

Canadian Environmental Network / Environmental Planning and Assessment Caucus
Hot Spots Go Around Minutes, Fall Caucus Meeting September 18-20, 2009
Belcourt Center, South Rustico, PEI

Friday, September 18, 2009

Present:

1. **Doug Badger**, Regional Environmental Action Committee, AB
2. **Roberta Frampton Benefiel**, Grand Riverkeeper Labrador, Inc, NL
3. **John Burcombe**, Mouvement Au Courant, QE
4. **Neil Gardner**, Sierra Club Atlantic Canada Chapter, NB
5. **Stephen Hazell**, Sierra Club Canada, ON
6. **Jamie Kneen**, MiningWatch Canada, ON
7. **Oscar Koren**, Slovenian Sports Federation Environmental Group, ON
8. **Pat Moss**, Northwest Institute, BC
9. **Michael Poellet**, Inter-Church Uranium Committee Educational Cooperative, SK
10. **Gary Schneider**, Environmental Coalition of Prince Edward Island, PE
11. **Robert Sharkie**, Trout River Environmental Committee Inc., Environmental Coalition of PEI, PE
12. **John Sinclair**, Resource Conservation Manitoba, MB
13. **Irene Novaczek**, Institute of Island Studies, UPEI, PE
14. **Holly Vear**, BC Sustainable Energy Association, BC
15. **Michael Willcock**, Student Climate Change Coalition, PE
16. **Deborah Carver**, East Coast Environmental Law, NS
17. **Gretchen Fitzgerald**, Sierra Club Atlantic Chapter, NS

Minutes: Dan Casselman, EPA Caucus Coordinator, Canadian Environmental Network

Doug Badger, AB

- Nuclear sounds like it's going through in AB
- AB doing consultations with various different groups, not together in a multi-stakeholder setting but separately
- Building a pipeline from tar sands through Jasper to Vancouver – no consultation
- Incinerator issue – no info, no communication from government

John Sinclair, MB

Mostly hydro projects

- Approval of Wuskwatim Manitoba Hydro project
- Keeyask project is next in line – hydro applied for Provincial licence to build road and construction site – but not the entire project.
- Trying to take advantage now of the relaxation of the NWPA
- Hydro have written letters to Transport Canada seeking to be sure there will be no EA
- John's group will continue to object to project splitting
- A number of hydro licences are coming up for renewal including the Churchill diversion
- No EA was originally done for these projects. There are groups that want EAs triggered upon application for renewal so that there is some public discussion
- Would like to mitigate against some of the damages caused by the Churchill diversion
- East side of MB still undeveloped – still caribou herd, moose, and other species. A road proposal is front and center for this area. EA for the first segment should come shortly. Not clear what the Federal role will be in the approval.

Gary Schneider, PEI

PEI is looking for energy plans - PEI thinking tidal power

Nuclear in NB

Trying to push feds to enforce the Fisheries Act related to pesticide runoff, etc.

- Pushing the feds to take someone to court to set a positive precedence

- ECELAW has come through – has educated civil society groups on how to use the court system on how to move forward in the absence of government enforcement

Peter Duck, AB (e-mail read by Gary Schneider in Peter's absence)

I remain heartily disappointed that in the case of Marmot Basin Ski Resort Parks Canada, in collaboration with the private sector and the support of the CEAA, have turned the CEAA project assessment process into a strategic process that sidesteps the statutory public EA process and denied the Canadian public the tools it needs to bring a meaningful contribution at a stage in project planning when critical decisions are being made. Even more's the shame that this affects the habitat of a SARA listed species. Both Parks Canada and the CEA agency had an opportunity to use their administrative discretion and the CEAA process in favour of those with few resources to bring their interests to the table in a meaningful way at a critical stage in project planning. Instead both these agencies have chose to use their administrative power and discretion to, in Parks Canada's words, "collaborate" with those who already have access to financial, legal and political pathways to achieve their objectives on federal land early in "project" planning, leaving senior citizens struggling with access-to-information applications and parliamentary petitions. This has added a whole new meaning to the word "strategic" in S.E.A.

