

Submission to the review of the Canadian Environmental Assessment Act

Dear Panel Members,

Yukon is rarely subject to CEAA; it has its own environmental assessment (EA) act, one that replaces the two-stream EA process that takes place in most of Canada – the Yukon Environmental and Socio-economic Assessment Act or YESAA. YESAA came about as a result of the modern treaties between 13 Yukon First Nations, Canada and Yukon; thus it is embedded in federal legislation and draws its strength from the Canadian constitution.

From the perspective of Yukon, the changes to CEAA imposed by the Harper government were sad, even harmful, but they did not much affect us here. However, also from the perspective of those of us safely tucked away north of 60, there is something else we see, and that is the two-channel EA system that sometimes results in the confusing situation where a project is approved by one order of government and turned down by another. Yukon Conservation Society (YCS) has a modest suggestion that could both return rigour to CEAA and certainty to EAs.

YCS respectfully suggests that CEAA be replaced with a set of federal/provincial Environmental and Socio-economic Assessment Acts, broadly similar to YESAA. The following is a (partial) list of features in YESAA that we think should be reflected in pan-Canadian ESAs:

YESAA addresses the issues of:

- 1) *Sustainability*. YESAA uses the 1992 definition of sustainability that arose from the Brundtland Commission: “Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”
- 2) *Meaningful public participation and accessible information*. YESAA establishes an independent board (YESAB), composed of nominees (but not agents) of the federal, territorial and First Nation governments, that is responsible for reviewing all projects that require a federal, territorial or First Nation permit. It does this publicly through an online registry, where all proposal documents are hosted and any member of the public can review and comment on a project. If a project attracts significant interest, public meetings are held.
- 3) *Climate*. Recently assessors have been utilizing national and regional climate goals to assess how projects may affect the climate. Upstream and downstream emissions and sinks are considered.
- 4) *Cumulative Effects*. YESAA allows for a requirement for cumulative effects studies to be made for areas, ecosystems or industries, upon request by affected governments upon approval of the federal minister.
- 5) *Collaborative decision-making*. YESAB makes recommendations; it is not a quasi-judicial board. For projects that take place on or that directly affect settlement land, First Nations are decision bodies. Similarly, for projects that take place on or affect federal



rights (for example national parks, navigable waters and salmon bearing waters), the federal government can be a decision body. In all other cases, the provincial or territorial government is the decision body. First Nations are provided with the resources to meaningfully participate in assessments, including resources to train and hire qualified personnel.

6) *Transparent, evidence-based and non-political recommendations.* The open on line process allows all participants to review and comment on all documents uploaded and only this information can be used in crafting recommendations.

7) *Socio-Economic effects.* YESAA is intended to consider the economic ramifications of projects, both positive and negative.

YCS has had several years of experience as a participant in YESAB assessments. We also participated in the discussions leading up to the creation of the YESAA. However, we do not work for YESAB, we are not authorities, and therefore YCS respectfully suggests that for more information on how this could work, your Panel contacts the Board and Staff of YESAB at YESAB.ca.

Thank you for the opportunity to participate in this review.

Sebastian Jones
Energy Analyst
Yukon Conservation Society