address your – one of your last points about that we should be broadening our mandate, and maybe that's something that the Panel should do a better job clarifying, our mandate actually is not limited to CEAA 2012.

Clint Westman: Yes, I know. Yes. Yeah.

Renée Pelletier: OK. So we do see ourselves having a very broad mandate. One of the important changes to the draft terms of reference in the final was the removal of CEAA. So we're looking at federal environmental assessments generally, and we want people to think big. So --

Clint Westman: Great.

Renée Pelletier: Yeah. But thank you for raising that. So I have one question about – you know, you raised some very important points about kind of the lack of qualification in doing these impact studies. And I believe at one point you said best case scenario an archaeologist would do – be doing these kinds of studies, but even archaeologists tend not to be trained in interviewing elders, for example. How do we fix that? Who do you think should be doing these studies?

Clint Westman: Well, I mean, there's probably a range of people with a Master's level of qualification that would be appropriate. Depending on the nature of the training, anthropology, sociology, geography, indigenous studies certainly. One of the interesting things is that, to dig up essentially aboriginal remains, to – you require an archaeological permit from a provincial regulator. And to lead that team, you are required to have a Master's in archaeology. Now, one of the problems is that some of the people doing that are actually not trained in North America, but that's another question. OK? At least they have some type of – of qualification. There is no equivalent qualification required for social impact experts. There isn't a well agreed-upon qualification. My society, the Canadian Anthropology Society, which I'm on the executive of, is considering establishing a type of qualification, but it would be largely voluntary, for exactly this type of work. And there are qualified consultants doing the work, typically not necessarily working for the proponents, I would say.

And so basically what happens is that the consulting companies have a team of people who they're required to have on their roster, like a professional biologist and a professional archaeology, and I think it's sort of whoever has the best personality or whoever seems to enjoy working with native people kind of gets sent out. They're not required to have a non-professional, you know, MA in indigenous studies, let's say, and so they may or may not have this person.

Another thing is that this sector of – this type of interview and research work is very feminized, and is focused on young women. And so that tells – the labour force that's doing the type of investigation. So that tells me that it's seen as a kind of a light and fluffy, non-essential aspect.

Johanne Gélinas: You mentioned earlier that you have gone through 12 EAs in that.

Clint Westman: Yes.

Johanne G elinas: Is it something that you can share with us, the outcome of that study and which EAs you have – or projects you have looked at?

Clint Westman: Yes, I detailed this, number one, in a project I did for Mikisew Cree First Nation, which was not published, but then I published some of the research. And there are – it must be upward of 12 now that I've looked at, like one or two chapters, OK, the studies are voluminous but there would maybe be one chapter on traditional land use. So I compared and contrasted those. A lot of them are cut and pasted. OK? A lot of them have the same text, same references. OK. And so they share a lot of approaches, and they share the same level of analysis, which, in scientific terms, is probably not suitable. It wouldn't pass muster in a graduate study, I guess.

Johanne G elinas: And so you have any example of good practices among proponents that you will point us to?

Clint Westman: Yeah, I mean, I've been asked that a few times, and sometimes I get asked that to provide balance for publishing a paper. The referee or the editor will ask, well, is there a good news story. I mean, I really haven't found one yet. I think there are some consulting firms that are starting to do work that I know who have a number of people with what I would consider to be appropriate training. So that's in the consulting world. I think until proponents are encouraged to hire or review the qualifications of their consultants, then that that won't happen. I think it'll be a bit of a race to the bottom. No, I'm not aware of any really, really good practices on the part of proponents.

Again, there are a lot of proponents doing work on the social license side, which includes secret payments to First Nations that I'm not really commenting on here, and some of those things do have a positive impact. But because of the inability of the consultants to look at social change in an anthropologically informed manner, we can say we really don't know what the impact of things like increased jobs and contracts that go along with the social license are. What is the impact of that on the fabric of a community? It isn't all positive; we do know that. So I think there's a lot more that the studies could be looking at, that in fact they were doing more in the seventies than they are now, I think. I'm going to say that again.

Johanne G elinas: Thank you. Doug?

Clint Westman: Thank you.

Doug Horswill: How do you get this thing on? Professional qualifications go well past degrees and education, usually. So capability is kind of in practice and in judgment, and most professions have some kind of standard that practitioners have to meet before they're qualified. Is there a movement in the world of anthropology to

create that level of qualification? And the other question I have for you is, in terms of content, the actual substance, is there a way that the – sort of a standard could be developed as to what needs to be covered in order to make a sufficient and adequate report from either a proponent or an intervener?

Clint Westman: On the first point, I mean, there's some – we're a non-professional soc—we don't have a professional licensing function, our anthropological societies in North America. So in Canada we're moving towards this. There's an ethno-history society that passed a resolution relevant to court cases, so similar questions about how do we look at the qualifications of people who are giving expert testimony. And they passed a resolution in the ethno-history society that court experts should have to demonstrate that they have conducted substantial research in a particular area or with a closely related group, and thereby derive their expertise from that and not from doing something else halfway across the country, which happens a lot in law courts with aboriginal cases. The experts are not really experts. So I think something like that could be looked at. It would require a more robust professionalization of social science.

I guess on the point of capability and judgment, when you're talking about scientific studies I would also add research methods and methodological sophistication and acumen, and that does come along with advanced training. And many of the other functions that I mentioned – biology, archaeology, etcetera – already require a agreed-upon level of methodological training, and that's what allows – that's what separates it from a kind of a commonsense study and turns it into a scientific study. And we know that commonsense studies can miss out on a lot of things when we're looking at these very complex social changes.

So I think there needs to be, number one, maybe a bigger role for the First Nations rather than the proponent in commissioning the research, would be a good place to start. There's provisions in the CF for co-management of the environmental assessment process. That hasn't happened in the prairie provinces that I'm aware of. That seems to be happening more in the north. So I suspect if aboriginal governments were represented on the panel, they might enforce some of these technical and methodological issues themselves in their own interests. Again, I think it just comes from diversifying the range of perspectives that are involved. But a more culturally informed assessment of impacts that ties in to some scientific literature, to me, is pretty critical – social scientific literature I should say.

Johanne Gélinas: Thank you. Rod?

Rod Northey: Is it on? Can't tell.

Johanne Gélinas: Yeah.

Rod Northey: Yes? OK. Thank you. So among the several EAs that you

were involved in, did you look at the Jackpine oil sands expansion? I'm just curious because you were saying that the panels generally have evaded discussion of traditional land use, and I believe that one not only got into it but also found significant effects. So was that one of the 12?

Clint Westman: Yeah, most of my studies were prior to that. And so that is, incidentally, one of the only --

Rod Northey: No, I'm --

Clint Westman: -- oil sands studies that didn't result in an out-and-out approval, because it's already surrounded by other large projects. But no, so that didn't capture -- that didn't fall into my study.

If I could just offer one more comment, I was awarded standing to address that panel, but I never could do so because it was too burdensome to find the time. It would have required me to change my teaching level and fly to Fort McMurray and, you know, up until the day before I was to talk I didn't know what time I would be on, and so I didn't wind up going. So in fact even for people -- it's very difficult to get standing, but even for people who have standing the process is lawyered up, exclusive, expensive and difficult to participate in. So that's, I guess, what I would say about Jackpine.

They did address traditional land use, and so I think they're beginning to address with that cumulative impacts in a more full manner. But I think the cumulative impacts also needs to come along a bit further, in my view.

Rod Northey: Can I just as one more? So if you go to the north of our specific mandate, which is CEAA. and you go to some of the northern territories where they have the land use agreements, many of those boards are being staffed up by members of the various communities we're talking about. So is -- did any of your 12 include that kind of process?

Clint Westman: I wasn't looking closely at the composition of board members. That comes from a study that's being published this fall by Patricia McCormick, who did look at board members, and also the way the cultural issues were being handled by the consultants. I would be quite surprised if any of them had been aboriginal. I wasn't aware of any, anyway.

Rod Northey: OK.

Clint Westman: But I haven't done a close study myself of the composition of boards.

Rod Northey: Thank you.

Johanne Gélinas: I will use this opportunity to mention that the Panel will hold seminars – and webinars, I should say – and if you know of anybody in your community who would like to participate to that on very specific topic, you will be more than welcome to do so. You will have the detail on our website. It's for you and the scientific community, but for whomever would like to participate. Thank you very much for having spending some time with us today.

Clint Westman: Thank you very much.

TINA SEARCY, AREVA RESOURCES

Johanne Gélinas: I will now call for AREVA Resources. Ms. Tina Searcy. Searcy?

Tina Searcy: Good afternoon.

Johanne Gélinas: Good afternoon.

Tina Searcy: Like to sit in front of the computer.

Johanne Gélinas: I will repeat that over and over: we have received your presentation. I will invite you to start by the end, just to share with us your conclusion and your highlights.

Tina Searcy: OK.

Johanne Gélinas: OK?

Tina Searcy: I actually --

Johanne Gélinas: So that we can have time to --

Tina Searcy: I think I probably will just go through my speaking notes. It's only six slides, so I don't think I'll run over time.

Johanne Gélinas: Thank you.

Tina Searcy: If that's alright. So as announced, my name is Tina Searcy. I'm a Regulatory Relations Manager with AREVA Resources Canada. Our AREVA Group is based in Paris, France, and is AREVA Resources Canada's parent group. We should be on that slide, I guess. The AREVA Group supplied high-ended value

products and services to support the operation of the global nuclear fleet. The AREVA Group is present throughout the nuclear cycle, from uranium mining to used fuel recycling. AREVA's 20,000 employees are helping build tomorrow's energy model, which is supplying ever safer, cleaner, and more economical energy to the greatest number of people.

Our Canadian group is – head office is here in Saskatoon, is a uranium mining company that has explored and operated in Saskatchewan for over 50 years. AREVA has 480 employees in Saskatchewan, and operates the McClean Lake Mill, which is authorized to produce 24 million pounds per year of uranium concentrate. The McClean Lake Mill currently receives all of its ore that it processes from its nearby – from a nearby Cigar Lake mine operated by Cameco Corporation, and of which AREVA holds a 37 percent interest. AREVA also holds ownership in the McArthur River Mine and Key Lake Mill, both of – both of also operated by Cameco. AREVA is the owner of the decommissioned Cluff Lake project in Saskatchewan as well. Excuse me.

AREVA has a strong record including aboriginal communities in its activities. At AREVA's McClean Lake operation in northern Saskatchewan, 47 percent of the 310 employees are aboriginal. AREVA has also partnered with and helped to grow many aboriginal-owned companies in association with its operations and activities. In conjunction with Cameco, AREVA has executed three modern collaboration agreements with First Nation and Métis communities here in northern Saskatchewan. This solidifies our company's commitment to workforce development, business development, environmental stewardship, community engagement, and community investment.

As a uranium mining company, AREVA is regulated federally through the Canadian Nuclear Safety and Control Act, by the CNSC, and AREVA is provincially regulated by the Saskatchewan Ministry of Environment and Ministry of Labour. Through its federal regulatory requirements, AREVA has extensive experience with the Canadian Environmental Assessment Act. Its McClean Lake operation in northern Saskatchewan has undergone numerous screening-level EAs, comprehensive studies, and two federal-provincial joint panel reviews in the nineties to discuss uranium developments in northern Saskatchewan. Our proposed Midwest open pit mine, which would produce – sorry, which would be processed at the nearby McClean Lake Mill, has also undergone comprehensive studies, and was also subject to the federal-provincial joint panel review. Many of these environmental assessment processes spend in excess of five years of review without the corresponding benefit to the process or protection of the environment. Following completion of these environmental assessments, AREVA operations and its activities go – undergo a thorough and public licensing process by the CNSC and the Ministry of Environment – the provincial Ministry of Environment, sorry.

AREVA has participated its own – participated through its own submissions, and participated with the Saskatchewan Mining Association in the last federal panel review of CEAA, and was pleased with many of the changes that were implemented, which enhanced – with enactment of the CEAA 2012. The introduction of timelines, the identification of lead responsible authorities with the CNSC and NEB, and providing certainly through clear identification of designated projects has assisted in improving the environmental assessment process.

The resource extraction industry in Canada requires timeliness and certainty to maintain Canada's competitiveness in the world market. AREVA recommends that the improvements realized through CEAA 2012 be maintained, and, through the review of the environmental assessment process, consideration be given to the following. The EA process is con—intended and should be a planning tool for the project, focusing on conceptual level details. Once through the EA process, projects require additional permitting, licensing, and authorizations, which is the appropriate stage to provide and review technical details. Duplication was reduced with the identification of lead responsibilities in CEAA 2012, however the process should continue to ensure that duplication in efficiency is achieved with – a reduction of duplication and efficiency is achieved within the federal permitting process, and, as much as possible, with provincial approval requirements. Greater coordination between CEAA and other federal regulators could further reduce duplication. Consideration should be given to the best available technology economically achievable, and not simply just available – best available technology. Excuse me. The environmental process should incorporate scientific evidence and respects the – and respect the rights of indigenous peoples. We believe the EA process should be informed by traditional knowledge where available and applicable. Lastly, any full adoption of UNDRIP must be done through other legislative means prior to the con— prior to the consideration of CEAA. The CEAA should remain within constitutional boundaries.

In conclusion, at AREVA we believe in sustainable mining in Canada and support a rigorous regulatory regime that inquires that companies who operate here have high standards in protecting their employees, the public, and the environment. We also believe that Canada must stay competitive for the world investment dollars to ensure that mining is also continued to be a strong contributor to the Canadian economy. A key contributor to this is regulatory timeliness and certainty. We hope that the CEAA expert panel will take into consideration our submission here today and through future opportunities.

Johanne Gélinas: Thank you.

Renée Pelletier: Thank you. I had a question about UNDRIP. I'm a little confused as to why it is that you think that Constitutional changes would be required for UNDRIP to be implemented in Canada. But putting that aside for a minute, let's assume

that Constitutional changes are not required.

Tina Searcy: OK.

Renée Pelletier: Can you maybe say a little bit about how you could see UNDRIP fitting into the EA process, or, if you feel strongly that it should not fit in within the EA process, could you talk a little bit about that?

Tina Searcy: Yeah. Great. Sorry, I wasn't really anticipating how to respond to that comment. We were hoping to invol—be involved in some of the discussions this evening to further address UNDRIP. We just believe that – that some of the elements of UNDRIP would require some further advance changes to CEEA at this time. Sorry.

Renée Pelletier: OK. (Inaudible). Thank you.

Rod Northey: Yeah, just a few questions just to understand beyond Saskatchewan. So how many other provinces are you operating in Canada and where you've done EAs?

Tina Searcy: None currently. Just only in Saskatchewan.

Rod Northey: And what about other countries? France, I assume you do EAs? Any other countries?

Tina Searcy: Yeah. I don't – I don't fully understand the global EA processes --

Rod Northey: OK.

Tina Searcy: -- that we're involved in. We also – currently we're involved in the NIRP review in Nunavut for a project there.

Rod Northey: Alright. So one of the questions, I was just trying to work out this issue of duplication and all the rest of it. What standards – when I look through the EA experience that you've got, have you been lead in the projects that you were describing? Because I did read those panel reviews and I'm just trying to understand if AREVA was the main player, if AREVA was behind the scenes. What has your role been expressly in the main EAs you were describing with panel reviews?

Tina Searcy: Well, AREVA was – would have been known as COGEMA in the nineties, and there would have been AREVA, COGEMA at the time, and Cameco --

Rod Northey: Yes.

Tina Searcy: -- were reviewed there – all the projects in the north were reviewed by the joint panel at the time.

Rod Northey: And so in the way those joint panels worked through the processes, were they empl—using all federal and all applicable provincial standards, just to understand how this works, as your – in your experience? Or were they doing mostly federal? What was the relationship of standards to those kinds of processes? Don't know?

Tina Searcy: Don't know.

Rod Northey: Alright.

Tina Searcy: Sorry.

Rod Northey: No. And just in terms of the timelines and the regulatory question, you raised this idea of the EA being conceptual only.

Tina Searcy: Yup.

Rod Northey: And one of the concerns – I'm just trying to figure this out. If EA stays up at a conceptual level but there are difficult technical questions, doesn't that mean the EA may be shorter and the regulatory process then is longer because the technical questions weren't addressed in the EA? So I'm – I'm trying to understand just the position you're advocating about why EA should stay out of difficult technical.