Michael Poellet, SK

SK Premier Brad Wall is "growing" SK, therefore need more power - Nuclear

- Uranium Development Panel is made up of engineers, Bruce Power,...
- Report conclusions is to: mine uranium, refine it, build reactors, make isotopes, build a waste deposit site
- Coalition for a Clean Green SK was formed – community public hearings were attended by many people, small towns with 400 people showing up to hearings
- Dan Perins compiled the response report issued Sep 14
- 83 percent of the people at the meetings spoke against all the elements of the nuclear chain
- Minister of Industry and Resources responded that only the people who are passionately opposed to nuclear would show up to such meetings and that the government has their own polls that tell us that most SK citizens want nuclear
- Rather than proceeding with caution, they put their foot on the gas
- Many strong questions on alternatives – gov will be putting on hearings on alternatives - 9 days on alternatives
- Renewal of licences for 6 mines in North – MPMO involved
- They now want 10 year licences
- NWMO – meetings is Saskatoon, working through process of ethically choosing host community for nuclear waste

Holly Vear, BC

Prosperity Mines review around fish lake – panel review

- Exploratory and test wells, permits are being granted for roads
- Chilcotin First Nations have asked to hold off on permits until EA is concluded – no luck
- Will be opening up a huge area of wilderness

Rob Sharkie, PEI

PEI – wind development

- Has been lack of proper assessment, bulldozers in the woods before any permits are issued
- No planning, no desire on part of gov to consult with public
- Backlash from residents, have gone through public areas

Watershed perspective – trying to take government to task on land use planning and impacts to fisheries and waterways

- Dep of Transportation has a self permitting process, no checks and balances

John Burcombe, QC

Romaine Hydroelectric Complex going ahead – 4 dams top to bottom, 1,500 MW

Strategic Environmental Assessment (SEA) process announced for future oil and gas development in Gulf of St Lawrence

- Have come up with a company to do the analysis
- No hearings, just information, no meaningful public input being proposed to date

Irene Novaczek, PEI

Dept of Fisheries – Oceans branch director in Gulf region has invited social scientists in the door and has arranged with the Gulf of St Lawrence COalition for Sustainability to find and pilot a methodology to get a grip on social and cultural values in coastal zones

- Trying out Greg Brown's methodology for working with maps to identify areas of cultural significance and indicate which value is assigned to which places
- Piloted this in Northumberland Strait area, went well
- How do you build a database that tells you the social and cultural values of an area to complement all the other data, biological, geological, economic?
- Collecting baseline info on the potential conflict zones before development proposals
- Intention is to benefit decision-making
- Will be trying a much larger mail-out survey for mapping values without going to meetings – getting people to do it in their living rooms
- DFO is very excited about the whole thing for developing management plans that the public will support

Neil Gardner, NB

Nuclear and nuclear waste storage

- Talking about building Point Lapreau 2
- Point Lapreau 1 is still under renos – 6 months behind
- New England does not want to buy the power

Irving gave up on 2nd oil refinery

- Sent around NB Auditor General's report on environmental assessment

Still exploring for oil and gas around Sussex

- Will be shutting down original potash mine around Sussex
- Original one drained all the water – water has been shipped in ever since
- Residents are being blackmailed to hook up to the municipal supply on condition that they cap their wells, theory is that they don't want anyone to be able to prove that the mine was the original cause for draining their wells

Roberta Frampton Benefiel, LB

Would like minutes from ECELAW

- Stephen Hazell, Ecojustice brought case on behalf of Sierra Club regarding Sincruide pond – dead ducks in tailings pond
- Attorney Generals have stepped in
- Somebody with Ecojustice in AB is the guy to speak with
- Gary knows of someone else from ECELAW

Lower Churchill

- No money for any of the group to do their work, all volunteers
- Volunteers feel overcome
- EIS came out, 50 or 60 public submissions, feds landed on the proponent, DFO, EC had 150 requests for additional information
- Panel has gone back to the proponent for answers
- Consensus in community is it's being controlled by Danny Williams
- If all 27,000 people in LB said no, they would still be outweighed by the public relations campaign in NF influencing the 550,000 in NF
- Transmission lines were registered separately, no cumulative effects addressed appropriately
- Now facing two EAs on same project
- How do volunteer groups deal with this?

