



May 5, 2017

Via email: ceaa.eareview-examenee.acee@ceaa-acee.gc.ca; ec.ministre-minister.ec@canada.ca

The Honourable Catherine McKenna, P.C., M.P.
Minister of Environment and Climate Change
Environment and Climate Change Canada
200 Sacré-Coeur Boulevard
Gatineau, Quebec K1A 0H3

Dear Minister:

Re: Review of Environmental Assessment Process – Expert Panel Report

The Environment, Energy and Resources Law Section and Aboriginal Law Section of the Canadian Bar Association (CBA Sections) appreciate the federal government's invitation for public comment on the Expert Panel's Report, *Building Common Ground: A New Vision for Impact Assessment in Canada*, which was delivered to the Minister of Environment and Climate Change on April 5, 2017.¹

The CBA is a national association representing approximately 36,000 jurists across Canada, including lawyers, notaries, law teachers and students, and its primary objectives include improvements in the law and the administration of justice. The CBA Sections comprise lawyers with in-depth knowledge of environmental, energy and natural resources law issues, as well as participating in cases related to Aboriginal peoples, Aboriginal and treaty rights, land claims, constitutional reform, administration of justice and traditional Aboriginal law.

The CBA Sections made recommendations on ways to strengthen and improve the federal environmental assessment (EA) process through our submission and appearance before the Expert Panel in December, 2016.² In our submission, we underscored the importance of an adequately funded federal EA process that incorporates scientific evidence, protects the environment, respects the rights of Indigenous peoples and supports socio-economic growth.

¹ See Environment Assessment Process Expert Review Panel, *Building Common Ground: A New Vision for Impact Assessment in Canada* (April 5, 2017), available [online](http://ow.ly/vLuL30bgNiM) (<http://ow.ly/vLuL30bgNiM>.)

² See Canadian Bar Association, Environment, Energy and Resources Law Section and Aboriginal Law Section, *Environmental Assessment Process Review* (December, 2016), available [online](http://ow.ly/dVON30bgNlk) (<http://ow.ly/dVON30bgNlk>).

We have reviewed the Expert Panel's Report, and intend to make a further submission, but believe we can offer more detailed and nuanced consideration of a number of significant issues that we have identified – including constitutional ones – than could be achieved within the public comment period ending May 5, 2017.

We welcome the opportunity to provide our views on the Report and will do so in the near future.

Yours truly,

(original letter signed by Kate Terroux for Mira Gauvin and Wei Ming Song)

Mira Gauvin
Chair, CBA Environment, Energy and
Resources Law Section

Wei Ming Song
Chair, CBA Aboriginal Law Section