Tina Searcy: Well, I think that as we move – after the EA approval, kind of gives a broad approval of the project, then we can delve into more technical details through the variety of applications we need to do for further authorizations with CNSC and the envir—and the Ministry of Environment. Their technical specialists have a more opportunity to delve into the details of the project.

Rod Northey: OK.

Tina Searcy: And yes, the regulatory process following the EA could turn out to be lengthy as well, pending on the project description and the technical specialists' reviews.

Rod Northey: Right. OK. Thank you.

Johanne Gélinas: If we come back to Saskatchewan, you have been – I mean AREVA – in that businesses for quite a long time. What have you learned, and what are you doing differently in term of EAs with respect to public engagement and indigenous engagement?

Tina Searcy: The public engagement with the EAs, we haven't gone through the EA under CEAA 2012 as of yet, but in addition we have robust public engagement programs that we carry on throughout our entire term of our license. With respect to our CNSC license, we're required to conduct a public information program as well. So it's fairly ongoing, and not just reliant on the EA process.

Johanne Gélinas: And with indigenous?

Tina Searcy: Yes. Aboriginal and public members of Saskatchewan.

Johanne Gélinas: So I understand you have a process, but my question was more how does that evolve in the company as you go through different project? You look at what's going on, what is going on in other projects in the province. How do you change your way of doing things?

Tina Searcy: Recently, based on advice from our stakeholders, we've met over the last couple of years with First Nation leadership and members of the community to ask them how they want to see our public information developed and implemented. So it's largely based on the feedback we receive from our stakeholders themselves.

Johanne Gélinas: And Rod was asking you a question about your involvement internationally. Do you share best practices among your company with respect to what is going on in one country and another country and here to improve your way of doing things?

Tina Searcy: Yeah, I think at a – at a level much higher than myself they – they spend quite a bit of time integrating with each other and sharing practices and experiences.

Johanne Gélinas: Thank you. Doug?

Doug Horswill: On the – on the conceptual versus technical, so just so I understand it. And Rod's already asked this question, but when you say conceptual, that EA should stay at that level, could – can you elaborate at all on what you mean by conceptual versus technical detail? How – how far, in your view, should an EA --

Tina Searcy: Well, I think the – I guess that's a difficult question to answer. There needs to be enough information that the proponent – the proponent and the regulators are comfortable that there's not going to be a significant impact to the environment. So you might have – there would probably have to be some coordination with how far that information goes.

Doug Horswill: OK. So issues like air emissions, water emissions, all that sort of thing would have to – that would be incorporated in conceptual detail. So the – the environmental effects could be understood.

Tina Searcy: (Crosstalk) yeah. Yeah.

Doug Horswill: OK. You mentioned BAT vers—best available technology versus best available technology economically or whatever it is.

Tina Searcy: Achievable.

Doug Horswill: Economically achievable. Elaborate on your view on that and why you make that comment, please.

Tina Searcy: I think there – there should be the practice that best available technologies are viewed as options, and then the proponents and the regulator would pick one that they can en—stage through capital investment and operational costs that aren't – that don't impose undue hardship on the proponent.

Doug Horswill: What about outcomes for the environment?

Tina Searcy: The – they still have to remain protective of the environment and with – and establish well within the release limits that are available.

Doug Horswill: OK, thank you.

Tina Searcy: (Crosstalk) that there is probably a variety of technologies that can achieve those, but sometimes we need to take in consideration the economy when picking the best option.

Doug Horswill: OK. Thanks.

Johanne Gélina: Thank you very much for your time.

Tina Searcy: Thank you.

LIAM MOONEY, CAMECO

Johanne Gélina: The next presentation is by Mr. Liam Mooney from Cameco Corporation. So you know by now a little bit of our question, with AREVA being first. I will ask the same thing, if you can focus on the highlights of your presentation as we have gone through it already, so that we can have a dialogue. Thank you.

Liam Mooney: Good afternoon.

Johanne Gélinas: Good afternoon.

Liam Mooney: I want to thank you for taking the time to come here to Saskatoon. It's much appreciated by all in attendance, including myself. So without further ado, my name's Liam Mooney. I'm the Vice President of Safety, Health, Environment Quality, and Regulatory Relations with Cameco Corporation. We have prepared a short presentation. We hope to get through it in well under ten minutes, and then we'll open it up for questions. We do intend to plan – we do intend to submit a written presentation to the panel at a later date so that you can still make your deadline and have a bit more fulsome discussion.

Johanne Gélinas: You have the time.

Liam Mooney: So I want to start by giving you some background on Cameco's experience as a Canadian leader in sustainability. We've been operating in Canada, with uranium mines and mills in Saskatchewan and uranium refining, conversion, and fuel manufacturing facilities in Ontario, for more than 25 years. The safety of our people and protection of the environment are Cameco's highest priorities. Our facilities in Canada are subject to a thorough regulatory regime, and are subject to license and approval by the federal and provincial governments, respectively. We focus on communicating our performance and engaging the communities around our operations, both inside and outside the environmental assessment process. Canada's indige—Cameco's indigenous partnerships are a leading example of how to engage directly with local stakeholders to ensure that a company's success and the community's success are intertwined. Our path to relationship building with our First Nations and Métis partners has taken considerable time and effort. Today Cameco is Canada's largest industrial employer of indigenous peoples.

Cameco is also one of the world's largest uranium producers, providing about 18 percent of the world's production. Cameco's emission-free uranium powers one in every 18 homes in the United States, and one in every ten homes in Canada. Indeed, we play a major role in the low-carbon electricity supply equations of many countries, and believe that emission-free nuclear power will play a significant role in the global commitment to action on climate change. As a result of our efforts, we are proud to have been recognized in 2016 as the top Canadian company on a ranking by the Corporate Knights of the top hundred sustainable corporations in the world. As we have developed new mines and revitalized existing operations over the last number of decades, Cameco has been the project proponent of multiple federal and multi-jurisdictional environment assessments. We have also been actively involved with proposals to reform the Canadian Environmental Assessment Act for more than a decade. As such, we are well positioned to provide insight on the current review.

Worked that time. Surprised me.

Through our involvement with the Canadian Environment Assessment Act, we have never advocated for legislative changes that would lower environmental standards. We advocate for a pragmatic regulatory regime that is both certain and grounded in sound science, facts, and evidence. With respect to federal environmental assessment, we have identified what we believe is working well and what could be improved with respect to three key principles that we believe are important to the themes for discussion.

Ensure a science-based process that is timely, predictable, and transparent. With this principle, we're speaking to both the need to focus the planning, conduct, and decision making in an – in an EA on an appropriate level of detail based on the potential effects of the project, and the need to ensure the process does not introduce unnecessary regulatory burden. That is to say the EA is not intended to provide the exact detail on the construction, operation, or decommissioning of a facility, and is not well served by additional process that does not protect the environment. Project level assessments are triggered by new projects or major expansions. The second principle speaks to the need to ensure that EAs are focused on new projects to avoid jurisdictional and administrative duplication, and to recognize the oversight and involvement of the best-placed regulators to use more appropriate regulatory tools to support other decisions. Third, encourage risk- and performance-based assessment of environmental outcomes. The third principle speaks to the need to encourage and hold companies like Cameco responsible to use risk assessment to predict environmental outcomes, and then to implement technologies that achieve predicted environmental outcomes while ensuring economic feasibility.

CNSC is responsible for regulating the nuclear industry, and it makes sense that it also leads the federal EA process, because it has the experience and understanding of the depth of the industry that allows it to coordinate – to effectively coordinate federal agencies. We also support harmonized multi-jurisdictional processes between federal and provincial governments. We believe that integration of federal legislation, such as the Canadian Environmental Assessment Act with the Species at Risk Act, could be improved to coordinate EAs with these other authorizations. We also believe that CEAA would benefit from enhanced responsible authority scope to resolve issues raised by federal authorities in the EA process to satisfy these other authorizations.

We support an EA process that is conducted consistent with Canada's constitutional and legal framework. What we mean by this is threefold: first, that any international commitments made must be interpreted flexibly and not create new legal rights; second, that the existing legal framework should be used to find more opportunities for meaningful engagement and participation by indigenous peoples in the environmental assessment process; and third, that we recognize that the assessment

process can help to inform the Crown with respect to the duty to consult, however we firmly believe that project assessments should not be used to address more regional and policy – i.e. non-project-related – issues.

Further to that point, we support the recognition of our constitutional and legal framework in that regional EAs or regional environmental studies are limited in the current CEAA to the jurisdiction of federal lands or on trans-boundary issues. We believe that in A – in EA and other required authorizations, ensuring that desired outcomes are better informed by risks to the public, work – workers, and the environment is a potential improvement to this process. Further, we believe that, to ensure sustainable economic growth in Canada, the EA process must recognize the best available technology must be economically achievable in order to be implemented.

The focus of the new projects activities list for federal EA introduced in CEAA 2012 has had several benefits. First, it recognizes there is a licensing regime that exists both provincially and federally that involves numerous licenses, permits, and authorizations, including opportunities for technical and public review of facility-level changes. Critically, it recognizes the oversight involvement of the best-placed regulators to use more appropriate regulatory tools as needed to support these other decisions. Second, it minimizes jurisdictional and administrative duplication. Finally, it avoids an unnecessary EA process for what were essentially administrative decisions.

With respect – what – with respect to what could be improved, we believe that, even with these revised triggers, there is some opportunity for some projects or activities to move more directly to the licensing regimes, having regard for the previous EAs, including those performed by other jurisdictions. We support the recognition in the conduct of EAs of the importance of risk assessment in integrating environmental effects to predict environmental outcomes on valued components. We also believe that desired environmental outcomes must be based on science, facts, and evidence. In addition, we support the recognition and accommodation of administrative facility changes within predicted environmental outcomes of the EA without requiring a new EA process. This is desirable because it holds the proponent responsible to achieve a desired environmental outcome through innovation and application of the best available technology that is economically achievable. We believe that implementation of a risk-based approach could be better integrated among all federal agencies. We have observed that the desired environmental mitigations communicated by some federal agencies are not balanced sometimes by consideration of potential risk.

We want to close our brief presentation today by indicating that we have put together our thinking on this and developed this slideshow on a very tight timeline without necessary that much regard for some of the themes that have

been identified by the panel. We're happy to take any questions that you may have, and want to confirm again that we intend to provide a written submission that would more directly touch on the themes as outlined by the panel. Thank you very much.

Johanne Gélinas: Thank you. And we acknowledge that the timeline was very short, and we may ourselves get back to you with some follow-up questions. And it's true for you and the other participants today. And if you think of first participating in the workshop later on tonight, or also to send us your view, more detailed views on what should be done differently, it will be more than welcome. So who will want to go first? Doug?

Doug Horswill: Sure. I'd like you to – first – the first question is to elaborate a bit more on your notion of the triggers. You talked about new projects, and then you talked about duplication with – with the provinces. And I'm not sure that I followed how that all works, so maybe you could provide some example about – about that.

Liam Mooney: Just to clarify, we're – we are satisfied with the changes that were made to more specifically speak to activities and projects as opposed to the previous regime that was being triggered by envir—approvals from different regulatory authorities. So looking at the actual activity that's proposed with a view to has this the potential to cause sig—potential significant adverse effects.

Doug Horswill: Alright. And so the notion of a new project versus an existing project somehow related to changes that were going to happen in the existing project that would not be subject to EA? Is that – is that --

Liam Mooney: Our position was, and with the new project activities designation regulations, is that major expansions would be the – the – have that potential to cause potential – significant adverse effects. So in that discussion, those are appropriate to look at the federal assessment process.

Doug Horswill: OK. And your commentary around the notion of risk and performance, a risk-based assessment makes a lot of sense. Who, in your view, would be judging the risk, and how would that be defined and communicated?

Liam Mooney: Well, I think that that's part of the reason we believe that the CNSC makes sense as the lead in relation to environmental assessments. They have a very close review of our material that we've submitted. They are familiar with our different operating facilities that are licensed by them. And so in that conversation, they are the best placed to judge risk and what's appropriate in that regard.

Doug Horswill: OK.

Liam Mooney: So I appreciate it – it's not for the – necessarily the broader

consumption. We – we do occupy a bit of a different space there. And I would be remiss if I didn't add as well that we also have multi-jurisdictional assessments, so that's carried by the Province of Saskatchewan as well. So in that conversation, there are risk-based determinations that are made by the province as well.

Doug Horswill: And so your local publics, indigenous or non-indigenous, do they have confidence that the risks are being properly addressed by the agencies that are addressing them?

Liam Mooney: So two different conversations there in Canada. In northern Saskatchewan, we – we have our mines and mills that are some 600 kilometres north, relatively remote sites. And we've been operating for, in some instances, more than 40 years at those sites. So through that amount of time, we've had no shortage of discussions and meaningful dialogue with the communities in the vicinity of our operations. So there is a good deal of understanding in relation to our operations and the potential effects. The presenter right before me talked about an effort that was underway over the last number of years to refine our public information program and make sure that it's fit for purpose in relation to the demands of our northern communities. In that conversation, it's not just the environmental assessment process that's the window into our operations; we have licensing processes – and I had to stop myself because, in front of a microphone in the CNSC we have to identify ourselves every time we're talking, and I – I start to do that every time I answer a question here. But in any event, that's – we have no shortage of updates to the communities that we provide, and there's a formal licensing process as well that provides another venue for communicating information and asking questions.

Johanne Gélinas: We have more question.

Doug Horswill: Thank you.

Johanne Gélinas: Don't worry. Rod.

Rod Northey: Two questions. So I appreciate you're going to provide some more detail. So one of the questions relates to your slide four, and on the item of could be improved, you're – you talk about an enhanced responsible authority scope to resolve issues raised by federal authorities. And that does pick up on something I was just questioning a previous speaker on. So it would be very interesting to hear your split of what is the relationship between EA and subsequent regulation, because many of the presentations we've reviewed for today talk about EA being conceptual and staying there and not being technical, but this slide suggests you want some more scope for the EA to get into some technical. So I appreciate you may have a more detailed response, but what's your – can you elaborate today?

Liam Mooney: We will have a more detailed submission in that regard. But

for sure the point there is that understanding what information is necessary to satisfy those subsequent approvals would be a preferred process, rather than running the – going through the federal and provincial EA process and then having a regulator that has some different set of demands that haven't been part of the assessment process and tested through that process. So I think that it – there are spots where it has to be more detailed, but not always. You know, it – it is – it is one of those cases that, again, as a – as a planning tool, there's going to be some uncertainties. And that's why, in the follow-up discussion, you have a whole lot of focus around – at least in our licensing regime, you have a whole lot of focus in ensuring that those uncertainties are tracked in your license, and that follow-ups are required on a regular basis with the different regulators.

Rod Northey: Can I pursue a couple – couple – So one thing I'll just say, in your follow-up, detailed piece, if you could move across – because I note again you had species at risk as one issue you were flagging; fisheries would be another one that I think is significant. Be interesting to hear what your perspective is on this point in relation to those two aspects of federal regulation. So I'll – I'm going to move from that question to regional assessment, where I'll just say that your statement, it fits under working well, and most people that we are reading about or hearing from are describing it as not working well. So it – and in fact would put it in the category of needs improvement. So the question I'll just ask you is have you ever participated in a regional assessment, so your – your perspective is based on participating, or is this don't go there, we just don't think that's appropriate for EA, regardless of experience?

Liam Mooney: So on – on the question of experiencing a regional environmental assessment, you touched on in your questions the panel reviews that took place in the nineties. And arguably, they were under EARPGO, you know, predated CEAA, the agency and the Act. But they were nevertheless of the same spirit and intent. But more – more recently, I think, it's – the focus has been o—first stemming from the jurisdiction of the – you know, the example in – in Saskatchewan that we proposed a Great Sandhills area and the regional assessment that was done there. Entirely within the provincial boundaries, entirely related to an industry that was being regulated by the provincial government. So I know you have a presentation from the provincial government later, but when we see that sort of respect for the existing constitutional framework, we think that there's – it – it makes sense.

I think the – the other thing I would respond on regional environmental assessment is that I know there's a whole lot of emphasis being placed on that in the discussion, and I – what I – what I would say is that I'm not sure at that level, you're still going to have uncertainties, you're still going to have assumptions that need to be made, you're go—still going to have a lot of issues that need to be worked through. So you know, the point that we talked about earlier, some of those policy-level decisions and that which can be made outside and before an EA process, we see that as being the home, and project-specific EA being the better place to look for

environmental protection outcomes.