- Even the local Innu communities say there's no hope

Michael Willcock, PEI

- Nutrient loading issues in PEI
- Echos other PEI comments already made

Stephen Hazell, ON

Project Assessments across the country

Bute Inlet, BC – small scale hydropower

- Roads, transmission lines, everything that accumulates
- Assumption that if a project is for an environmentally good purpose than no need for EA

Mackenzie Gas Project – report from joint panel will be coming out in Nov 2009

- Joint panel – 7 people NEB, feds, major aboriginal communities, ... under CEAA and Mackenzie Valley resource management
- Has been dormant for 2 years
- Price of natural gas is so low, will it ever go forth?
- Twice the environmental community have saved industry from making disastrous investments
- Tar sands – Kearsy case won application for judicial review to properly assess GHG emissions, the proponent then did just enough to squeeze by

In Ottawa on policy– systematic attempts by minister of environment to replace law with ministerial discretion

- Got away with NWPA – took away Canadian rights to navigate small rivers and streams and therefore no EA is required
- No EA required for developing small streams
- Harper and Ignatieff both caved on the NWPA
- Regulations under CEAA eliminated all sorts of projects under CEAA
 - No consultation, no gazette part 1, finalized just like that
 - Gov claims that regulatory authority under CEAA gives them authority to amend the act - Henry the 8th clauses
- Leaked brief from CEAA gave ministerial discretion for all decisions
- Have they backed off or not on this?

Oscar Koren, ON

Nuclear

- Darlington comprehensive study - 4800 MW
- Refurbishment and operation of Pickering - screening level assessment

Garbage issue in Toronto – transporting to US

- Some talk of using garbage to generate power
- Talk of incineration
- Blue, Grey, Black... boxes

Replacing the Gardiner expressway will require a federal EA because of location adjacent to the lake and the federal hwy

Jamie Kneen, ON

MiningWatch involved in a couple of CEAA processes:

Mt. Milligan comprehensive study began in May of this year

- Being opposed by the Nakadzli FN, have not been able to talk to company

Prosperity Joint Panel Review

- Agreement on having a joint prov/fed process
- Feds pulled out of following Red Chris decision at Federal Court of Appeal – all bets are off until Supreme Court Red Chris decision
- Also has to use a lake as a tailings dump
- Xeni Gwet'in First Nation are not in support of killing the lake, MMER will be considerable contention

Red Chris project is stalled until Oct 16 Court Date, or actually until the decision is rendered

- Has CEAA been broken or not on consultation requirements
- Is it 3000 tons a day (i.e. on Comp Study List) or not?

QC – mix of jurisdictions, working with *Pour que le Québec ait meilleure mine*

Matoush uranium exploration project – building tunnels under ground, preliminary development mines

Kiggavik project, Nunavut Impact Review Board – MW has asked for a federal EA, nuclear project, Caribou area, have not hear back on determination

Midwest EA (SK) – Proponent Areva is trying to fold permitting into exiting McClean Lake project; upshot is that the Athabasca Regional Government (the Dene First Nations) have filed in Federal Court for a judicial review. Essentially, mentioning the topic during one meeting with the Chiefs does not constitute consultation. In addition the proponent has not been documenting feedback, only the questions and feedback that they want to report on and then they are chalking it up as consultation

- Part of concern from Chiefs was that once licences were amalgamated they would lose CEAA trigger
- Should be 3 distinct projects, not one
- No new licence is being said to require no new trigger

MMER Schedule 2

- Originally thought to be grandfathering of existing mines
- Now everyone is lining up for a lake to dump their tailings
- Now including smelter slag, VBNC example
- Proponent admits that contamination to groundwater will happen
- Using the EA to justify the Schedule 2 permitting
- Talk of an application for judicial review

Pat Moss, BC

Mining activity in NW BC - lower commodity prices and lower demand has slowed things down

- Recent announcements about putting significant monies into corridor for electrical power up Hwy 37 – renewed commitment from provs and feds, will encourage a number of mines to proceed

Enbridge Supertanker Port and Pipeline proposal from tar sands to Kitimat

- Joint NEB / CEAA review proposed by company
- Not going to be adequate
- Started a campaign for a public inquiry
- Have had the greatest number of submissions to CEAA, over 2000 calling for public inquiry
- Municipalities and FN are also beginning to call for a public inquiry
- Major public policy issues on the crude oil tanker moratorium on west coast
- Enbridge has been signing agreements with FN to provide resources for consultation but Enbridge has been passing them off as approval by the respective First Nations

Mike Atkinson, CEAA Atlantic Region

- Sees a lot of commonalities like project splitting...
- Projects outside the Atlantic, Mike will do his best to answer any questions