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The Federal Environment Assessment Review Office, known as FEARO, is a small agency which reports directly to the Environment Minister, organizes a review, provides logistic support and often provides a panel chairman. Historically, I would note in passing that only a small percentage of the projects undergoing initial assessment have proved to have sufficiently severe environmental effects that they have required the public review of which I am referring.

Upon the completion of this review the panel provides a report to the Minister of the Environment and to the initiating Minister, the Minister responsible for the agency proposing to undertake or authorize a project. This report which is a public report, contains the recommendations of the panel. While these recommendations are not binding, the initiating Minister is expected to outline publicly his or her response to that report. Certainly those recommendations are of monumental significance.

In early 1984 the Federal Environmental Assessment Review Office completed its own review, initiated, as I referred to earlier by the present Speaker in another capacity, of the operation of EARP and made recommendations for improvements to the then Environment Minister.

These recommendations were incorporated in the present guidelines as of June 21, 1984. These guidelines and the Act under which they are operating, the Government Organization Act of 1979, give the Minister of the Environment the responsibility to initiate, recommend and undertake programs of the Government of Canada that are designed:

To ensure that new federal projects, programs and activities are assessed early in the planning process for potential adverse effects of the quality of the natural environment, and that a further review of those projects is carried out of those projects, programs and activities that are found to have probable significant adverse effects, and the results thereof taken into account.

Earlier this year, the Federal Court when rendering a decision on the Rafferty-Alameda project in Saskatchewan determined that the guidelines to which I have now referred are in fact the binding regulation. The main thrust of these guidelines is to require government Departments to conduct their screening and initial assessment activity in a systematic, open and document-

able fashion. Detailed instructions to assist Departments in how to do this are provided. The hallmarks are brevity, simplicity, and openness.

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It was recognized from the outset that the concerns and responsibilities of the provinces must be taken into account in the operation of the Environmental Assessment Review Panel. Consequently, in regard to any public review, FEARO is required, where needed, to negotiate co-operative federal-provincial or territorial arrangements. Co-operative reviews between jurisdictions are intended to avoid duplication, to reduce costs and to expedite the decision-making process. Most of the public reviews conducted by the Environmental Assessment Review Panels have involved varying degrees of federal-provincial co-operation, ranging from co-chairmanship in some cases, to a case where jointly appointed single chairmen through the appointment of a provincial member to a federal panel. Because of the importance of federal-provincial co-operation in this area, and the realization that such co-operation must continue to exist, it is important to look at a number of examples as to how the process has worked to date.

Several of the reviews are being conducted by panels jointly appointed by federal and provincial Governments and are operating under the terms of reference negotiated between them. Because the reports are purely advisory, they tend to develop without regard to jurisdictional divisions, thus providing a holistic view of the social and environmental impact of a given project.

In fact, some joint environmental reviews, such as West Coast offshore drilling, have been undertaken on proposals where a jurisdictional dispute was still occurring. But that assessment has taken place without prejudice to the final result of that dispute.

The degree of federal or provincial participation in each case has generally reflected the extent to which the major decisions are being made by one or the other government. For example, a panel set up to assess the expansion of the Vancouver airport, which was clearly a federal responsibility but with some impact on provincial responsibilities, is federally chaired and supported but has amongst its members a provincial nominee. At the other end of the spectrum are the panels which assess the Arctic pilot project's southern terminals in Quebec