

August 23, 2016

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

Re: Development of a Public Engagement Plan

Dear Expert Panel Members,

We are writing on behalf of the Environmental Planning & Assessment (EPA) Caucus of the Réseau Canadian Environmental Network (RCEN). Since 1988 the Caucus has worked independently as well as engaging with the Agency (and its predecessor, FEARO) to improve environmental assessment (EA) law, regulations, policies, and practices; to provide guidance to federal departments; and to facilitate meaningful public participation in EA policy development and individual EAs. We have members from environmental and public interest organizations throughout Canada.

We are especially interested in the fact that in addition to the many orientation and organizational tasks at hand, you are responsible for the development of a 'Public Engagement Plan' as directed in your Terms of Reference as a Panel. The development of this plan and its successful implementation will be critical to the degree of trust individuals and organizations have in your process and, eventually, the evidence of your review having served the public interest. We place great importance on getting this right, especially within the time and resource constraints of this Review, and we would like to offer our assistance in its development. Our comments are based on the many years of experience caucus members have in helping design such public processes, participating in them, writing guides for participants, and writing about participatory processes. As you are well aware, there are many benefits to meaningful public engagement, including better management decisions and opportunities for adult learning (for more information on this and other benefits and aspects of meaningful public engagement, please refer to the list of sources appended to this letter).

At this early stage, we offer a framework of proven practices for engaging the public in a meaningful way that we feel would help ensure that the process and outcomes are accepted by a wide range of Canadians if they were reflected in your engagement plan. We also recommend factors to consider when selecting communities to visit during your public engagement, along with a list of communities across Canada we know to have important contributions to make to the process of reviewing Canada's environmental assessment processes.

To meaningfully engage the public in the review:

- 1) **Engage the public early in your review.** For public participation to be meaningful it must be initiated early in the process when higher level and more strategic topics are being discussed – such as when you are developing your engagement plan and identifying the range of topics most germane to the panel's deliberations. If the public is engaged too late in the process, valuable input may be lost and participants will feel as though a decision about future EA process has already been made.
- 2) **Ensure that the public is adequately notified.** It is necessary that interested persons find out about the review well before the opportunity to participate in hearings or other events the panel may hold. Notice can take several forms – such as sponsored advertisements on social media, local radio and so on – and

must go beyond simple postings on a website or news feed. Notice should also inform the public about where more information can be obtained, to whom comments should be addressed, etc.

- 3) **Create deliberative forums that emphasize active participation.** Spaces where there is an ongoing and open dialogue between participants are essential to meaningful public participation and essential in this review. Dialogue can lead to improved understanding and decision-making. Friendly negotiation, mediation and other techniques are useful in promoting dialogue between all parties. Active participation can also occur through targeted workshops, interviews and other qualitative techniques beyond formal hearings.
- 4) **Guarantee that all information is available to the public, in a timely manner.** Participants must have timely access to any information and correspondence given to the panel, as well as any comments from government and other participants. An online registry or Internet website is key to sharing information, but it must be well maintained and up to date. All parties must have access to complete information so that they can be properly educated about the review and thereby have the ability to participate fully.
- 5) **Support participants/intervenors.** It is well established that participants should receive support to participate in consultative processes and such support should be available to the panel to distribute. Participants should have the funds and ability to partake in the process, provide evidence, offer testimony, etc. so that they do not experience undue hardships. Participant funding is a method of support that attempts to counteract the huge discrepancy in monetary funds, and therefore power, among participants to the process. Support does not have to be solely monetary in nature; participants should also be given access to people with knowledge and experience about EA and in participating in reviews who can guide them through the process (we may be of assistance in this regard). Participation workshops where the public is instructed on the ways to get involved in a review is also a very valuable form of support (the Caucus has conducted such workshops in the past and would be pleased to discuss with you conducting them for the review).
- 6) **Lengthen timelines so that participation is not rushed.** The timelines set are very short and likely will not provide adequate time for the public to become aware of a review and get involved in the process in a meaningful manner - as has been pointed out in a number of submissions related to the draft Terms of Reference. Though timelines are initiated for efficiency's sake, any gain in efficiency is lost when short timelines prohibit meaningful participation and the whole process loses legitimacy.
- 7) **Maintain sustained engagement.** The public should be engaged at all stages of the review and have access to proceedings from the beginning through to the review of your draft report to the Minister and in the development of any new legislation - any plan should envision this ongoing engagement. Sustained engagement improves decisions and lends legitimacy and equity to the process and also allows for continued improvement.
- 8) **Design the process around learning.** Deliberative engagement processes should be aimed at encouraging mutual learning about the fundamental needs and options for a next-generation EA regime, achieved through ongoing involvement. Time for dialogue and critical reflection is essential for participant learning and learning is critical for our societal movement towards better decisions and sustainability.

We feel that opportunities for the panel to meet with Canadians in deliberative and face-to-face settings is particularly important to delivering on these principles of meaningful public participation. Considering the time frame you have been given for this process, the opportunity for on-the-ground engagement is, unfortunately, very limited and must be acknowledged by the review panel as part of a statement limitations at the start and of the review process. To fully understand the impacts of the range issues confronting federal EA, it will be necessary for you to select communities to visit that will be able to illustrate the myriad implications of missing or poorly executed aspects of EA process (e.g., the implications of missing regional assessment, ineffective cumulative effects assessment, lack of assessment of smaller projects, lack of meaningful public participation, and politicized decision-making; the different experiences when the NEB, CNSC, and Agency are the reviewing body; issues with different approaches to multijurisdictional assessment, etc.) Might we even suggest they visit some case studies on the ground so that they may fully

visualize the context and issues at stake in EA process? May turn it down but could lead to a statement limiting factors in panel's ability to fully grasp the issues raised before them.

Based on our knowledge of people in communities with important experience with EA, the opportunity to highlight key issues such as those listed above, and our knowledge of regions with pending or recently reviewed projects, we feel that communities including Terrace, Fort St. John, and Vancouver in British Columbia; Calgary or Banff and Fort McMurray or Fort Chipewyan in Alberta; Prince Albert or Saskatoon in Saskatchewan; Winnipeg and Thompson or Cross Lake in Manitoba; Thunder Bay, Darlington, Sarnia, Ottawa, and Kincardine in Ontario; Montreal, Vaudreuil-Soulanges, and Quebec City in Quebec; Moncton and Fredericton in New Brunswick; Digby, Sydney, and Halifax in Nova Scotia; Charlottetown, Prince Edward Island; St. John's and Happy Valley-Goose Bay in Newfoundland and Labrador will be important for face-to-face visits.

In addition to the provinces, communities north of 60° have significant knowledge and experience with EA to add to this discourse. We recommend the Panel also consider visiting Whitehorse and Haines Junction, Yukon; Yellowknife and Fort Good Hope, NWT; and Iqaluit and Pond Inlet, Nunavut.

Thank you the opportunity to comment on best practices for public engagement. We appreciate the needed work you are undertaking by reviewing Canadian EA. We truly think that public engagement is an essential aspect of EA and an effective public participation design should be used while reviewing EA as well. If you have any further question would be pleased to discuss the contents of this letter and eventually anticipate reviewing your draft public engagement plan. We look forward to working with you further on federal EA reform.

Yours sincerely,



Anna Johnston
ajohnston@wcel.org



Jamie Kneen
jamie@miningwatch.ca

Co-Chairs of the EPA Caucus of the Canadian Environmental Network

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