Rod Northey: Right. Well, just to follow up, so the – I think the trio of EAs you were talking about in the early nineties, three related federal-provincial panels, so I – I don't want to disagree; I just actually just want to understand. That would be, to you, an example of a regional assessment because it was three projects in close proximity?

Liam Mooney: Yes. That – that --

Rod Northey: OK.

Liam Mooney: -- there's always a bit of – again, I'm not an expert in the area, but it – on strategic versus regional --

Rod Northey: Fair enough.

Liam Mooney: -- for – and the language seems to bounce back and forth a fair bit. But as far as looking at development, you know, one of the issues that's often flagged why regional assessment makes sense is in the cumulative effects discussion.

Rod Northey: Yeah.

Liam Mooney: So in that conversation, when you look at multiple projects as part of one panel, you'd seem to coming to the same place. So whether it's formally a regional or formally a strategic in its actual application, it ended up being – it ended up addressing one of the issues that we see recurring on different project level specific assessments.

Rod Northey: Thank you.

Johanne Gélinas: Thank you very much.

Liam Mooney: Thank you.

PAMELA SCHWANN, SASKATCHEWAN MINING ASSOCIATION

Johanne Gélinas: The next presentation is by Pamela Schwann on behalf of the Saskatchewan Mining Association. Welcome, Ms. Schwann.

Pamela Schwann: Madame Chair, may I start?

Johanne Gélinas: Yes.

Pamela Schwann: OK. Merci. So good afternoon, expert panel members. My name is Pam Schwann. I'm President of the Saskatchewan Mining Association, which is an industry-funded organization comprised of mining and exploration companies in Saskatchewan. Sorry, I just need to figure out how to work this. No, it should be – There we go. OK, sorry.

The SMA has participated in previous year reviews with the goal of improving efficiency and timeliness and predictability without in—compromising environmental protection, and we have the same intention in this review. I'm glad you started in Saskatoon because Saskatoon and Saskatchewan is a Canadian and global mining leader, so we're really pleased to have you here on Treaty 6 territory, as you identified. We have close to 20 active mining and milling operations with respect to potash, uranium, gold, and coal. We have an active exploration community, number one producer of potash in the world, number two producer of uranium in the world, and we're also the number one industrial employer of indigenous peoples and incubator of businesses owned by First Nations and Métis organizations and individuals.

I did want to spend just a short time in addressing the issue of regaining public confidence, because in Saskatchewan we have found through detailed polling that we do on a regular basis that we do actually have very strong public support and confidence in the regulatory system and in mining in Saskatchewan. In fact, it's over 90 percent, and that's a poll of over a thousand people. So I think that's important to address as part of this. Nationally there is also strong support, perhaps not as strong as we see in Saskatchewan, but the public is very supportive of the Saskatchewan mining sector.

With respect to your – the different themes that were presented, putting environmental assessments in context – and I'll just say that Liam Mooney is actually a board member of the Saskatchewan Mining Association, and that's why he's joining me in this presentation. The Saskatchewan Mining Association supports the goal of the expert panel's review, specifically that federal environmental assessments should be thorough, transparent, and inclusive, be science- and evidence-based, be risk informed and results based rather than about process, be timely and predictable, be informed by socioeconomic considerations, incorporate the best available technology that is economically achievable, and also be informed by indigenous traditional knowledge where available and applicable. We also reiterate what you've heard previously, that the EA should be respectful of constitutional boundaries and related provincial responsibilities and processes.

With respect to the theme of indigenous engagement, mining is one of the few sectors in Canada and Saskatchewan that offers and delivers jobs and economic growth to non-urban parts of Canada. Recent papers by Blaine Favel and Ken Coates, both from Saskatchewan but with the Macdonald-Laurier

Institute, have noted that the resource sector is at the vanguard of reconciliation with indigenous peoples. And this is particularly true in Saskatchewan, whether we have a decades-long constructive relationship with indigenous communities, where mining provides wealth creation and economic development and opportunities and improved educational outcomes in communities that have systemically high poverty rates.

In 2015, 45 percent of all northern Saskatchewan workers were of First Nations or Métis heritage. That represents an annual payroll of over \$107 million. It also represents, in a very broad geographic region, that one in every five jobs in northern Saskatchewan is related to mining. Over \$388 million, or 41 percent of all goods and services, were purchased from indigenous-owned northern companies or joint ventures in 2015. That's very significant. It provides capacity for those communities to expand outside of the mining sector in northern Saskatchewan. We're seeing a lot of growth in southern Saskatchewan from those businesses that were incubated in northern Saskatchewan, and just not to the mining sector alone but to construction and environmental work all throughout Canada.

What has worked well we think in terms of the current EA process is there's opportunities for input into the EA process, there's dedicated intervener funding. I think a place where Saskatchewan has really led as well is on the post-EA and post-licensing participation and input of northern indigenous communities into environmental monitoring programs through either IBAs or collective – or collaborative benefit agreements. Through a tool in Saskatchewan the government has, which is the surface lease agreements, we've had bodies, the environmental quality committees, that are representative of northern, primarily indigenous, communities, and also Athabasca Working Group, which is part of the IBAs with Cameco and AREVA, and also the government – provincial government sponsored eastern Athabasca Regional Monitoring Program.

What could work better? Improved consultation coordination, primarily along the duty to consult and accommodate. Also, building educational capacity and technical capacity related to EAs in indigenous communities. I just would like to point out that CanNorth Environmental Services, which is a business that's owned by the Lac La Ronge Indian Band, is one example of a very successful consulting firm that specializes in environmental monitoring and impact assessments, and they have recently opened offices across Canada, not just limited to Saskatchewan.

Planning environmental assessments, again, we concur with the previous presenters about environmental assessments being a conceptual planning tool pre-development to identify and evaluate potential environmental and social impacts of a particular proposed development and ways that environmental – that negative environmental impacts can be mitigated. Also to recognize that there's multiple additional approvals that are required during the mine life post-cycle to EA review. And

there's over 15 to 25 separate permits, licenses, environmental approvals that are required subsequent to an EA approval throughout the life cycle of a mine.

What's not working well in terms of planning and environmental assessment is the public doesn't seem to understand – or some public doesn't seem to understand the purpose of an EA, or that there is environmental monitoring and regulatory requirements post an EA. There's an entire life cycle of regulatory regime. As has also previously been noted, some project-specific EAs are really being looked at to look at larger policy-based questions. And also, looking at the increasing level of detail required by various provincial and federal regulatory agencies in the EA process, which is the question that the expert panel members have identified that they want to drill down on further.

Again, in the planning and environmental assessment process, what is working well, the SMA supports the principle of one project, one assessment. What is working well is Saskatchewan does have a strong, long-standing, over 30 years of proven – of a proven robust, effective, and efficient EA process. Provincial agency has specialized regulatory experience with uranium and potash mining specifically. And also, the province has jurisdiction over mineral resource development in Saskatchewan. We feel they are in the best position to weigh the overall benefits of a project against the potential environmental impacts and the proposed mitigation measures.

What is not working well is there continues to be a lack of federal-provincial coordination. Where there were opportunities for equivalency and substitution in CEAA 2012, the mechanisms really were impractical for that and they have not been utilized. What also hasn't worked well is ensuring that all the federal agencies have been engaged in the EA process where they need to be, specifically with respect to the Species at Risk Act and being involved in identifying what requirements or concerns they might have in an EA process and coming in late in the game.

I'm going to skip the next slide to make sure I can get on to some of the other points here.

With respect to the theme of conducting environmental assessments, what is working well, in CEAA 2012 there were three responsible authorities that were identified for being the lead agencies in the EA process, and that does seem to be working well in terms of being more efficient and in reducing federal duplication. What also seems to work well is that the public does have an opportunity to provide input into the EA guidelines during the public consultation process.

What could work better is that we need to recognize the need to adopt the principle of best available technology economically achievable, rather than just best available technology. We also need the ability of the MPMO to ensure

federal department and inter-jurisdictional cooperation and coordination.

What has worked well in terms of the theme of decision and follow-up, the addition of timelines to CEEA 2012 was seen as a positive change. The ability to comment on draft decisions was also a positive change. Again, what would work better is clarifying that responsible authorities have the ability to follow up with the primary regulators involved in subsequent permitting and licensing just to make sure that the system is as efficient as possible.

Johanne Gélinas: You have four more minutes, and we haven't started to --

Pamela Schwann: That's great.

Johanne Gélinas: -- exchange.

Pamela Schwann: Well, I'm getting close to being done.

Johanne Gélinas: OK.

Pamela Schwann: I'll make it. On the critical theme of coordination, again I want to come back to one project, one assessment. That's efficient, effective, timely, transparent and predictable, all things that the panel is interested in. We think it's important that we eliminate overlap and duplication, and recognize that there is a mature provincial EA process. It's critical for the provinces to be involved in the Multi-interest Advisory Committee, and we're pleased that the Saskatchewan government has been identified in that process.

In conclusion, mining has contributed significantly to the quality of life for all Saskatchewan residents, and we believe that the sustainable development of the province's natural resources will continue to form the bedrock of economic and social growth for the province. Sustainable mineral development will occur through an EA process that recognizes the life cycle of regulation of mining, is timely, predictable, transparent, is science-based, recognizes batea (ph) and indigenous knowledge, and is coordinated. And I'll leave it at that. Thank you very much.

Johanne Gélinas: Thank you. I will start with the first question. We understand that in Saskatchewan there's a harmonization process between the province and the Commission. I've heard that in some cases it works well. You have mentioned that there's a lack of fed-prov coordination. Can you elaborate on that a little bit? What will be the ideal coordination process for you?

Pamela Schwann: I think the ideal process would be to make sure that people in the federal and the provincial agencies were communicating with each other. This

extends beyond CEAA, you know, to think like Environmental Canada Species at Risk Act; recovery strategies where we have one department doing something at the federal level, not communicating at all with the provincial department. So it's not isolated to EAs; it's really a continuum. Because the whole regulatory system is a – is a continuum.

Johanne Gélinas: So if we look at the EA process per se, does it work well, from your standpoint?

Pamela Schwann: I believe there – that the harmonization agreement with CEAA and the provincial government is actually needs to be resigned. There may be one with CNSC. Liam, did you want to speak to that?

Liam Mooney: Who would just – in the – in – in – generally speaking, I think that it is working quite well in Saskatchewan. But at times that's not necessarily driven because of the structure; it's driven by the people. And where you have departments that have worked together, whether they be within the federal government or within the – between the federal and provincial governments, things tend to work better as far as the flow of communication and the necessary information for the required decisions to be made.

Johanne Gélinas: It would be interesting for the Association if ever you find the time to let us know what will be the area of improvement in term of harmonization, because we may look at Saskatchewan as one of the few example where there is harmonization.

Pamela Schwann: Sure. Thank you. Yeah.

Liam Mooney: Yeah.

Johanne Gélinas: Rod?

Rod Northey: Or Doug, do you want to go?

Doug Horswill: Doesn't matter.

Rod Northey: Alright. I'll – two – mic on? I can't tell. Couple of questions. You mentioned there are 20 active mines. How many of those are – involve regulation by the CNSC?

Pamela Schwann: An active mines, there would be McArthur, Cigar, the Key Lake facility, and the McClean Lake facility, as well as Rabbit Lake operation.

Rod Northey: Alright. So one of the question --

Johanne Gélinas: And Cluff – Cluff Lake is – yeah, is in a decommissioning stage, nearing the end. Yeah.

Rod Northey: What I'm trying to understand is, pre-CEAA '12/post-CEAA '12. Pre-CEAA '12 you could have had substitution, and the Canadian Environmental Assessment Agency and CNSC could work together, but post-'12 it's all CNSC. So my next question is are any of the EAs you've been discussing that involve the feds led by the CEAA agency as opposed to the CNSC.

Pamela Schwann: I don't believe so. I think Millennium is under CNSC? Yeah?

Liam Mooney: Yeah. I think it goes back to one of the comments that was made previously, that CEAA 2012, the changes have only been in effect for four years, so we – we closed out a couple of EAs that were ongoing at the time the legislation was changed, but we haven't had – to the point being made earlier, we haven't had an EA that's arisen and been carried all the way to conclusion in relation to the – the new CEAA legislation.

Rod Northey: Doug, I'll give you a question, then I want another one when you're done, so --

Doug Horswill: You go ahead and finish, Rod.

Rod Northey: Alright. Results-based EA, not process-based. What do you mean by that?

Pamela Schwann: I – we want to make sure that we're looking at the results and making sure that there is – you know, is there or is there not an effect on the environment. And if there is one, how is that best achieved, looking at the environmental outcomes as well as the costs that are involved in achieving the environmental outcomes. So not just go through a process because that's the way it's always been done, but look at does that process have a meaningful environmental outcome at the end of it.

Rod Northey: Alright. So would that be with reference to standards, then? Is that the way you would – as opposed to saying – I'm just trying to understand the comment. We could have a project trigger, we could have an effects-based trigger. We moved away from effects-based to a project trigger. Your comment's suggesting we should have an effects-based trigger – or is it?

Pamela Schwann: I think Liam (crosstalk).

Liam Mooney: Sorry. Yeah, I think I would add to that, not so much focused on what started the EA but what's necessary in the EA itself. And at the outcome stage, you're talking about what it says on the degree to which the environment is protected.

So subsequent activities and related projects, as long as they fall within those environmental outcomes, there's some flexibility about what --

Rod Northey: I see.

Liam Mooney: -- requires an EA. So it's a bit -- not the front end but on the back end side that the EA process itself is focused on those results, and not to tie it into the niceties of a production limit, as an example.

Rod Northey: Thank you.

Doug Horswill: OK. I'd like to turn to a different topic. The -- your statistics on involvement of aboriginal, indigenous people in your -- in your sectors is quite impressive. The -- one tool that's been used in your sector and in others is so-called impact and benefit agreements as a means of both dealing with risk and understanding the benefits and their distribution. What do you feel they sh—what place do you think those types of agreements, if any place at all, should there be within environmental assessment?

Pamela Schwann: I'm not sure that IBAs or CBAs have a place in environmental assessments at all. I can make it short or I can make it long.

Doug Horswill: Yeah, OK. I mean, if you -- you don't think they should be incorporated. They are in the north, I understand.

Pamela Schwann: Yeah.

Doug Horswill: They aren't in the south. And I'm just wanting your view as to what -- what role --

Pamela Schwann: I think -- I think there --

Doug Horswill: -- they might play or -- or (inaudible).

Pamela Schwann: I think they are important, but in Saskatchewan we also have surface lease agreements, too, which -- on --

Doug Horswill: You have which kind of agreements?

Pamela Schwann: It's called surface lease agreements on Crown land, which is a form of agreement with -- between the proponent -- or it's an -- it requires a proponent to make best efforts in terms of training, jobs and careers, and employment opportunities. And that requi—that's a licensing requirement. But IBAs are about relationships and about companies making sure local communities are involved, and

part of the operation through the life cycle of the mine. They typically do involve environmental monitoring and performance, but they are much broader than that as well. Our – I mean, Saskatchewan is leading Canada and the world, I believe, in the engagement of First Nations and Métis communities in both employment and business opportunities. Our main companies operating in the north are Cameco and AREVA, and they've just entered into a new generation of collaborative benefit agreements with three main – it's not three main communities because it's more than three main communities, but – that's outside of the EA process itself. So I don't – I don't believe benefit agreements should be a requirement --

Doug Horswill: OK.

Pamela Schwann: -- of an environmental assessment.

Doug Horswill: Do you agree – do you agree with that?

Liam Mooney: I was just going to follow on that to indicate that they do provide a vehicle for some of the follow-up in relation to the environmental assessment outcomes and the decision made. So it can formalize who – who is involved in some of the monitoring activities that Pam touched on, and the frequency of those and the structure around that follow-up. So there is some interplay, but again, they're commercial arrangements that are much broader in scope than focused on the environment necessarily.

Johanne Gélinas: Just to understand, the environmental monitoring and performance that you are referring to are part of the IBA? Or they are totally outside the IBA?

Pamela Schwann: They are part of – at least in terms of Cameco and AREVA's, they're part of their new collective bargaining agreement – or not collective bargaining agreement, sorry; collaborative benefits agreement, CBA. Yeah.

