



Canadian Environmental Law Association
L'Association canadienne du droit de l'environnement

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13 December 1982

Honourable William G. Davis
Premier
Legislative Building
Queen's Park
Toronto, ON
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RE: Environment Assessment Advisory Committee

We are in receipt of your December 7, 1982 speech to the Conservation Council of Ontario in which you state that the government will be announcing shortly the terms of reference and the appointment of a Chairman to head a permanent Environmental Assessment Advisory Committee.

As you are aware from previous correspondence with our office, CELA since the inception of the Environmental Assessment Act (EAA) has advocated the establishment of a permanent Advisory Committee to oversee the implementation of the Act, with a specific mandate to review exemption and designation applications prior to any decisions being taken by Cabinet. We have also supported the recommendations outlined in the brief submitted by the Conservation Council to your office in May 1981 and the list of 13 proposed members to the Committee submitted by the Algonquin Wildlands League in November 1981.

While we are pleased that you have reiterated your commitment to public input to the Committee before government decisions are made, we are concerned by your remarks that the Committee will only be able to review the implementation of the Act and exemption/designation applications "as requested by government". We believe that this approach will seriously undermine both the Committee's work and public confidence in the implementation of the Act.

Without both public notice of all exemption / designation applications and without the public's ability to trigger a review of any application, it would seem that the current problems inherent

in the government's discretion to exempt projects without any public input would be perpetuated.

It is our opinion that the Committee should have the opportunity to review any application for designation or exemption under the EAA. Public notice should be provided of all applications for exemptions or designations under the Act. A reasonable period of time should be allowed for written submissions to be made on these applications before the Advisory Committee forwards its recommendations to you. It is important that the public be given direct access to the Committee and that the Committee receive, evaluate and reply to all requests for a review of any exemption or designation application. We would refer to the commitment made by the Honourable Keith Norton in his letter of July 28, 1981 to the Conservation Council that the Committee's review function will be triggered "at the request of any person."

We trust that your December 7, 1982 speech is not a reversal of that position and would ask for confirmation that the public will indeed be able to trigger a review by the Committee of any exemption/designation application. We are confident that the procedures outlined in the Conservation Council brief are not unwieldy and that requests for review coming from the public will not prove to be frivolous.

We would also ask for confirmation that the Committee will be reporting to you directly. The exchange in the Legislative on December 9, 1982 between Mr. Elston and Mr. Norton sheds some doubt on this issue. It would seem that your office would be the appropriate one to deal with the Committee's recommendations and to resolve any disagreements between Cabinet Ministers.

We also hope that you will consider seriously the list of proposed Committee members submitted by the Algonquin Wildlands League when making your appointments to the Committee. Public interest representation will be important to the credibility of the Committee.

Finally, we are concerned about the current status of the long-awaited environmental assessment for forest management on Crown lands. As we have urged in previous correspondence (see letter of November 9, 1982), MNR's interim exemption which expires on December 31, 1982 should not be turned into a permanent exemption. The Environmental Assessment Advisory Committee would be the appropriate body to hear submissions about any further exemptions to the Environmental Assessment Act regarding the forest management program. An issue of this importance should be referred to the Committee even if an additional interim exemption is granted before the Committee is finally struck.

Thank you for your consideration of the matters raised in this letter. We look forward to an early reply.

Yours truly,
CANADIAN ENVIRONMENTAL LAW ASSOCIATION

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TV:lcm

cc. Honourable Keith Norton