

Charles Caccia
Chair
House of Commons Standing Committee on Environment and Sustainable Development

Subject: Follow up to February 5, questions regarding RAC recommendation 37.2

Dear Mr. Caccia,

1. During our appearance before the Committee on February 5, a member of the Committee raised questions regarding RAC recommendation 37.2, and, in particular, the identity of the one RAC member who objected to consensus on this recommendation.
2. For your convenience, I quote in full the non-consensus recommendation:
AA new section of the Act should be developed (or review the use of existing sections) to provide a mechanism to recognize where aboriginal groups have developed their own individualized processes that could be used to meet some or all of the requirements of the Act. The section should reference the steps that would need to be taken and/or criteria to be met to satisfy the requirements. There was wide support for this recommendation although one member wished to link the recommendation directly to the need for an equivalency regime that could be utilized by provincial governments. (37.2)@
3. There may have been some misunderstanding as to the issue on which consensus was not reached. I would therefore like to clarify that, in the five-year review, the issue of equivalency for provincial assessment processes was not discussed by RAC.
4. As a long time member of RAC, I can note that RAC had discussed equivalency, particularly in the early stages of CEAA. RAC did not reach consensus on this issue, and did not identify any substantive common ground. The issue was not brought forward for consideration in the five-year review probably because of a general feeling that further discussion would not identify common ground or shed new light on the issue that would materially assist in the results of the five-year review.
5. A broad range of Aboriginal issues were discussed by RAC in the five-year review, and resulted in the recommendations contained in the report. Whatever their views on equivalency for provincial processes, most RAC members either did not see inconsistency in their position on equivalency and on recommendation 37.2, or saw any inconsistency as not grounds for objecting to recommendation 37.2. One member, did, however, perceive an inconsistency and felt that inconsistency to be an important issue, and therefore objected to consensus on recommendation 37.2.
6. RAC's normal policy is not to attribute positions to individual members. I will, however, bring to that individual's attention the interest of M. Bigras in this topic.

Sincerely yours,

JLL