Johanne Gélinas: OK.

Pamela Schwann: So the communities are actually involved in the monitoring and setting up the programs and conducting the monitoring as well.

Johanne Gélinas: But my question is indigenous communities or all communities.

Pamela Schwann: Indigenous communities. Northern Saskatchewan is comprised primarily, 85 percent, of indigenous peoples. So when we talk about northern Saskatchewan mines and northern Saskatchewan communities, we're talking about primarily indigenous communities.

Renée Pelletier: I feel like my question doesn't invite a short answer, but we'll try. I'm just wondering if you could – as you probably know, our terms of reference have asked us to incorporate the principles of the United Declaration on the Rights of Indigenous People into our recommendations. So I'm wondering how you see UNDRIP fitting into the EA process, and specifically I'm thinking of the principles of free, prior, and informed consent, and the right to participate in decision making where rights are potentially impacted.

Pamela Schwann: Yeah. Short answer would be I don't really know because I don't think that there has been any definitive conclusion about what FPIC actually means. Papers, again by Mr. Blaine Favel recently with Macdonald-Laurier Institute talk about – that FPIC may not be the way to go, that the resource communities have gone a long way in terms of the duty to consult and accommodate, and FPIC actually makes things quite muddy, where as the current process for duty to consult and accommodate has made some real gains lately. So I don't think there's a clear understanding by anybody in terms of what FPIC means, or whether FPIC was meant to actually be legally binding in Canada. My – I'm not a lawyer. My understanding is that it can't be legally binding. So I'm not sure how you're going to do that because I'm not sure anybody really knows what – what FPIC means.

Johanne Gélinas: Do you know if ICMM has looked at that, and if there's any information that you could share with us?

Pamela Schwann: I don't know that ICMM – do you know if they've –

Liam Mooney: I don't. I – the publications that Pam referenced are one vehicle, but the – I think it does come back to meaningful dialogue and what you do in your communities to understand. And the question was asked earlier, public information programs and how we improve those. The – the short answer is you try to do that systematically, so you're out in those communities, you have liaison people who are in those communities who do report back in and discuss, you know, with issues as they arise and how we can better address them. So there's ongoing refinement of the programs we have in place to bring about that meaningful dialogue. And again, the environmental assessment process is just one window. There's no shortage of venues and forum for discussion, and that's – really, if you look at the public information programs, they're – they're really stretched across the different – using different tools as effectively as we can in northern Saskatchewan in particular.

Pamela Schwann: Yeah, and if I could just – if – it's really a continuum. It doesn't – it's not something that starts and stops or at the EA process. It continues throughout that you're getting input from indigenous people, northern communities about what they would like to see, any questions that they have. So it's constant input and feedback. And I think that's maybe one of the reasons why we have such strong

support, is that it doesn't – you know, once a decision – an EA decision is made, it's not like there's a wall of silence that goes up. There's – there is continual communication. So if there are concerns, those concerns can be aired and can be incorporated into designs, or at least there's feedback as to why that may work or why that may not work.

Johanne Gélinas: If you have any example which is in the public domain of the structure of a monitoring and performance committee, committees, it would be very interesting for us to understand how does that work – works --

Pamela Schwann: Yeah.

Johanne Gélinas: -- even if it's in the are—indigenous communities, as a way maybe to expand to others.

Pamela Schwann: Yeah, we can certainly look at our members, but also the Eastern Athabasca Monitoring Program that the Province of Saskatchewan conducts, they've got a website. I'd be happy to link that information up, because that involves local communities looking at water, country foods, designing the programs, monitoring the programs. It's – it's – works very well is my understanding.

Johanne Gélinas: As you understand, we're looking for best practices, so wherever we have good examples, more than happy to look at it. So thank you very much --

Pamela Schwann: Thank you.

Johanne Gélinas: -- Mrs. Schwann. The next presentation is by Candyce Paul from the Canadian Nuclear Safety Commission. No? No. No, no, no. Sorry. Committee for Future Generation. OK, there's a switch.

CANDYCE PAUL, COMMITTEE FOR FUTURE GENERATIONS

(Crosstalk)

Johanne Gélinas: You were becoming nervous?

Candyce Paul: No, I think they might be. Maybe I just can read it. Is it on?

Unidentified Female: Mm-hmm. Yes.

Candyce Paul: Is it on?

Unidentified Female: Yes.

Candyce Paul: OK. At-lan-it-tay. I've come to express the grave concerns of our people. As a person who lives in the wilderness of northern Saskatchewan, and whose family have always lived here, as the Dene, Cree and Métis people on what is now called Treaty 10 territory. We are the land, the lakes, and the rivers. We are totally interconnected with the living ecosystem, which includes what governments and industries call resources. We bear witness to the pain of industrial development on our homeland. Everywhere we go to use the land which was promised to us to continue to be able to be used in the treaty, we are running into an industrial presence. The federal government had agreed that would we – we would be able to practice our traditional hunting, fishing, and cultural ways on our traditional territories. That was the agreement. If this resource rush continues at this pace, the treaty obligations of the Government of Canada to the First Nations will be in total breach.

The leaders of our communities receive dozens of letters from the Government of Saskatchewan giving us 30 days to respond to the permit applications from exploration companies and logging companies. Every single letter says the same thing: the Ministry of the Environment has assessed that the potential environmental impacts can be managed in a manner that will have low impact on the resources that may use – may be used to exercise treaty rights and traditional uses. The issue with this is that there is a cumulative impact that is not being considered by government but is seriously impacting the animals throughout the region and destroying our ability to adequately live from our environmentally sensitive lands and waters.

There are more than 2700 mineral claims on the Athabasca Basin, most of which are for uranium and oil sands, two of the worst contaminating industries on the planet. Then there's the logging that is taking more than 40 percent of our forests. Biologists have recommended that 40 percent of the forests be left intact to continue the diversity of species. Why are industries being allowed to go well over that limit, and do so in such a short timeframe? At public meetings the government officials have been asked this very question, and the response is always the economy.

The government has never had sufficient environmental protection laws to deal with these particular industries. But since the omnibus Bill C-45 gutted everything, it has become a veritable rush. They want access to every single resource on and under our treaty lands, and the corporations clearly wanted protections out of the way. They also want to grab it up before First Nations force the government to meet the obligations and responsibilities to the treaty agreements.

When dealing with uranium and oil sands, the environmental protections need to be a lot more stringent. There are far too many unknown consequences to the extraction of these substances and the longevity of the contaminants. The backwards thinking of taking without knowing how to permanently

deal with the radioactive waste in both the tailings and the spent fuel is creating sacrifice zones. It is clearly already proven these contaminants cannot be cleaned up. This has got to be addressed. How are creating toxic and radioactive sacrifice zones in the best interest of anyone on the planet? The ability to put up a chain link fence with a tree foil radiation warning on it is not equivalent to environmentally sound responsibility. As one trapper in Ducharme Lake put it, caribou and ducks can't read.

The resource extraction corporations working in northern Alberta and Saskatchewan are pushing for a northern corridor. The thing that they claim is that it will provide better services for northern residents. That is not why they are proposing a northern corridor, and all northern people know this. This will open the north to even more resource extraction. It will impact the wildlife and cultural integrity of the aboriginal people even further.

One of the concerns we in northern communities have is lease transfers. Whether the leases are recreational or industrial, when they are transferred to another industrial exploration or development, they should have to go through the consultation process with the indigenous peoples who are impacted by these projects.

The environmental assessment process must have input and take recommendations from the people of the land seriously. No one or understands or knows the impacts that are happening to the extent that the traditional land users do. Biologists do not have the historical perspective that our people do. Our firsthand experience with both the resource extraction industry and government regulators is that they do not and are very reluctant to tell the truth about the impacts that their projects will have during and after they have taken all they can, and the very real risks those will pose to our health now and in the future for future generations.

The current way of doing an environmental assessment is a sad imposter to what should be done. Although industrial regulators are supposed to ensure the safety and sustainability of the environment, they are under so much pressure to sustain the economy, to meet the expectations promised in trade agreements, that they are ultimately failing to do their jobs. There are never sufficient numbers of inspectors to truly do the job, and there are insignificant consequences to the industry to deter them from contaminating lands, air, and water. The elara (ph) principle is not acceptable for setting safety standards when the impacts are intergenerational.

The north is a sponge full of water. This water is going to be impacted hard with pipeline spills and pollution from oil sands projects. What will be left of our home in 40 years? We have seen the devastation left by these industries. We are already suffering the health consequences of living in the toxins these industries unearth and the processes they use. There will never be enough money made to

reverse the damage made by this economic growth model. There need to be environmental laws that have the power to leave certain elements in the ground so that there will be lands and waters that will be able to sustain the generations ahead. The land, the water, the biodiversity, including the people that are indigenous to these lands, are the true resources that need protecting. We do not consent to being collateral damage for corporate profits.

Johanne Gélinas: Thank you very much, Ms. Paul.

Renée Pelletier: Wuh-lee-win (ph) for your presentation, Ms. Paul. I'm wondering if you could say a little bit about your thoughts on how we can honour the treaty relationship in the federal environmental assessment process.

Candyce Paul: First of all, the concepts that were inherent in the basic precept (ph) of the treaties need to be totally looked at prior to any furthermore agreements. This is part of the problems that we're running to within the whole country. There is a lot of confusion. There always has been a lot of confusion about the treaties. Because the oral understanding of the people during the signing of the treaties and what was passed on to us is different than what is written, and there isn't a whole lot of trust that things were not intentionally written in a way to rip us off.

Our people have suffered a lot of trauma under the colonial systems of the government, and we are continuing to suffer trauma from what's going on with industries. One of the proven things that would give us a chance to regroup, to regain our strength as people, is retention of our relationship to the land. But right now, where we live, that's under threat.

Johanne Gélinas: Have you – have you been yourself involve in any process of the last couple of years?

Candyce Paul: I was starting to review the EA process for the Millennium Mine, and I found the wording very alarming. I also know that a lot of our leaders would not understand the wording.

Johanne Gélinas: How can we get you better involve and engaged in this EA process? What are your needs?

Candyce Paul: Our needs is to have our land intact. You know, if you take a look at Google Maps, you can see all the roads, all the drill sites, all the interference. You really have to listen to the actual people, not just the elected leaders. The consultation processes that are used right now don't go to the people.

Johanne Gélinas: But how do we get there?

Candyce Paul: I think that it has to involve things like not allowing

companies to use confidentiality agreements when they go to consul—consult with our leaders, so that our leaders are free to actually bring information back to the table. One of the things that we've really noted is – well, as I mentioned in my talk, is that real facts about the impacts are very watered down. And we start to do the research ourselves, there's lots of information out there. We shouldn't have to actually be doing it ourselves. But when we find out that information, there's – it's creating a lot of mistrust and a lot of gaps that need to be filled. In order for us to actually give consent of any sort, there has to be real facts laid out. A lot of our people in the past did not understand that these mines and so forth that are up here in our north right now were going to mean that our animals were going to be impacted. They didn't understand that. So now, when they go to hunt, very good hunters are not finding any animals. They're not there anymore.

Johanne Gélina: I have seen in other provinces that some indigenous group do their own environmental impact assessment in parallel with the proponent. Is this something that you see that would be useful?

Candyce Paul: That also – that would be extremely useful. But we also need the tools and the money to be able to do that. And this is where we are at a disadvantage all the time, is putting together something that qualifies as a response to these things. We do not have enough people with education. Most of the people are volunteers. We don't have positions for that, to work on that. And we don't have the resources, the financial resources, to do that, to do what would qualify for those studies. So basically, there's people like me who volunteer to help, and we can't even get gas money, you know, to go and talk with the people. We can't get credibility. They just look at us and laugh. And it's constant letter writing back and forth to government, Environment officials, asking for maps, asking for this, asking for that, asking for explanations. And half of our people don't even have access to a photocopier.

Johanne Gélina: Thank you. Questions?

Rod Northey: Just – just again related to the EA question, so I realize it's not dealing with the fundamental question you're making, but participant funding, which has been offered on the federal side for now quite some time, is that landing on the ground, or are you aware of it, are you (crosstalk) --

Candyce Paul: I personally am aware of it, but I think a lot of people aren't. And --

Rod Northey: Have you app—have you ever applied for it then?

Candyce Paul: I have not personally applied for it because I don't necessarily want funding from the federal government directly to myself.

Rod Northey: And what about the communities you're a part of?

Candyce Paul: For the most part, they were never told or never informed. Their reading ability to the people that – some of the people that I have are like at a grade three level. So participant funding, those words are not necessarily words they understand. And to fill out the forms, etcetera, requires help. Some of them live in isolated, very isolated communities.

Rod Northey: OK. (Crosstalk).

Candyce Paul: They don't even have phones. They have to drive, you know, 70, 80 kilometres to get to a phone to phone to get me to interpret a letter. You know, these are the realities we're dealing with, and things don't happen in 30 days. You know? That's – that's the real thing. And it takes more than 30 days actually to explain some of the impacts, or to do the research to find out what things are going to impact.

Johanne Gélinas: I don't know if you have a copy of that letter that you were referring to, the 30 days letter.

Candyce Paul: I have several copies of those letters.

Johanne Gélinas: I just want to see one for my own culture.

Candyce Paul: Sure.

Johanne Gélinas: Any question on (inaudible)?

Doug Horswill: In terms of the consultation with the leadership as opposed to the people, it's – how does the – how does the leadership communi—within the communities you're talking about, how does the leadership communicate with the membership, with the people at large, as to what consultation is happening, how it's working, what they're agreeing to, what they're not, that kind of – that – how does that process work?

Candyce Paul: That is part – that is part of the problem, is there's a lack of communication and a lack of means of communication. So say for instance in our community, we are more than one community, so when something happens in the – in the main community, the secondary community doesn't necessarily get wind of it till long after it's over. They go on the radio in their community, and we don't have the ra—that radio in our community. You know, like, that kind of thing goes on on a regular basis. But with some of the consultation processes, like for the collaborations agreements on English River First Nation, our people were not told that they were in consultation until a week before the thing was signed, and then we were told the decision was made.

Doug Horswill: And – and you weren't told by your leadership?

Candyce Paul: We weren't told by our leadership. And we were told that they had to keep things in confidentiality for business reasons.

Johanne Gélinas: Thank you very much for your participation. The next presentation is by Sharla Hordenchuk, the Director of Environmental Assessment and Stewardship at the Saskatchewan Ministry of Environment.

SHARLA HORDENCHUK, SASKATCHEWAN MINISTRY OF ENVIRONMENT

Johanne Gélinas: Very happy to have a representative from the Department. Welcome.

Just keep in mind that we have 15 minutes, and we would like to have a dialogue with you.

Sharla Hordenchuk: Absolutely. Well, good afternoon, and thank you for the opportunity to provide an overview of Saskatchewan's EA process. My name is Sharla Hordenchuk, and I'm the Director of the EA and Stewardship Branch of the Ministry of Environment. And with me today is my colleague Craig Abernathy (ph) and Christine Markow (ph). So today's presentation is intended to give you an overview of EA in Saskatchewan and answer any questions you may have.

So to begin, the Ministry's guided by the Saskatchewan Growth Plan, Vision 2020 and Beyond, and our commitment to manage and protect Saskatchewan's environment for the wellbeing of the province, its people, and its future. Our mission is science based, and I will speak further on about our compliance and mitigation measures that are aimed at protecting the environment.

Regulatory safeguards such as permitting, as we've talked about today a bit, mitigate the environmental risks for low-impact projects. And those higher-risk projects undergo the environmental impact assessment process here in the province. It's a process that's – it ensures an inclusive and exhaustive review prior to a Minister's decision on the project's suitability to proceed. Our process is designed to systematically assess and predict the environmental effects of a proposed project so that real trade-offs can be examined before it's carried out. It's been the primary instrument for environmental management in Saskatchewan since 1976, and was followed by the Act coming into force in 1980.

Our Ministry's shift to results-based regulation is a science-based approach for achieving desired environmental outcomes. The RBR model allows

industry proponents and communities to be innovative in adopting solutions to comply with legislated environmental outcomes or standards. Our Ministry provides certainty and predictability through its regulatory guidance about the environmental results that are required. We focus on monitoring and compliance activities that pose a higher risk to the environment and human health and safety. The Environmental Assessment Act in Saskatchewan aligns with the RBR model and maintains its mandate by balancing economic development with environmental safeguards and the public interest.

