



September 6, 2011

Environment Act Comments
Nova Scotia Environment
5151 Terminal Road
P.O. Box 442
Halifax, NS
B3J 2P8

To Whom It May Concern,

The Ecology Action Centre is pleased to submit our response to Nova Scotia Environment's Proposed Changes to the Environment Act.

The purpose of the Environment Act is to support and promote the protection, enhancement and prudent use of the environment, and we feel that this Act is generally successful in this regard. The review of the Act every five years ensures that we regularly examine the effectiveness of the entire Act, and find new ways to improve it in the face of new industries, new technologies, and new environmental concerns.

We understand that the proposed changes are purposefully narrow in scope in order to focus attention on certain Nova Scotia Environment concerns over administration of the Act, and we have provided comments on these items in Part 1 of our response. We feel strongly, however, that the Review is an opportunity to address changes that should be made to the Act, and would like you to consider the additional changes that we have outlined in Part 2 of our submission. In particular, we have addressed issues that have direct and immediate implications on the environment of Nova Scotia:

- the oil and gas exploration and development method called hydraulic fracturing;
- open-pen aquaculture and other coastal management practices;
- using the model of strategic environmental assessments to review new projects, plans and policies; and
- implementing the Nova Scotia Water Resources Management Strategy.

We are looking forward to working with the Department, other stakeholders and the general public on reviewing and strengthening the Environment Act. During this review there has not been an opportunity for thorough public input on the entire Environment Act and its regulations, given the narrow scope of the Department's discussion paper. We therefore strongly recommend the Department organize consultation events that will engage the public in this review, and allow stakeholders to engage with each other and the government on how the Act can be improved. We also suggest that the Department post all submissions online, and maintain public access to these and all review submissions. We offer our own submission to be shared with all Nova Scotians in the interest of improving transparency and ultimately leading to a better environment in this province.

Sincerely,

Mark Butler, Policy Director



INTRODUCTION

Ecology Action Centre, founded in 1971, is Nova Scotia's most established independent environmental organization. Our mission is to encourage a society which respects and protects nature and also provides environmentally and economically sustainable livelihoods for its citizens. The EAC's reputation rests on our commitment to working for, and with, communities around Nova Scotia on issues of local and provincial importance. We play a crucial role in engaging the public in environmental issues, providing information, initiating research, and catalyzing local and government action. The EAC strives to collaborate with all levels of government to push responsible legislation forward, and we are pleased to participate in the review of the Environment Act being conducted by Nova Scotia Environment.

The Act is an important legislative cornerstone in the foundation of environmental protection in this province. EAC is supportive of the Act and encourages this Review as an opportunity to strengthen its provisions. In general, the Environment Act outlines the legal obligations of government, the private sector and the public to respect, protect and manage the province's environment. But the Act also reflects public policy - there must be commitment by the Province and adequate resources available to ensure the Act achieves society's objective - a clean, sustainable Nova Scotia.

The changes proposed by NSE are intended to make administration of the Act more effective - a laudable goal. However, if the issue facing NSE is a lack of resources to administer the Act, then perhaps provincial priorities need to be changed and more resources applied where they are needed. EAC is disappointed in the overall lack of a broad and thorough process to review the Act. Specifically, the short timelines for feedback on proposed changes, the narrow scope of the changes, and the lack of open, transparent and meaningful consultation diminishes the effectiveness of our submission. EAC notes the lack of background information provided in the Discussion Paper supporting the changes proposed by NSE. More detail would facilitate better discussion and feedback on the proposed changes. In general, EAC sees some of the changes proposed as representing a move away from the precautionary and preventative nature of the Act (e.g. streamlining approvals, assigning industry-led standards, etc), toward enforcement of regulations after impacts to the environment have occurred (e.g. increasing inspector sites visits, introducing administrative penalties, etc).

We welcome the opportunity to respond to the Review and offer the following comments which are divided into two sections:

1. Addressing NSE's discussion paper;
2. Additional comments on changes EAC would like to see in this Act to reflect our view of environmental issues in Nova Scotia.



PART 1: COMMENTS ON NOVA SCOTIA ENVIRONMENT'S PROPOSED CHANGES TO THE ENVIRONMENT ACT

This section reviews those changes to the Environment Act that the Department proposed in its discussion paper. Numbers referred to in these comments correspond to numbering of goals and proposed changes listed in the paper. The attached table summarizes these comments.

