

**BILL C-19, Amendments to the Canadian Environmental
Assessment Act
Association québécoise pour l'évaluation d'impacts**

Commentaires
Lettre conjointe, janvier 2002

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January 28, 2002

Mr. Eugene Morawski
Clerk of the Committee/Greffier du comité
Standing Committee on Environment and Sustainable Development/
Comité permanent de l'environnement et du développement durable
#609, 180 Wellington
House of Commons/Chambre des Communes
Ottawa, Ontario K1A 0A6

Re: Bill C-19, Amendments to the Canadian Environmental Assessment Act

Dear Mr. Morawski,

We are writing to you on behalf of the three Canadian affiliates of the International Association for Impact Assessment (IAIA): the Association québécoise pour l'évaluation d'impacts (AQÉI), the Ontario Association for Impact Assessment (OAIA) and the Western and Northern Canada Affiliate. IAIA's primary purpose is development of international and local capacity to make wise decisions regarding the anticipation, planning, and management of environmental change in terms of ecological and human consequences in order to enhance the quality of life for all. One of the key roles of the three Canadian affiliates is to facilitate the improvement of the professional practice of impact assessment in Canada.

We would first like to commend the federal government for having undertaken the five-year review of the Act (CEAA). Such reviews are a very productive means of learning from experience with legislation and this review has led to important proposed improvements, included in Bill C-19. There are, however, a few further adjustments that we wish to recommend.

The first follows directly from the importance of the five-year review. We recommend that such a review be included in the amended Act. We strongly urge you to maintain a revision process for the Act. The five-year schedule might be too short and we considered recommending a seven-year interval. However, we leave the frequency up to your committee.

Second, we wish to suggest an adjustment related to the importance of using regional cumulative effects management tools. As you are well aware, the recent Suncor judicial review resulted in a court decision that such tools may be unacceptable because of incompatibility with CEAA. We have concluded that the suggested changes to CEAA do not adequately deal with the concern in the court decision. Because of the fact that the decision was only released last month, and because it is a very complex and important matter, we do not have specific suggestions on how best to adjust the Act. But it is such an important matter, that we believe it appropriate to suggest the addition of an amendment to the Act to deal effectively with this ruling. Whether such an amendment could be added to Bill C-19 or whether it should await a later determination of how best to deal with the matter is not something we can determine now.

Third, we strongly support the implementation of a coordination process between various federal departments and the Agency for the application of CEAA. Whether the actual authority delegated to the "coordinator" is the most effective or not, however, is still uncertain. We are very hopeful that the federal environmental assessment coordinator will provide better coordination, more consistency and more timely reviews. While we believe this is basically a correct step, we wish to be reassured that this solution will deal effectively with some of the problems identified during the five-year (or longer) review. This is one of the reasons why we conclude so forcefully that further review is essential, so that we and other Canadians can observe performance and provide feedback.

We strongly advocate effective harmonization of the federal process with provincial (and other) processes. Failure to harmonize would be a fundamental problem in Canada. Every effort possible must be made to continue promoting coherence and harmonization in order to avoid undue overlaps or duplication that result in inequity.

We believe that, generally, human impacts (cultural, social and economic impacts) need to be better addressed in environmental impact assessment and thus within the provisions of CEAA. While this is not now a component of Bill C-19, we think that such changes are generally desirable and should be encouraged. This would imply that necessary competence and abilities must be developed within federal departments and agencies charged with applying CEAA.

Finally, we support the inclusion of traditional or local knowledge in environmental assessments. However, we are uncertain of exactly how best to do this effectively. We do not, for example, wish to create confusion for proponents and reviewers. The development of guidelines should be a priority; otherwise this provision of the Act will face many challenges in its implementation.

The three Canadian Affiliates of the International Association for Impact Assessment encourage the Standing Committee on the Environment and Sustainable Development to make the suggested changes to improve environmental assessment in Canada and have development that has less impact on the environment.

Thank you for your consideration. Sincerely,

Peter Leonard Président AQÉI	Lee Doran President OAIA	William A. Ross President IAIA-WNC
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