This slide outlines the environmental review and process. And as those with fam—that are familiar with EA, we know that there's a lot of steps in between the boxes on this diagram. But our first step is really determining whether or not our Act applies. Our legislation identifies six criteria that all proposals are tested against to determine whether or not a project will likely have a significant impact on the environment and be required to undergo an EA. As you can see on the slides, we test against outcomes regarding an effect on unique, rare, or endangered features; if there's substantial use of a provincial resource; if there's any unregulated pollutants; there's a potential for widespread public concern because of the environmental change; if there's a new technology; or the catch-all, if we feel there is going to be a significant impact on the environment.

The process for determining when an EA is required allows project activities to be assessed taking into consideration the project's geographical siting and associated environmental sensitivities. The process also recognizes that significant environmental sensitivities vary considerably from region to region within the province. We review a wide range of projects every year in our office, and you know, the bullet up there that I wanted to highlight is that we don't use thresholds or project types to trigger an EA. There's the – the triggers that are there on the screen are really specific to the project that's being proposed.

Our process, similar to other jurisdictions, includes, you know, scoping; the EA, which we define as the terms of reference that's prepared by the proponent and reviewed by qualified professionals across the Government of Saskatchewan. We provide public notice that the EA is underway. We direct the proponent to prepare their environmental impact statement, which, again, is reviewed by qualified professionals and technical experts across our Ministry and others. We provide the public and others the opportunity to inspect and provide comment. So we have a formal public review period. We also run, in parallel, a review period for local communities so that their concerns can be raised in parallel to the formal, legislated process. Our panel of experts in government, their job is to really ensure accuracy and completeness of the environmental impact statement so that the Minister has all the relevant information that he or she needs in making a decision.

Our duty to consult obligations are assessed at the screening stage. So prior to us even knowing if a project is a development, we do a pre-

consultation assessment to determine what local communities may or may not be impacted. And we're guided by the province's consultation and accommodation policy framework, which was established in 2010. During the course of the assessment, procedural aspects of consultation are assigned to the proponent to carry out, and we give direction to communities and to proponents on what the delegated procedures would look like and what the expectations would be regarding communication, meetings, record of meetings, and how that information is relayed back to our office so that we can conduct an adequacy assessment during the course of the EA.

Funding for consultation is guided by – or sorry, given by – for the Ministry of Government Relations here in the province. So we work collaboratively with that Ministry so that they're aware of what funds may need to be disbursed during the EAs that are underway. Our office reviews and assesses the identified impacts and proposed accommodations to determine sufficiency of consultation activities that are assigned and conducted by the proponent, and allows our office to follow up with First Nations and Métis communities to confirm what's been presented to government. Proponents are strongly encouraged to actively and early – active engagement and early engagement to local communities prior to even initiating a formal EA so that those key relationships can be strengthened throughout the life cycle of the project.

We recognize that EA is the front door for a lot of project reviews, but there's – obviously the opportunity exists for proponents to be out there on the landscape, and you know, we've seen that through some of the presentations already this morning. The importance of ongoing consultation with communities is critical to the success of the project, as we've learned in Saskatchewan, and conditional approval through our process Envir (ph) Minister can include a requirement for ongoing engagement, community-led monitoring and reporting, and community-based committees throughout the life of the project.

With – I'm just going to back up on so we can move on – so I can take some time specifically to talk about the introduction of CEAA 2012 led to the expiration of the Canada-Saskatchewan Agreement on Environmental Assessment Cooperation. However, projects that require – oh, I am jumping ahead. My apologies. Projects that do require both levels of EA approval, we do conduct those consultation activities jointly and share information that's collected so that the different Ministers can make their decisions with all the information that's collected.

We do support the principle of one project and one assessment. We've held coordinated EAs with the CNSC for uranium mining and milling, and we've had – we've coordinated our process with the Canadian Agency for diamond and gold mining operations. Sorry. I'm talking and not looking. So we've coordinated with the CNSC and the Agency for a variety of operations and proposed activities in the province. With the introduction of CEAA 2012, the duplication reduced, and opportunities were provided for substituted or equivalent EAs. As mentioned

earlier, you know, while there is no formal agreement between the province and the federal authority on EA, we do have informal arrangements and working protocols in place so that those processes can be aligned when in fact there is a duplicate EA or when in fact there needs to be consultation by both levels of government. So it's about relationships between the practitioners and relationships with the communities and relationships with the proponents as well.

It's our view that the rigour and robust regulatory framework in Saskatchewan can continue to lead one assessment for resource projects that are of key interest to the province. Going forward, we hope that federal EA will ensure regulatory duplication of joint EAs would be reduced through further provisions in the federal framework that would allow the province to conduct their process as we've done for those projects that don't trigger a federal EA. We are quite – we continue to manage the environment quite well.

So in closing, I wanted to just put a few slides together so we could have the dialogue back and forth. We do appreciate being able to provide input into the federal EA process, the review process that's underway. We're looking forward to the technical briefing in November so that we can have more time of course to prepare that information and have that dialogue with the Panel again. And as well, we do have the opportunity as observers in the Multi-interest Advisory Committee, which is very helpful to get a broader understanding of the other issues or concerns that are occurring across the country. So thank you for that, and I will take any questions that you have at this time.

Johanne Gélinas: Thank you.

Renée Pelletier: Thank you for that. Question about your adequacy assessment. I know that you said that the province can confirm with a community whether or not what the proponent has presented to government is actually, I guess, what took place. I'm wondering how often that happens.

Sharla Hordenchuk: So an adequacy assessment happens on every EA where we have a formal duty to consult. Just like any other information that's presented in the statement, we have experts that go out and validate what's been presented. So in the case of consultation, we would go back to those communities and their elected officials to confirm what's been presented is accurate, and also provide the opportunity for further consultation outside of what's been delegated to the proponent, so that the conversations can happen between government and the community.

Renée Pelletier: OK, so I think you've actually maybe answered my second question, which was, when you are doing that adequacy assessment and you discover in going back to the community that perhaps consultation was not adequate, what happens then. And it sounds like consultation with the government would happen at that point.

Sharla Hordenchuk: It can happen at that point. We would hope to avoid that – you know, unknown issues coming up at the end, that we would be having those conversations early on so that there wasn't any, you know, showstoppers at the end. But we conf—our goal of course is to ensure that our obligations are met, that our record is strong, and that our consultation and accommodation obligations are met prior to taking a recommendation to the Minister for a decision.

Renée Pelletier: Great. And a final question about accommodation. I note that you've included accommodation in talking about your duty, and I'm wondering if you could say a little bit about where accommodation fits in to your environmental assessment, whether it's something that is always required. What would you consider to be accommodation, etcetera?

Sharla Hordenchuk: So the province's policy framework is – on consultation and accommodation, typically for the EAs that have been completed in the province we rely heavily on the proponent to propose mitigation measures to minimize environmental impacts, to then minimize impacts to treaty rights. So we rely heavily on the work that the proponent does. If there is a gap that we're finding ourselves in, that accommodation isn't met, then it's up to government to fill that. And that is something we are exploring right now. You know, to date the completed EAs have always been met by what the proponent has proposed or what we've directed the proponent to undertake. But if there's still that gap or, you know, that needs to be filled, then government has to fill it.

Renée Pelletier: So am I to understand, then, that for all assessments to date there was never – you haven't had a project where you have found there to be the need to accommodate? Mitigation has always addressed all concerns? Is that what you're saying?

Sharla Hordenchuk: To date, for completed EAs in the province. We do have the ability to put conditions in our approvals that would require the proponent to have community-based monitoring, community-based committees, to have that ongoing communication and dialogue with local communities. And that can be in northern Saskatchewan or in southern Saskatchewan.

Renée Pelletier: Thank you.

Rod Northey: Yes. I'm just trying to understand the nature of your process, so I was asking people before about triggers. So you don't have any project triggers, as I understand it, and it looks like several of those are effects-based triggers. So what's the process timeline for somebody to know either – and I guess I could ask is it a proponent-based trigger, or is it a anybody in the public can say a project should be triggered? Who triggers EA?

Sharla Hordenchuk: So the way our Act is written, there has to be a project and there has to be a proponent.

Rod Northey: OK.

Sharla Hordenchuk: So recent amendments to our Act in 2012 defined what an application would be, and that someone has to make application to the Minister to decide – make a determination on whether or not the Act applies. So there has to be – and I put that – those points back up there – one of those triggers has to be --

Rod Northey: Right.

Sharla Hordenchuk: -- you know, flipped to see if, you know, the formal EA process needs to be initiated. If it doesn't need to be initiated, let's say we determine it's a lower-risk project, that there's adequate environmental controls in place, our Minister has the authority to still place conditions on a no-EA determination for that added environmental protection.

Rod Northey: Alright. So it – the – the way I – the reason I was asking is none of these criteria specifically say the proponent needs to decide this, but the answer is it is the proponent.

Sharla Hordenchuk: The Minister decides whether or not an EA is required.

Rod Northey: But who makes an application?

Sharla Hordenchuk: The proponent makes application.

Rod Northey: OK. So --

Sharla Hordenchuk: Or their – or their designate.

Rod Northey: Alright. And so in relation to that, how long is the process typically for a proponent? Because one of the things we hear – we're trying to wrestle with is you have timelines and certainty, and at this point this looks to be very discretionary by the Minister. So how long does it take for the Minister to exercise his or her discretion? Is there a range? I suspect there's a range. What's the range?

Sharla Hordenchuk: So there is a range. We don't have legislated timelines for that determination. We have internal operating protocols that say, you know, a determination will be put back to the proponent within 30 to 45 days. That of course is our time. If there's an additional information request that goes back to the proponent, then we of course would see a longer end date on that determination. But we're not bound by timing restrictions.

Rod Northey: OK. Thank you.

Johanne G  linas: If I understand, you don't have a formal process within the harmonization with the federal, right? It's based on people and willingness to work together, right?

Sharla Hordenchuk: So that's correct. We do have a working level protocol with the agency on how coordinated or – or dual EAs would work, or – so we do have that in place, and we've matched up our process with the federal process to see what steps can be implemented at the same time, and where we line up and where we would wait for each other. But that's at the working level. When it comes to substitution, we do not have a formal MOU like the Province of British Columbia does. We do, however, have a process on how we would make application and in what projects we would pursue substitution, which we have not implemented to date. With regard to the working level protocol we have with the Agency, we do have a project – provincial road in northern Saskatchewan where we're working jointly with the Agency so that the processes can be aligned. And you know, we'll still – we'll get one EIS from the proponent that meets both levels of governments' information needs.

Johanne G  linas: And what about NEB?

Sharla Hordenchuk: So the NEB, we provide information to the NEB. We don't initiate a formal EA. We provide information that's technical in nature to support their process. And also, if there is a provincial permit that's required, those permit issuers would be part of the review as well.

Johanne G  linas: OK. And what happens when you come with different conclusion for the acceptance of the project? Is there's a kind of arbitrage of some sort? How does that work?

Sharla Hordenchuk: Well, it is rare, but it – it has happened. There are two projects in Saskatchewan that received federal EA decisions in advance of our decision, and we still have some obligations to meet before we would have our decision ready. So it's rare. We continue to work through our process. You know, we have our interests that need to be met, and we have our obligations that we have to fulfil. So we strive to have coordinated delivery, or – or attempt to have coordinated milestones being hit, but sometimes that can't always be achieved. There are unique circumstances, and we're realizing that on two projects in Saskatchewan right now.

Johanne G  linas: And one last question. The adequacy assessment is done regardless of a indigenous community or non-indigenous community, or it's a requirement under --

Sharla Hordenchuk: It's a requirement. The adequacy assessment is a requirement when we have a formal duty to consult.

Johanne G  linas: OK. So that doesn't happened in other communities?

Sharla Hordenchuk: Correct. We have – we do set out – or the proponent sets out and we agree with – or come to agreement on an engagement plan, so outside of a formal duty. That's one where we of course – we have the process in place, again, to, you know, collect the information in the EIS, and we will hear from the community if there are concerns that they feel are not being met, and we will meet with that community as well.

Johanne G  linas: Thank you.

Doug Horswill: Couple of areas I'd like to talk about for a minute. One is your funding support for indigenous people. I'd like to understand how you come up with the amount, and I'd like you to talk a bit about whether proponent funding to support indigenous involvement in a – in a review would be considered, or is it something you think is appropriate, or just opine on that, if you wouldn't mind.

Sharla Hordenchuk: So on the issue of government funding, it is done by the Ministry of Government Relations. It's not issued by our office. So they have their own protocols and procedures in place as to what funding looks like. They do have a – they've created an opportunity where they can turn around a \$10,000 payment within a day or two to a community. Of course larger requests for – for funding take longer time. But they were able to make the \$10,000 payment to be quite efficient so that communities could get that money right away if there is to be a meeting or some type of information to be collected or gathered.

Doug Horswill: Does the funding extend – from government, does the funding extend to individual indigenous communities wanting to do their own research, and to pay for that research, whether it's environmental impact, social impact, or otherwise?

Sharla Hordenchuk: So the Ministry of Government Relations would be best placed to answer those questions, but I can get that information to you after this meeting.

Doug Horswill: OK. That would be useful, to get that elaborated. And the other question area that I had, I wanted you to talk a bit about, is coordination. We've talked about coordination in environmental assessment, and you've explained the informal relationships and so on. Could you elaborate at all on coordination and cooperation after the assessment process is in approvals and conditions are applied in a federal EA and conditions come in through provincial licensing and permitting? How do you make sure that those work in lockstep and are coordinated and so on?

Sharla Hordenchuk: So as part of our process, our permitting and licensing offices are part of our technical review as well. They're that qualified team of professionals. So the information flows quite readily into those offices when permitting is initiated, or when that request is made by the proponent. With respect to permitting and licensing coordination, our Ministry works quite closely with the CNSC on the permitting, licensing, and inspection activities that are underway. And so, you know, there are – those groups work well and share information and use each other's information so that their, you know, permits and licenses can be issued. So from a provincial standpoint, we have those provincial permitters part of our process so they can inform their own decisions when it comes time to make those decisions, and those permitting offices work with the CNSC licensing so that all of the necessary information is – is shared.

Doug Horswill: OK, so --

Sharla Hordenchuk: And there are more formal arrangements than the informal piece that we've talked about in EA.

Doug Horswill: There are more formal? Because --

Sharla Hordenchuk: There are.

Doug Horswill: -- it sounded like that was an informal, staff-to-staff, make-it-work situation, and I'm just wondering if there's anything beyond that.

Sharla Hordenchuk: Right. So this – I believe the CNSC is up a bit later, but there – you know, there is those protocols that are EP, our Environmental Protection Branch officers and our – the staff there that issue those permits have – have with the CNSC here in Saskatoon.

Doug Horswill: OK. Alright. Thank you.

Johanne Gélinas: Thank you very much for your time.

Sharla Hordenchuk: OK.

Johanne Gélinas: And we look forward to have you in Ottawa for the technical briefing.

Sharla Hordenchuk: Great. Thank you for the opportunity.

Johanne Gélinas: Thank you.

Doug Horswill: And we would like that information on how you fund.

Johanne Gélinas: So we'll take a short break and reconvene at 3:25, 15 minutes. Thank you.

(BREAK)

DALE LAUTNER, SASKPOWER

Johanne Gélinas: ...from SaskPower. Welcome.

Dale Lautner: Thank you very much. On behalf of SaskPower, I'm pleased to have the opportunity today to present to the Expert Panel regarding the federal government's review of the Canadian Environmental Assessment Act. A well functioning, targeted, and credible federal environmental assessment process is of critical importance to SaskPower. SaskPower has embarked on an ambitious plan to meet growing electrical – electricity demand, replacing aging critical infrastructure and reduce our environmental footprint while minimizing rate impacts to our customers. The ability to implement this plan depend—depends on effective federal and provincial environmental assessment processes. On behalf of our ratepayers, SaskPower has a keen interest in ensuring regulatory processes such as CEAA 2012 and other intersecting regulations and policies are structured in a manner that supports timely, efficient, and predictable outcomes.