Transparency

The discussion paper provides some context for each of the proposed changes. The assumption is that all proposed changes are intended to ultimately improve environmental quality in Nova Scotia and that the government is acting in good faith in presenting these proposed changes. However, without detailed background to validate the need for the changes, it is difficult to verify this assumption. The public can have confidence in the Environment Act review process if indicators for improvement from the present situation are established and monitored over the next review period. For example, some changes are intended to yield more effective and appropriate enforcement of regulations. An independent audit of whether that goal has been achieved is critical to establishing trust with the public. Monitoring effectiveness also helps NSE to allocate resources appropriately to where they are needed most.

A second phase of the Act review process will involve an "advisory committee". This committee is understood to be composed of self-selected members of the Round Table on the Environment and the Economy. While this group might have expertise in reviewing the Act, restricting membership on an advisory group limits the range of expertise that exists in Nova Scotia. The method by which membership on this committee is chosen must be transparent and open. The committee's deliberations and recommendations must also be available to the public. In planning a review of legislation, the Province needs to establish an open and meaningful public consultation process.

Goal #1 Matching resource use to the level of risk to the environment and human health

The proposal is to shift toward risk-based assessment of activities. The premise is that, with limited resources, NSE needs to concentrate on those activities that need its resources and attention. While greater emphasis is, of course, needed on those activities that carry a greater potential impact on the environment, there is a risk that the cumulative effect of minor activities goes unnoticed, with the result that no one individual activity can be held to account. This approach reduces the usefulness of deterrence as an enforcement mechanism. Occasional prosecution of even minor violations leads to more widespread compliance.

One way to balance available departmental resources with the effort needed to monitor and regulate environmental activity is to establish a permit application fee structure, especially for larger projects, that reflects the cost of processing an application, monitoring an activity and ultimately prosecuting a violation if necessary. The cost of environmental protection must be borne by those who benefit from resource use and not by taxpayers.

1. 1. Authority to develop other ways of regulating.

Much of the administration of the Environment Act is done through regulation and the suggestion is that new tools might help in administration of the Act. The discussion document suggests that the public will have a chance to review and comment upon these new tools. This opportunity to comment must be truly universal and accessible to all Nova Scotians with a meaningful consultation process articulated in advance.



Goal # 2 Using resources more efficiently and effectively

2.1 Proposed changes to the definition of “adverse effect” to exclude “the reasonable enjoyment of life or property”.

One of the goals of the Environment Act is “maintaining environmental protection as essential to the integrity of ecosystems, human health and *socio-economic well-being of society*”, which, arguably, includes the “enjoyment of life and property”. To adhere to this goal, the Act must define *adverse effect* to include a reference to enjoyment of life and property. Removing this phrase means the purpose of the Act will have changed. If that is indeed NSE’s intent, then the scope of the Review must be broadened, which in turn requires an expanded consultation process.

In the absence of a change in the intent of the Act, NSE needs to justify that significant resources are directed to “nuisance” issues. Rather than risk a situation where an individual is powerless to stop a polluter from degrading one’s property, the Act could instead more clearly define “nuisance” and establish protocols for dealing with them.

2.2 Greater flexibility to call on independent experts and advisors.

The key word in this proposed change is “independent.” The process by which advisors are chosen must be open and transparent, including a public call for participation in any advisory role. As well, there must be meaningful consideration of any recommendations presented by advisors.

2.3. Review Act every ten years:

One of the goals of the proposed changes is to more effectively use NSE resources in administering the Act. A timely review (within five years of making any legislative changes) is essential to determining whether that goal has been met. Each legislative change must be accompanied by indicators by which to measure effectiveness. For example, reduced administrative burden proposed in this review should yield more directed enforcement. An independent audit of environment compliance would reveal whether compliance is improving or declining. Further, a mandatory 5 year review ensures government commitment to both the purpose and mechanics of the legislation.

In addition to reviewing the Act every 5 years, it may be necessary to review the associated regulations regularly, but less frequently, and determine how effective they are, and how they could be improved.

