



379 Ronka Road
Worthington, ON
P0M 3H0
(705) 866-1677

LindaH@OntarioRiversAlliance.ca
OntarioRiversAlliance.ca

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West Coast Environmental Law

200 - 2006 West 10th Avenue
Vancouver, BC
V6J 2B3

E: jpaterson@wcel.org
rachel_forbes@wcel.org

Attention: **Josh Paterson, Staff Counsel**
Rachel S. Forbes, Staff Counsel

Dear Josh and Rachel:

**Re: Canadian Environmental Assessment Act (CEAA)
Checklist for Reform**

The Ontario Rivers Alliance (ORA) is an organization with a focus on healthy river ecosystems throughout the Province of Ontario, and represents some 30 organizations in this Province.

Your "Checklist for Reform" of the Canadian Environmental Assessment Act (CEAA) recently made its way to ORA's attention, and we have subsequently reviewed your recommendations and would like to offer our support and comments.

ORA is currently dealing with a rash of hydroelectric proposals on many of Ontario's smaller rivers, and throughout the Ontario Class Environmental Assessment for Waterpower (CEA) process has encountered many challenges, including a proponent led process that has resulted in a lack of transparency, openness and cooperation. Most of these hydroelectric proposals have triggered the CEAA because habitat will be destroyed and fish killed. The Department of Fisheries and Oceans support the recommendations of the provincial agencies that have been hamstrung by this proponent led process. The Environmental Commissioner for Ontario, Gord Miller, reported in his 2007-8 Annual Report that, *"It would not be too forceful to say that Ontario's EA process is broken.... We have lost the old vision for EA; a new vision is urgently needed."* *"A "no" decision is not a possible outcome."* So we are dealing with a broken provincial EA process, and a CEAA that relies on the provincial agencies for its oversight.

ORA submits the following comments for your consideration:

1. Federal and provincial EAs and studies should be led and contracted by Agency staff rather than by the proponent, and costs should be assigned to the proponent.
2. There is a need to integrate the provincial and federal legislation to eliminate overlap, and to make sure that together, they meet the overall objectives of both the CEAA and the Class EA.

3. The rights of local municipalities to say “No” needs to be strengthened.
4. Stronger public and stakeholder consultation requirements, with intervener funding.
5. Transparency, openness and cooperation of government agencies with the public and stakeholders must be protected and entrenched in the CEEA.
6. Up-front decommissioning provisions are made mandatory for future removal of hydroelectric dams.

ORA fully supports your initiative and strongly endorses your recommendations to reform the CEEA.

ORA appreciates the significant time and effort you have contributed to the environmental community, and we wish to thank you for taking the lead on this important matter.

ORA would appreciate receiving your final submission. Thank you!

Respectfully,



Linda Heron
Chair, Ontario Rivers Alliance

Cc: Theresa McClennaghan, ED & Counsel, CELA - theresa@cela.ca