SaskPower has seldom triggered CEAA 2012. There have been many infrastructure projects developed through Saskatchewan's environmental assessment process. Since CEAA 2012 was enacted, SaskPower has only had – had to propose Tazi Twe electric – hydroelectric project reviewed and assessed. The proposed project is located on the Fond du Lac River near the community of Black Lake in north-eastern Saskatchewan. Also, SaskPower is currently proposing to construct a 350-megawatt combined cycle natural gas facility the Chinook station near Swift Current, Saskatchewan. This project will be subject to an environmental review under CEAA 2012. Actually, it is in the progress of review. The majority of SaskPower's projects are not physical activities constituted as in a project requiring environmental assessment by our Canadian Environmental Assessment Agency, the Canadian Nuclear Safety Commission, or the National Energy Board. SaskPower projects are reviewed within the provincial environmental assessment process, and are subject to an equivalent level of scrutiny and public disclosure as CEAA 2012 would require.

Most of the projects that SaskPower has submitted to the Saskatchewan Ministry of Environment have been deemed non-development under the Environment Assessment Act. This is as a result of the degree of care and diligent – diligence applied from the development of the project. Most recently, SaskPower has received a determination that the 230-kilovolt (inaudible) Swift Current transmission line

across 200 kilometres is not considered a development under the Act, and therefore an environmental impact assessment is not required. In order to receive this outcome, SaskPower completed a desktop environmental screening analysis, field surveys and analysis, and public and aboriginal consultation. Based on this assessment, SaskPower implemented mitigation measures to ensure that the environmental stakeholder and aboriginal issues identified were managed so that the significant impacts would not occur. The approach used to assess our projects minimizes or avoids adverse environmental effects before they occur and ensures resources are used efficiently in achieving this outcome.

SaskPower has announced an ambitious plan to expand and renew our generation system. Reducing our greenhouse gases by up to 40 percent from 2005 levels by 2030 will be achieved through a transition from conventional coal to lower-emitting natural gas, coal with carbon capture and storage, and increasing the amount of renewables in our generation fleet to as much – as much as 50 percent by capacity by 2030. To achieve this generation transformation to a more cost-effective, reliable, and sustainable power in the timeframe required, SaskPower needs an efficient, effective, and predictable environmental assessment regulatory process. Process that focuses on projects that have the potential to cause an significant environmental effects. The current regulations designating physical activities which were amended in the CEEA 2012 provide clarity in determining whether a project will be subject to the Act. The changes made in 2012 allows the process to focus on projects with the potential for significant adverse no effects. This is a good change. Projects that have little potential to cause significant effects should remain outside the process or be able to move through the process in a streamlined manner. Process should focus on achieving acceptable outcomes – environmental outcomes, rather than the use of best technology available. Project proponents must be able to select technology based on a number of factors, including cost and situational applicability.

Recently, or in the recent example, the Chinook power station, SaskPower did not choose an intermediate to base load combined cycle (ph) facility turbine, which would have the best efficiency. The reason for this was that the output of combined cycle facility using higher efficiency technologies would have output greater than the 350 megawatts which is required by SaskPower. The facility is also capable as (inaudible) is also capable of running at reduced loads to support the reintegration of renewables. A plant using larger, more efficient gas turbine technologies could require de-rating of the plant to stay under the 350 megawatts, which increa—in turn decreases the efficiency, resulting in a higher heat rate and reduced performance. Despite this, the facility will still achieve a performance standard at or below 420 kilograms of CO₂ per megawatt-hour under all operating scenarios. It will support the overall reduction of greenhouse gas emissions from SaskPower's system.

A process that establishes desired environmental outcomes

at the outset of a project. Proponents can and will design a project that meets the desired outcomes if those outcomes are clear at the start of a project. Projects which account for the environmental outcomes in the original design should be able to go through the environmental assessment process in a timely manner. As mentioned in the example above, SaskPower defined environmental performance outcomes within the request for proposals process for the project. This allowed proponents to design the project in a manner that meets outcomes. Clarity on outcomes supports predictable regulatory decisions, investment certainty, community environmental wellbeing, timely decision making, and protection of aboriginal and treaty rights.

A process that prioritizes consultation and engagement with directly impacted stakeholders, including environmental and non-government organizations and aboriginal communities. To support relevant and meaningful aboriginal engagement and consultation, SaskPower examines both historical and contemporary aboriginal land use, potential project impacts the Crown land for which aboriginal peoples have the right of access, and develops engagement plans for those aboriginal communities most likely to raise concerns about potential impacts.

The environmental outcomes for individual projects should not be assessed against broader national goals, for example, greenhouse gas emissions. National goals are achieved across a number of policies and jurisdictions, and no one project will have significant influence on these goals. Recent engagement with respect to the Chinook power station and the focus on direct and upstream greenhouse gas emissions suggests that there is an interest in driving national policy through the environmental assessment of individual projects. There is no clear process for under—considering the broader environmental benefits of our project in a decision. For example, the same project will contribute to a longer-term reduction in emissions from our electricity system. Unless there is an efficient and effective way of considering the broader, cumulative effects of a project design into the process, there should be remaining focus lease (ph) on the project of itself.

Pursues more opportunities to substitute or focus environmental – environmental assessment processes between levels of government – federal, provincial – toward the objective of one project, one review. SaskPower has recently submitted the project description to the Agency and a type of proposal to the Ministry of Environment for the description of power station. One level of government is proceeding with their evaluation of SaskPower's submission while the other agency has requested additional information before they'll even begin.

A process that ensures the alignment between – and consistency between the EA decision and subsequent permitting approvals. For example, SaskPower received a decision from the Canadian Environmental Assessment Agency in July of 2015 that the Tazi Twe project will not cause significant adverse effects. SaskPower is still trying to obturn [sic] clarity – to obtain clarity from

Fisheries and Oceans Canada on the requirements of the fisheries offsetting plan, which precede any authorization.

And a process that will continue with time (inaudible) processes. This is an improvement of the CEAA 2012 and should not be discarded. Consideration should be given to time bounding (ph) the supporting permitting agency processes to improve certainty.

In closing, a well functioning, targeted, and credible federal environmental assessment process is of critical importance to SaskPower. So thank you for the opportunity to provide input regarding the federal review of CEAA. SaskPower looks forward to further engagement on this important issue. Thank you.

Johanne Gélinas: Thank you very much. Questions from colleagues?

Rod Northey: Yes. Just trying to understand a little bit how this relates to the plans that SaskPower has, broadly speaking. So there's a power station and then you referenced also a power line, and they're both serving a similar community. Are they related?

Dale Lautner: They are related in that one of the reasons for this new line is to bring power out to that area. But the line was needed, regardless of whether we built this station or not. There is an—another – another power line that will be looked at as part of the project, the – the interconnection to our system from this project, from the power station itself. So the – the 230 kilovolt, 200-kilometre line is a separate project in that manner.

Rod Northey: OK. Thank you. And one just – a related question, then. One of the points you make that I'm just trying to understand a little better is the whole greenhouse gas reduction plan. And you were talking a bit about a reference to national standards to deal with projects inside. And I – I understand that you're hesitant to recommend national standards apply. So my question of you is do you think it's appropriate in a federal assessment that one look at a provincial plan or, as in this case, some kind of other instrument to understand better what the context is for an emissions reduction strategy.

Dale Lautner: I think that would be – would be a valuable way to go. In fact, that's what we have done. However, there is no mechanism to include that in the current process. We have provided that information to CEAA to complement our submission.

Rod Northey: Thank you very much.

Renée Pelletier: Thank you for your presentation. A question with respect to your indigenous engagement. You note that SaskPower examines both historical and

contemporary aboriginal land use as well as potential project impacts to Crown land for which aboriginal peoples have a right of access. I'm wondering how you do that.

Dale Lautner: I'm not going to be able to answer your question in full. We do have an Aboriginal Relations Group that would – leads that for us. I do believe on the – the recent Chinook power station that we did have some work completed by a consultant to look at the historical at the same time as our Aboriginal Relations Group looked at, you know, contact, making direct contact with – with various groups to determine whether or not there was interest and concerns with the project.

Renée Pelletier: Thank you.

Johanne Gélinas: How do you define directly impacted stakeholders?

Dale Lautner: For the most part, our directly impacted stakeholders that we would – would contact would be defined by the proximity to the project. So when – in light of a – of a new natural gas station such as Chinook, we would be talking to those immediately affected land owners and communities nearby. We also, through the – the Saskatchewan Environmental Assessment Process, we will have some feedback that we get from them as well about other – if we have missed anybody as well.

Johanne Gélinas: So what about national groups, like national environmental groups?

Dale Lautner: We haven't often – again, there's a Stakeholder Engagement Group that would lead that activity. So I'm not sure where their – their lines are drawn when it comes to national groups.

Johanne Gélinas: Doug?

Doug Horswill: I'd like you to elaborate a bit on – on a couple of points you made on the notion of environmental outcomes. One, you referred to it in the – in the context of best available technology, and in another point you talked about it in the – in relation to having environmental outcomes predetermined so they can be designed in to your projects. So what do you mean? Is it particular regulatory standards? How would that work? Fill that in.

Dale Lautner: I think it's – so as far as being able to design, having that results-based regulation of – of knowing what – having an idea of what the outcome needs to be as far as an environmental, you know, acceptable impacts or – or mitigating all the impacts, is maybe better – better outlined with our transmission lines. You know, so we've got a number of large transmission lines in the past few years that we have been able to, through our understanding of – of our expectations of our regulators, we've been able to predetermine, or have predetermined before we even get to that point where we are submitting to our regulators, what will need to be done in

order to protect the environment. So a lot of that comes from experience. It's not necessarily a regulator. There is no – not necessarily a standard in place, but it is an experience and understanding of what's going to be acceptable and what is not.

Doug Horswill: So in effect, negotiated case by case? If it's a stream crossing or something like that, maybe put a particular example in.

Dale Lautner: Yeah. So it's – again, like, so a lot of that would come from our – our experience. So native priority, for example, is a – is a driving issue in Saskatchewan right now, so we've kind of developed a bit of an understanding with our regulators, especially those regulators that are in – in those areas where they have large tracts of – of pristine or intact habitat, where we will work with that regulator at that permitting stage, post-EA decision, to make sure we – we have the right levels in. When it comes to the EA, we have that ability to put enough information in to get through that EA process to move to that permitting process.

Doug Horswill: It – would there ever be a case where a regulator said thou shalt not maybe drive a power line in a certain area before you – so that you knew in advance that you ought not even bother with it? You'd move the route or do something else?

Dale Lautner: There are, within the – there are some guidelines put out by the Ministry of Environment regarding preparation of technical proposal that leave – that – for SaskPower have led that there are a couple of areas that we would not put power lines, or – unless we were serving a customer in that area, we would not cross those areas. We feel that there would be – the environmental outcomes would not be acceptable, or that there would be – you know, the amount of work we'd have to do to mitigate would be high, so --

Doug Horswill: OK. Thank you.

Johanne Gélinas: We heard quite a bit this afternoon about what the industry wants, and I was wondering, based on your own experience with SaskPower, if you think you are aligned with what the community wants.

Dale Lautner: I think there's always challenges in knowing exactly what a community wants. There is always that underlying challenge of, you know, people who are, you know, for a project for various reasons or may be against a project due to, you know, personal issues with a project, the – you know, not wanting it in a certain location because it affects them personally. I think – I think SaskPower has been aligned. But I – I can't say for sure. We haven't run any polls or anything, so --

Johanne Gélinas: What you will be the most proud of in terms of what you have accomplished with the EA and consultation processes?

Dale Lautner: I think over the last few years there have been several examples. We've had – including this recent 230-kilovolt project, several other large projects with – maybe not on the same scale but with similar issues or other issues – major river crossings, sensitive areas that we've been building in – that have not triggered environmental impact assessment through our process. I think that's a – that's a proud point for SaskPower, is that we're able to – to, through our planning processes, through our consultation processes, foresee what some of those issues will be, and, through our mitigation measures, get that – that non-develop determination from the Ministry of Environment.

Johanne Gélinas: Thank you. Any other questions? Thank you very much.

Dale Lautner: OK. Thank you.

CAROLINE DUCROS, CANADIAN NUCLEAR SAFETY COMMISSION

Johanne Gélinas: So now we'll be right. The next presentation is by Caroline Ducros from the Canadian Nuclear Safety Commission. Right? OK. Good afternoon. Welcome.

Just one comment before you start. We have received your presentation. It's a little bit of a long presentation, and we only have 15 minutes. So if you don't mind to start by the end with the conclusion and the highlights, and if you want to specify a few things, then we will have time to have an exchange. Please.

Caroline Ducros: OK. Well, I – I say the conclusions in the intro, so we're good.

So good morning. My name is Caroline Ducros. I'm the Director of the Environmental Assessment Division at the Canadian Nuclear Safety Commission, and I'm joined today by Mark Langley – Langdon – from the Uranium Mines and Mills Division at the CNSC Saskatchewan office. Thank you for the opportunity to present. This afternoon's presentation builds on the presentation that Michael Rinker (ph) presented at the technical session, but focuses on the harmonization with the province.

I have three messages I'd like to convey as I go through my presentation: firstly, that the CNSC and the Province of Saskatchewan have successfully har—been harmonizing EAs wherever appropriate since the early 1990s, which has had the advantage of ensuring that EAs consider environmental and social impacts within the boundaries of jurisdictional mandates; secondly, regulatory

duplication, and, by extension, undue process and time delays for EAs has been minimized through harmonization; and thirdly, harmonization has led to more effective public and indigenous engagement through joint outreach activities.

The EA and environmental protection framework used by the CNSC, in cooperation with provincial processes that contain socioeconomic assessments, ensures more holistic evaluation of effects compared to an EA under only federal legislation. For example, the province has different mechanisms, like surface leases, which were spoken about this morning – or earlier – to address socioeconomic impacts, and the mandate to perform regional EAs and programs. In addition, by harmonizing with the provinces and territories, regional plans and assessments can be taken into consideration. In a Saskatchewan context, reports by the Joint Federal-Provincial Panel on Uranium Mining Developments in Northern Saskatchewan were instrumental in informing the EA and environmental protection strategies based on regional studies and provincial policy. Finally, the environmental assessment and protection framework at the CNSC requires, through regulations under the Nuclear Safety and Control Act, that a good baseline characterization is described against which monitoring programs and risk assessments are reviewed. In the spirit of sustainable development, some of the factors included in these reviews are obtained through engagement with the public and indigenous communities, such as the selection of valued components in assessments and monitoring.

The CNSC and the Province of Saskatchewan have harmonized their EA processes for over a dozen projects. I would like to provide the example of the harmonization process that was taken for the Gunnar remediation project, where the decision was made in January 2015. The diagram you see illustrates the areas where the EA processes and review steps were coordinated. Firstly, draft project-specific guidelines and a scoping document were jointly released. These documents were developed in cooperation with the province, and contained the EA requirements of both jurisdictions. A joint federal-provincial public notice was posted, inviting comments and questions to be directed at both the CNSC and the Saskatchewan Ministry of Environment. Participant funding was made available by the CNSC in 2008, and again in 2013, for anyone wishing to participate in any phase of the assessment, including the follow-up program implementation, whether it be the review of provincial or federal documents. A second joint public notice for public comments on the environmental impact assessment was released, and comments were to be submitted to both the province and the CNSC. The CNSC and the province coordinated visits to communities, outreach sessions, and information letters throughout the process, including meetings in Saskatchewan with the Métis Nation of Saskatchewan, meetings in local communities such as in the Fond du Lac First Nation, and visits to the project site and a number of indigenous communities. A list of the EAs that have been harmonized can be provided to the panel separately in the annex.

A number of efficiencies and benefits have been achieved by harmonizing environmental assessment processes with the province. These include: effectiveness and efficiencies gained by providing a shared environmental assessment

guideline and the harmonization of review of comments. A single guideline document gives applicants more certainty on developing a single environmental impact assessment that provides for one source of information satisfying both jurisdictional requirements. In terms of public accessibility to relevant information, a single EAS document allows all of the relevant technical information to be assessed in one place and allows for a more streamlined review process. All documents that are needed to arrive at both the provincial and federal EA decisions undergo public consultations at the same time. These include the federal EA report and the provincial government's report on the EIS. Coordinating with the province allows the EA to be reviewed for scientific and technical integrity by the province and by CNSC, who provides nuclear expertise using quantitative assessments conducted by in-house expertise, expertise of other federal and provincial partners where appropriate, and state-of-the-art academic research. In addition, it allows the socioeconomic and regional EAs within the provincial jurisdiction to be considered.

In addition to the more formal public and indigenous group engagement activities, the CNSC coordinates with the province on the less formal engagement opportunities, including face-to-face meetings with indigenous communities, public fora in the form of town halls, information sessions, booths at public events, information letters, etcetera. The federal duty to consult is ensured by the CNSC, but to reduce engagement burnout, the CNSC and the province coordinate engagement activities as appropriate. Where possible, the timing of the provincial and federal decisions are also coordinated. It's important to note that the harmonization between the federal and provincial governance – governments continues throughout the ongoing environmental monitoring program and through the compliance programs.

A very – a few very successful outcomes that emanated from federal-provincial coordination within the context of EA are worthy of highlighting. These include: the environmental quality committees; the Athabasca Working Group, which came out of benefits agreements out of the panels; the regional cumulative effects model; and the Northlands College in La Ronge; and the establishment of indigenous workforce targets. I believe my counterpart with the province will be talking more at length about these at the technical session.

As I mentioned, cooperation with the province does not end after the EA decision is taken. The CNSC and Saskatchewan have a formal agreement on regulatory cooperation, including, where appropriate, joint inspections. And the Saskatchewan government subject matter experts are invited to participate in the CNSC public hearings, many of which take place in the communities where the projects are located. In addition, the CNSC is present in Saskatchewan communities almost yearly for inspections, outreach activities, or presentations such as the CNSC 101.

CNSC and the Government of Saskatchewan harmonization has evolved productively over the last 30 years through different changes in regimes.

Success has been based on strong indigenous and intergovernmental relationship building, and current legislative framework allows continued regulatory efficiency and effectiveness. Thank you.

Johanne Gélinas: Thank you. Can you tell us more about what is the environmental quality committees, and also the Athabasca Working Group?

Caroline Ducros: Yes. So I skipped over the notes for the interest of time. If you'll permit, I will just read what I wrote. The environmental quality committees were established in response to a recommendation from the – from the Provincial Panel on Uranium – or sorry, Federal-Provincial Panel on Uranium Mining Developments in Northern Saskatchewan in 1995. The CNSC's role is we attend these environmental quality committee meetings as observers and we present, upon request, on both licensing and technical issues. They also play an important role within the CNSC public hearing process. Participants are invited in both written or oral format in hearings on new licenses and renewals of existing licenses.

And the Athabasca Working Group, it has three main purposes, main objectives. One is a desire for more opportunities for jobs, training, and business, but not at the expense of the environment; a need for a written – for written guarantees stating that companies would protect the environment and compensate for any damage that might result from mining activity; and thirdly, a desire to receive benefits and revenues beyond those jobs, such as training and business opportunities. So they are – they came out of the benefits agreements, and I think my counterpart at Saskatchewan government might be able to speak a little bit more about that.

Johanne Gélinas: So who sits on the environmental quality committees?

Caroline Ducros: The CNSC doesn't sit on the committees themselves unless we're asked to present. Did you want to –

Mark Langdon: I could – I could add a little bit to that. The EQC members, there's about – I think it's 30 communities from around the area of the mines, and each community has a member of the EQC. And the EQC is – I guess it's – they visit the mine sites, they go on tours, they have two- or three-day-long conferences where CNSC, the province, and the licensees all participate and explain things to them, what's going on. It's more of an update of what's going on at all the mine sites, let them know what's coming in the future. All the regulators are there to basically answer any questions by the EQC members. And they go back to their communities, and the idea is they go back and inform the people in their communities of what's going on.

Johanne Gélinas: If you can share with us probably the terms of reference of these EQC or the process, something that --

Caroline Ducros: Yeah, separately.

Johanne Gélinas: -- we can get a little bit more information, that might be useful. So I was expecting probably another answer than that, so let me ask you another question. Everything related with the follow-up programs, life cycle monitoring, reporting and compliance is done by whom, and do we have some representativity of communities on those committee if there's any kind of committees involved in that?

Caroline Ducros: I'll start and then I'll pass it to Mark to carry on. But the compliance and verification process at the CNSC emanates out of the license and license condition handbooks and annual reporting requirements that are contained within those. And it – and the whole environmental protection framework also includes the environmental risk assessment process. Those things are reviewed every five years. But compliance where we've harmonized with the province, we – we have agreements on inspections and compliance measures, and I – I don't know the details of those. I'm not sure if Mark can talk more to that.

On the monitoring side of things, there are several ways that this can happen. We've – for some of the projects that I've been involved with over the last few years where some communities have wanted to participate in the monitoring, they have brought that up at license hearings, and the – the applic—the licensee has been encouraged to work with them to bring them in. So Bruce Power is an example, where a few of the First Nation communities in the area have wanted to be part of the monitoring program. Aside from that, the CNSC also has an independent environmental monitoring program, and we take samples in public areas, not on site, to confirm – at – partly to confirm the results that we get from the licensee.

Johanne Gélinas: OK, so having community representative on any kind of monitoring of projects is not a standard procedure?

Caroline Ducros: It's – it's not standard, but it's not not possible. It's a --

Johanne Gélinas: I understand.

Caroline Ducros: -- case-by-case basis.

Johanne Gélinas: Yeah.

Caroline Ducros: Yeah.

Johanne Gélinas: OK.

Caroline Ducros: Where there's been a desire expressed, and it's usually worked through with the licensee.

Johanne Gélinas: I understand. Doug?

Doug Horswill: Sure. First of all, on the coordination with the – with the province, I think it's – it's very interesting, the extent to which it works and – and how it appears to work. And Madam Chairman, I think it might be interesting if we could get something from either Saskatchewan or from CNSC that – that describes it in more detail, maybe through an example or something, of how that works and where the interfaces are from the start of the project through life cycle coordination in – in terms of permitting. It – we – you could elaborate on your thoughts there.

You mentioned funding, and funding for proponents, indigenous communities, and others. Could you elaborate a little bit on who and how and how much --

Caroline Ducros: Yes.

Doug Horswill: -- and what it would be – what funding would be for? Is it just to attend meetings, or is it to conduct independent research, or what? How's that work?

Caroline Ducros: Well, I'd like to give a high-level response to that. And – and I – we would be happy to answer a more formal request, because the people who really know a lot about that program aren't here today. But funding is – it's very flexible, our participant funding program. We've – depending on the demand for funding, we've doubled the amount that we initially thought would be available if there's a great interest, or we've halved it if there's been very little interest and saved that money for another project.

And the – again, the program is very flexible. So one of the things is anyone can apply. We don't have targeted people that are only allowed to apply. And they can apply to participate in any Commission – anything that's eventually going to become a Commission decision. So it doesn't have to be – to be – it doesn't have to be to actually attend a hearing. It could be to do – to contract someone to do EIS research for them, or anything that will enable them to better participate in the process. They just have to apply. And we have people at – at headquarters that will actually help them through filling in the forms and – and guiding people through the – the application process.

And another thing that's being explored now with the participant funding program is more long-term funding so people can apply earlier to do research that – so that you don't get trapped in the timelines of – of a regulatory process. You can actually do research in advance that may benefit later on in the process.

Doug Horswill: OK. One last – one last question. Oops, sorry.

Caroline Ducros: I don't – Mark wants --

Mark Langdon: Just to add to that, the participant funding's not just for the environmental assessment process. It also goes through to the regulatory process, the licensing, any meetings or hearings with the Commission. It go – it extends right through. It's not just for the EA process.

Doug Horswill: OK. Thank you.

Caroline Ducros: Yeah. Including workshops on follow-up monitoring results.

Doug Horswill: Alright. Thank you.

Renée Pelletier: And just to pick up on Doug's question, can you speak to the amount? So impacted First Nation applies for funding.

Caroline Ducros: I can't – I can't because the funding for one particular project might be different than what is available for another project, and it's usually commensurate with the amount of interest or potentially affected parties.

Renée Pelletier: Can you give us a range?

Caroline Ducros: Uh --

Renée Pelletier: What – what's the most you've ever given a community?

Caroline Ducros: I have no idea because I – I don't run the program.

Renée Pelletier: OK.

Caroline Ducros: So I – I could get back to you on that.

Renée Pelletier: That would be great. If you could get back to us, that would be great.

Caroline Ducros: Yeah.

Renée Pelletier: I had also an unrelated one.

Caroline Ducros: Well, for the Guvver – Gunnar remediation project, I know in 20—2008, 20,000 – I think that number was 20,000, and then again – or 35,000 in 2008, and then again in 2013 another 20,000 was added for another phase of the project. But I don't know how much went to any particular community, so I'll get you something in writing.

Renée Pelletier: That would be great. Thank you.

Johanne Gélinas: And if we can have the criteria which guide CNSC for funding, it would be interesting.

Mark Langdon: Yeah, that's – that's quite variable because some of the funding is just for people to travel from their community to, say, Ottawa for hearing, and other people are looking to hire a consultant to do research on environmental impacts. So the criteria --

Johanne Gélinas: Whatever you have --

Caroline Ducros: Yeah.

Johanne Gélinas: -- which will help us to understand the funding mechanism and compare with others, that will be (crosstalk).

Caroline Ducros: And I would point out too that more details on our participant funding program are on our external website. So I will do that as well.

Johanne Gélinas: But quick question, quick answer so we don't have to go to the website.

Caroline Ducros: Yeah, yeah, yeah.

Johanne Gélinas: Thanks.

Renée Pelletier: And then I had a question also you've – about your indigenous consultation. You've said that both indigenous consultation and public engagement happen throughout the EA process. I'm wondering if you could explain to us how they differ. So indigenous versus public.

Caroline Ducros: Well, they may or may not differ, depending on the – the situation. But – so for example, at the start of the project we will send letters out to aboriginal communities that may be potentially affected by the project. We won't send a letter out to – to every – everyone, you know. And in those letters, we offer to meet with anyone that wants to meet with us. And the public engagement – it really depends on the project. But I'm going to give Port Hope as an example. The community's very involved in projects that we have going on there, so we will go out and have a town hall there. That – that's open to everyone. It's not separate, whether you're an indigenous community or not. But there is targeted indigenous engagement to meet our duty to consult. And we have a regulatory document on aboriginal engagement that – that scopes out how – how we do it and how it's done.

- Renée Pelletier:** Sorry, you said you have a document that --
- Caroline Ducros:** A regulatory document on aboriginal engagement, yeah. It's called --
- Renée Pelletier:** (Crosstalk)
- Caroline Ducros:** -- RegDoc3.2.1.
- Renée Pelletier:** OK, which you can send to us?
- Caroline Ducros:** Absolutely.
- Renée Pelletier:** Great.
- Johanne Gélinas:** Rod?
- Rod Northey:** Yes. Thank you. So I have a few questions. I'm not sure I'm going to get them all in the right logical order, but let's start with one of our first – our first presentation today was talking about traditional land use, and was speaking not specifically about uranium projects at all but some other projects. But the question I have for you is I'm trying to understand a little bit how the federal-provincial thing works with traditional land use. CEEA, as you know, requires that you look at this. And I'm not sure what the Saskatchewan EA Act does require. But on the flipside, the Saskatchewan EA Act probably can look at socioeconomic effects differently. So I'm trying to figure out how does CNSC deal with traditional land use as a regulatory body, and I want to distinguish that as on the one hand where there is not a provincial component to it, and then back to this harmonized – where you've got harmonized. So I – because I would regard them as different. So can you talk to us about what CNSC does with that TLU, to use the anacronym [sic]?
- Caroline Ducros:** Yeah. I'm going to have to give a high-level answer again because I don't work (crosstalk).
- Rod Northey:** Well, you could get back to us. It maybe requires more --
- Caroline Ducros:** Yeah, I think probably.
- Rod Northey:** -- but very interested in that.
- Caroline Ducros:** Yeah. A lot of that is – is elucidated in the RegDoc that I mentioned. But it – it – the duty to consult always exists for EA or licensing with the Commission. So I'll send you the document and I'll – I'll get back to you.
- Rod Northey:** Well, the reason I'm asking is that your presentation made

the suggestion that if one of the benefits of doing the harmonized EA is you have broader socioeconomic.

Caroline Ducros: Yes.

Rod Northey: That would not be clear to me unless it was the public. Because the public isn't well captured by CEEA, but the First Nations really are. So I'm trying to understand what is going on, why that would be true.

Caroline Ducros: OK, so the socioeconomic aspects that we don't have the mandate under the Nuclear Safety Control Act are the CEEA Agency – or the Canadian Environmental Assessment Act looks at indirect socioeconomic effects. We – we also look at indirect socioeconomic effects. So if there's a change in the environment that will have an effect on – on people, traditional land, whatever, then we'll examine that. But the – the provincial mandate can – can talk about direct socioeconomic effects. If – if the – if we're outside the context of a harmonization, we don't examine the direct socioeconomic effects.

Rod Northey: Fair enough. I appreciate – but traditional land use would strike me as being very much within the whole CEEA framework.

Caroline Ducros: It is. It is. And we do examine that. And we would go out and do very --

Rod Northey: So would there be – could you, like you've done with your – one of your slides on harmonized, could you give us a good example of where the CNSC has done traditional land use? I'm just trying to – we've – we have general statements, and we're trying to understand best practices, and one of the comments that emerged this morning that I'd like to understand better is what best practice does CNSC have on traditional land use.

Caroline Ducros: Of course. Are these questions going to be sent to us as well? OK.

Johanne Gélinas: (Off microphone)

Doug Horswill: We could – yes, good move. You can flip that to us to send to you. But I accept the obligation.

Caroline Ducros: I just want – I don't want to --

Doug Horswill: No, no.

Caroline Ducros: -- let something slip.

Doug Horswill: It's a – it's a fair – a fair request.

Rod Northey: Madam Chair, can I continue?

Johanne G  linas: One last.

Rod Northey: One last. Oh, goodness. OK. Trying to understand the triggering exercise with this, especially the Saskatchewan. I'm not talking about other provinces now. The Saskatchewan process appears to be very much discretionary, and the CNSC, following CEAA '12 and even under the old, was not discretionary. It's on a list. So it would strike me, just logically working through this, a proponent would know with a certain project that they're subject to CNSC, and then – and I guess the question I'm trying to work out is what happens. Because does the proponent then typically make an application to the province? Do you encourage a proponent to make application to the province? I'm trying to understand, when we have one that's a rules-based process – yours – and the other that's discretionary, how we end up with any harmonization.

Caroline Ducros: When an applicant – now, under CEAA 2012 we haven't had one that's started. But when an applicant has – has to apply to us and we receive an application, we contact the Saskatchewan office and tell them that there's even a desire. Because sometimes we get a letter of intent before we actually get a license application.

Rod Northey: OK.

Caroline Ducros: And we'll – we'll – much in the way of the old CEAA 1992, where you did a bit of a federal coordination, we do a bit of a provincial coordination. And then we just wait to hear from the province on what the next step is on that one.

Rod Northey: And is the sense that that – I mean, again, not to minimize your point, by going and getting the Saskatchewan engagement, you have that broader socioeconomic package available as a project approval point. Is that fair? Well, because otherwise, to follow your point, you were saying you can only deal with indirect socioeconomic benefits, whereas if you get the Saskatchewan process, it's direct. And -
-

Caroline Ducros: I – I think the distinction that I was trying to convey is that, as – as the nuclear regulator, we don't make energy mix policy, and we don't --

Rod Northey: Right.

Caroline Ducros: -- you know, we stay out of that. But if we harmonize with the province, the whole aspect of the direct socioeconomics can – and the regional policies and strateg—more strategic EAs can be – can be part of the whole package. But it will

still be the province that makes that decision on – and we'll make our decision. But we try to coordinate as much as possible that the decisions happen at about the same time.

Rod Northey: Thank you. (Off microphone).

Johanne Gélinas: (Off microphone)

Rod Northey: I had one more question, which was --

Johanne Gélinas: (Off microphone): OK (inaudible).

Rod Northey: So OK, one final. I've been given my chance. The – when one looks at the array of mining activities and where they're located in Saskatchewan, they're all – I don't want to use the wrong word, but it looks like clustered, from a general standpoint, which would be a context where regional environmental assessment might be considered. And we heard that the 1995 EAs had that regional context. So I guess my question of you is what has happened since '95, if anything, to – at the CNSC level to talk about the regional impact of what is occurring around this cluster of mines that you do regulate in large measure. Has anything happened at a regional level?

Caroline Ducros: Yeah. So out of the – out of that panel from the 1990s, one of the – one of the recommendations was mitigation of cumulative effects. And that includes – so a program was put in place that includes: monitoring of key biological components and processes; epidemiological studies on all Saskatchewan uranium mines, past, present, and future; use of this data to predict future risks and mitigation measures; long-term monitoring of work exposure to airborne dust and gas contaminants; phasing of proposals; and education and training of residents to ensure long-term employment and avoidance of the boom-bust cycle. So we've worked – the federal and provincial governments. We cooperated well into the 2000s of – mid-2000s about this, and then that – now that program's morphed into what's called the Saskatchewan Government's Eastern Athabasca Regional Monitoring Program.

Rod Northey: Alright.

Caroline Ducros: So this goes into the EQCs, which inform that, and we have an ongoing commitment to report on this, and publications on our website.

Rod Northey: Thank you. That's – so I – that's where we get – you talked about in one part that's really – that evolved out of the regional --

Caroline Ducros: That's right.

Rod Northey: Oh, OK.

Caroline Ducros: So it was the nineties, but --

Rod Northey: Yeah. Yeah.

Caroline Ducros: -- it's -- it's not been dropped, and new commitments have been made over the years, especially in long-term epidemiological studies, which we're carrying on doing.

Rod Northey: Which committee has the long-term epidemiological mandate?

Caroline Ducros: It's the Eastern Athabasca Regional Monitoring Program. Oh, I'm not sure which committee. Oh, here it is. Sorry, the Saskatchewan Uranium Minings Cohort Study Group.

Rod Northey: OK. Thanks.

Johanne Gélinas: Just before we let you go, I know that Mrs. Ducros referred quite a bit to the Saskatchewan Department of Environment. Is there's anything that you would like to add? You have to come to the mic, though. It's a bonus. You can come twice.

Sharla Hordenchuk: Yeah. We'll definitely give you the -- is this on? The follow-up information that you need that explains the harmonization at EA and at permitting. We want to put it into context, though. I mean, when we're talking about the proponents, it's a small group of proponents that are undertaking the work in Saskatchewan. So though -- you know, we talk about relationships, and that shouldn't be overshoot. I mean, those working-level relationships are really key to seeing this through and ensuring that those long-term commitments that were made are carried out. Because there has been, you know, a change of people that were working on the -- the Joint Panel in the nineties to who's there now, but those commitments still continue on because of those good working relationships and knowing what the expectations are.

I think it's an important point to make that, with the harmonization that we do, it's -- it's also addressing and ensuring that the capacity of the communities is there. So when we think about who we're going to meet with, you know, definitely there's efficiencies that can be made as regulators about who goes to what meeting, but we have to ensure that the capacity of who we're meeting with can be met, and that there's an understanding, education, and awareness of why we're in the room and what we're talking about. So there's definite benefits to harmonization, not just from the way we do our work but, you know, who's receiving the work and -- and what it means at the local level.

Johanne Gélinas: Thank you. OK? Thank you very much.

Sharla Hordenchuk: OK, thank you.

Johanne Gélinas: So our last participant for the – for the afternoon is Ms. Carlson. And I can see that you have your supporters. Welcome.

HAYLEY CARLSON, SASKATCHEWAN ENVIRONMENTAL SOCIETY

Hayley Carlson: Good afternoon. My name's Hayley Carlson, and with me is Ann Coxworth, and we are representatives from the Saskatchewan Environmental Society. I am the policy coordinator from the Society, and Ann is a board member. And our mandate is to work towards a world in which all needs can be met in sustainable ways.

We appreciate that the Government of Canada has recognized the significant need to undertake this process. We were very concerned with the numerous changes to environmental legislation made under several bills in 2012. And those bills severely limited the ability for the federal assessment process to play a significant role in protecting the environment. It is widely acknowledged in the academic literature that the changes made in 2012 went against the recommendations provided by experts to improve environmental assessment under the 1995 version of the Act. And this is not in line with decision making based on evidence and science, which the current government has committed itself to. So we look forward to seeing the changes in – made in 2012 reversed, and to the introduction of a new set of processes to make environmental assessment a better tool for safeguarding ecosystems on which all life depends. We will briefly outline some of the areas in which we believe improvements would be ben—most beneficial, and then we'll provide additional recommendations with a written submission with input from our membership and board.

So first, defining the requirement for and scope of an environmental assessment is important. Under CEAA 2012 there was a much narrower set of criteria for determining whether development will trigger environmental assessment. So there should be clear and transparent criteria for triggering assessment, and the public has a right to help decide what those criteria are, especially those who are most negatively impacted from resource development, as opposed to those who benefit the most from it. General terms such as sustainability, environmental effect, cumulative effects should be clearly and accessibly defined so the public can understand the criteria by which environmental impacts are being assessed. National and international values, as well as local impacts, should inform decisions about the appropriate scope of an environmental assessment. So this might include, for example, examining the downstream or global impacts of resource development project. It goes without saying that both the immediate and downstream greenhouse gas emissions that

result from a project should be considered relevant. We are recommending consideration of sustainability for future generations as another criteria that should be – help in determining scope. And we also recognize that some issues would be better addressed outside the scope of an environmental assessment. So we are hoping that the Panel will advocate those issues be addressed elsewhere in their final report.

Secondly, we believe that the review of specific projects needs to take place within a broad framework of geography and time. This means that a project proposal would not be considered in isolation, but within the context of national and regional planning processes, which should, in and of themselves, be taking into account environmental impacts, as well as against a context of cumulative impacts that should be considered a priority at all levels. And the federal government, we believe, has a unique vantage point to make sure those – those things are taken into account. So I'll pass the buck to Ann now.

Ann Coxworth: Good afternoon, Panel. So the next point we'd like to make is that we believe that consideration of alternatives, both within the project and alternatives to the project, are important. So it must be possible, rather than just amending a project proposal, to turn it down on the basis of its overall unsuitability due to any one of a number of reasons, including environmental risk, failure to fit into a regional planning framework, or serious social – lack of social and community acceptance. And while this is currently theoretically possible, reviewers have shown a great reluctance to do it.

We recognize that time constraints in assessment processes have led to a lot of frustration. In many cases, proponents are anxious to get their projects approved and underway as quickly as possible, while at the same time interveners feel restricted by the time limitations under which they have to work. Adequate time must be provided for public review of environmental assessment documentation. Thirty days is not long enough for interveners to digest and critique hundreds of pages of technical documentation. Moreover, relevant government departments and agencies must be allowed sufficient time to decide if additional information is required from the proponent, to gather public comments, and to make their final decisions.

Another comment on the issue of public participation. Currently one gets the impression that any participation beyond the submission of written comments is sometimes regarded more as a privilege than as a right. Members of the public should not have to prove how they are directly affected or – or have their participation challenged by a proponent. Indeed, we are all directly affected in the case of greenhouse gas emissions, for example, and by pollution of water sources. And we will all benefit from protection of the environment for future generations. And this will be of particular relevance when broad policy proposals are being reviewed and when land use planning is being developed to provide the framework within which specific project

proposals can be considered.

Based on our experience with environmental assessments, it appears that the current method of engaging indigenous communities in particular may not work well for those communities. If the current government means to establish a nation-to-nation relationship with these groups, it would be worthwhile to work with them to establish what kind of public inclusion methods would work best. And just an aside on this, I'm recalling that many years ago – and I can't remember which FURO (ph) process it was, where the intervener funded – funding allowed a scientist to go and actually live with the Hatchet Lake Band at Wallaston Lake to help them understand and interpret the technical documentation. And that was a process that worked very well. It doesn't work very well to have, you know, an expert drop in for a day or two. But to have somebody actually able to – to live within the community for an extended period of time seemed to work very well.

We suggest that, in order to improve public confidence in the assessment process, there's a need to have public input into defining the criteria by which individuals are selected for leadership roles in decision making bodies such as the National Energy Board and the Canadian Nuclear Safety Commission. And specifically, we would recommend a review of the circumstances in which Linda Keen was removed as Chair of the Nuclear Safety Commission.

A further suggestion relates to matters that are left ambiguous at the end of an environmental assessment. And this has been discussed earlier this afternoon. Often we see issues that have been raised during an environmental assessment review are not addressed but are pushed to the next stage of regulation, such as licensing, permitting, or provincial or – or even municipal control. And there's no guarantee that these latter processes can or will lead to effective environmental protection. So we feel that the federal process should include follow-up to check that all issues have been properly addressed and that an appropriate procedure for ensuring compliance with the conditions of approval are in place.

Just a final comment to – with respect to the CNSC presentation. Our organization was one of the funded participants in the Gunnar remediation project, and the amount of funding that we received was of the order of \$5000. So we thank you for coming to Saskatchewan, and we do intend to send you a written submission to supplement what we've said today. Thank you.

Johanne Gélinas: Thank you very much. Can you tell us a little bit more about your society and how often you are involved in the EA processes, and what are the – the constraint that you are facing in contributing and participating to those processes?

Ann Coxworth: OK. The Saskatchewan Environmental Society has been around since 1970, and our – our mission, as – as Hayley said, was to work towards a

world in which all needs can be met in sustainable ways. We do a lot of work of sort of practical programs on energy management, energy conservation programs. We work with – with schools, with small businesses, helping to put in place better energy management programs. We have a lot of educational programs. Our role in environmental assessments has been going on, I would say, since – since the formal environmental assessment process started. A lot of the work has been in connection with uranium and nuclear developments, but we've also participated in a number of provincial environmental assessment processes, recently one on a potash mine proposal that has just been approved by the provincial government.

Johanne Gélinas: And what are the constraints that you are facing as you go through that? How many members?

Ann Coxworth: Yeah. OK.

Johanne Gélinas: How do you get your people involved to do an assessment or contribute to the assessment of a project?

Ann Coxworth: Yeah. I – some of the – some of the frustrations that we – we've encountered are to do with the – the time restrictions. I don't know if it's just coincidence, but we do keep having situations where we're given 30 days, say from July 15th to August 15th, to – to review documents, at a time when, you know, this is the only bit of summer in Saskatchewan. And there's a lot of uncertainty about when that 30 days is going to happen, which makes planning difficult. In terms of participant funding, we have never had enough funding to allow us to travel. And so, for example on the Gunnar remediation project, which generally has been a good experience, the CNSC actually suggested to us that we work collaboratively with some of the indigenous groups in the north. But the funding allocated did not allow us to travel to actually meet with them. And it just – you know, e-mailing with their consultants is not really adequate.

Johanne Gélinas: Just on that point, if I may, that was my other question, in term of your relationship with indigenous group. Can you provide some capacity or some support to them, as this is one of the issue that many of those groups have raised?

Ann Coxworth: Yeah. We – again, you know, we do have some expertise, which we will be – we're very happy to – to share with anybody who wants to use it. Now, we did have one opportunity to meet with the Environmental Quality Committee, a meeting in La Ronge. And that happened apparently because some of the community people had indicated that all we hear from are industry and government, and we'd like to hear the perspective from somebody outside. So they did invite us to go and do a presentation, and people came up to us afterwards and said it would be so great if you guys could come up to our community and meet – meet with our people there because it's difficult for us to really take information, technical information, and relay it to our

communities. But again, there was no funding available to allow us to follow up on that.

Johanne Gélinas: OK. Thank you. Questions?

Rod Northey: Sure. Oops. Better move that. I think one of the earlier comments was dealing with sustainability to trigger EA. And I'll just say that's certainly a very interesting topic. Do you have anything more beyond that broad concept, which almost anyone that seems to get engaged has a different view of what it means? If you wanted to put in writing what you think that term means, that might be helpful to us.

Then there was a comment right after that that I was puzzled by, and I'm hoping you'll elaborate, which was you said you – there will be many things that will be outside our EA mandate that you think we should be addressing. And I'm most puzzled how, since we have an EA mandate that appears very broad and quite challenging enough, you think there's still something else outside. So perhaps if you had an example of what's outside the mandate so we might understand that.

Ann Coxworth: Do you want to talk to that, Hayley?

Hayley Carlson: Sure. And I'm letting Ann take the lead on this because she's been around the block a few more years than me and has a bit more on-the-ground experience. But that comment actually came out of the literature I was reviewing around indigenous participation in the EA process. And the academic literature was suggesting that some of the problems that communities are facing need sort of a more fundamental change in other areas of federal jurisdiction than the EA process.

Rod Northey: Yes. I – OK. That --

Hayley Carlson: To clarify.

Rod Northey: -- I think has been around since Mr. Berger did an inquiry. So that's a fair comment. I wanted to understand, there was a comment made about alternatives, both the internal and the alternatives to, but I don't recall what you said we should do with that. I recall you raising a point without telling us what you wanted to hear.

Ann Coxworth: Well, the reality is that, almost invariably, environmental assessment processes lead to approval with conditions.

Rod Northey: I see.

Ann Coxworth: That there are circumstances in which I think reviewers should feel more free to say this is not an appropriate project. You know, it – it has happened once or twice. It happened when there was a proposal to develop a uranium

refinery in the community of Warman, an agricultural community. That proposal was – was turned down. But --

Rod Northey: In the early eighties, I think.

Ann Coxworth: It was – yeah. But it's very rare that --

Rod Northey: OK.

Ann Coxworth: -- that happens.

Johanne Gélinas: Renée?

Renée Pelletier: A question about your participation in environmental assessments to date. Have you found that your input has been incorporated, and, if so, how?

Ann Coxworth: Well, I can speak to, again, the – the current Gunnar remediation project, where, you know, that's gone through a few phases. And when the remediation project was approved, there was defined as a hold point that initially was just to be a point at which an official from CNSC would – would review more technical details and decide whether it – it should – it was actually ready to go ahead. And we asked that that should be an opportunity for – for more public review. Because, again, the – looking at a sort of a concept approval without having all the technical details is not enough. And so we did ask that we be given opportunity to review the – the more technical details, and that suggestion was – was accepted. So we were – we were pleased with that. That would be an example.

Renée Pelletier: Thank you. And is that – is that typical for your involvement in environmental assessments, or is – is having your input heard something that is (crosstalk) –

Ann Coxworth: Um --

Renée Pelletier: -- frustration for you as an intervener?

Ann Coxworth: We obviously make lots of recommendations that are not followed up on, that are ignored. And I can point to a recent provincial example where a potash mine proposal, the Yancoal project, the proposal pointed out the – that it would increase the province's greenhouse gas emissions quite significantly, and it – but it did not accept the idea of using renewable energy or cogeneration in order to reduce those emissions. We – we, in our submission, said that this was unsatisfactory, that they – that the proponent should evaluate the way in which greenhouse gas emissions could be reduced by using the – the excellent renewable energy resource at the site and by

doing cogeneration. And that was – that suggestion was ignored in the approval.

Renée Pelletier: Thank you.

Doug Horswill: Back to the area of considering alternatives and – and being able to reject projects. And you – you cited an example, and I've seen others where that's happened. But in the context of that, you mentioned the word social acceptability. Projects should have social acceptability. I'd like you to elaborate a bit on that. And when – just – just to put a preface on it, I mean, we live in a pluralistic society where there's a lot of different views and a lot of different things, and we can't hit the bull's eye of everybody's interests --

Hayley Carlson: Absolutely.

Doug Horswill: -- on projects. Would you elaborate your thoughts on it, and then would you put that into the frame of telling us what you think environmental assessment should do in relation to facilitating that ultimate decision?

Ann Coxworth: You know, I would prefer to include that in our written submission because I don't have the answer quite ready for you. Thank you, Doug.

Doug Horswill: That's fine. I'll look forward to reading it.

Ann Coxworth: OK.

Johanne Gélinas: That's it? So ladies, thank you very much for your participation, and that will conclude our afternoon session.

Thank you, everyone, for having come and even stayed in the room to listen to others. We will resume at 6:30 for the evening public workshop session. I may say before some of you leave and you may not come back later on tonight, that you have other opportunities to share with us your views, information, documentation, studies, whatever you would think that might be appropriate for us to be aware of. You can go on our website to get more detail. And today we – we heard a lot about what needs to change. I will say that I hope tonight we can talk about how we make things happening. So how we can come with some constructive proposal to address some of the issues that have been raised today, and that will probably continue to be raised. We are in a construction mode also, so it's a good thing to know what doesn't work, but we need to know how we fix it. So I hope we'll see some of you tonight. And otherwise, stay tuned, and you can follow us in our cross-country right over the next few months. Thank you very much for your participation again.