2.5 Streamline the process for issuing emergency orders

This proposed change raises a question of the role of the Minister in issuing emergency orders. The Act now permits the Minister to delegate his or her authority to any other person, which would make issuing of emergency orders more timely. However, the Minister should still be involved in the order, if only to ultimately be responsible for the administration of the Act.

Goal # 3 Strengthening protection for the environment and human health

3.5. Update the authority to cancel or suspend approvals

It may be necessary to be able to suspend or cancel approval where there is likelihood of harm to the environment. However, the term “likelihood” needs to be defined or clarified to make implementation neither ineffective nor at the whim of the minister. Further, this proposed change should include “not granting approval” where there is likelihood of an adverse effect.



3.9. Clarify provisions relating to the appeal of orders

One concern over these proposed changes is there might be a need to challenge the facts of a case. For example, there might have been an error in collecting samples or interpretation of the results of those samples. Is there an opportunity to appeal NSE's findings and data in a case?

Goal #4 Correcting errors and inconsistencies in the Environment Act

No comments on these proposed changes

Administrative penalties

While more efficient and effective enforcement is an appropriate goal, there are several concerns that the introduction of administrative penalties raises:

1. There must be open public consultation on the details of administrative penalties - to what will they apply, how much will the penalties be, how will they be applied, etc.;
2. The activities for which the penalties apply must be clearly understood, and the penalties must be applied consistently, with appropriate checks and balances to ensure their fair application;
3. An education and awareness program must accompany the introduction of administrative penalties to communicate what is expected of Nova Scotians to protect the environment, what the penalties are aimed at doing and to act as a deterrent to potential polluters;
4. The administrative penalties approach should not degrade into a "cost-of-doing-business" where administrative penalties become the norm and polluters simply continue to pollute the environment;
5. There still needs to be an opportunity to prosecute polluters when more information regarding the occurrence of an adverse effect and the seriousness of the offense becomes available.



Table 1. Summary table of comments on proposed changes

Proposed Change	Comments
Overview	Transparency required in the rationale behind the proposed changes; Advisory committee must be inclusive with open and transparent deliberations
Goal # 1 Matching resource use to level of risk	Increase fees to cover administration costs, especially for large undertakings; Do not ignore cumulative effects
1. 1 Take a more flexible approach to regulation	Details of new approaches need to be vetted publicly in a meaningful consultation
Goal # 2 Using Resources more efficiently and effectively	
2.1 Revise definition of Adverse Effect	Changing the definition of “adverse effect” might mean a change in the goals of the Environment Act - not a stated part of this review. Alternatively, define the nuisance issues that could be dealt with by other means.
2.2 Draw on the expertise of independent experts and advisors	Transparency required in selecting “independent experts, including public review of their findings.
2.3 Review Act every 10 years	-5 year review legitimizes need to make Act more effective: monitor progress over 5 years and re-evaluate changes - 5 year review demonstrates commitment to the Act - Mandatory review enables opportunity to explore new and emerging issues
2.5 Streamline emergency orders	The Minister must ultimately be responsible for administration of the Act
Goal # 3 Strengthen environmental protection	
3.5 Cancelling or suspending approvals	Include “not granting approval”
3.8 Redefine “substance”	
3.9 Clarify appeal process	Concern over the need to appeal a case on the basis of fact.
Goal #4 Minor errors, omissions and inconsistencies	No comments
Administrative penalties	- Open and broad public consultation on details of these provisions - Apply consistently - Education and Awareness campaign required - Avoid “cost-of-business” mentality - Watch out for potential loop-holes to avoid prosecution where appropriate



PART 2: ADDITIONAL COMMENTS

Introduction

Staff and members of the Ecology Action Centre feel strongly that the scope of this review is inappropriate, and that a review of the entire Act should be conducted. Thus, this Review provided an opportunity to bring up other aspects of the Act, outside of Nova Scotia Environment's Proposed Changes. The comments fall under four categories: strategic environmental assessments; hydraulic fracturing ("fracking"); aquaculture and coastal management; protecting and managing Nova Scotia's water resources; and the environmental trust fund. The following table highlights these additional changes, and provides comments for each suggestion.

Aquaculture and Coastal Management

Currently the language within the *Environment Act* indicates that near-shore marine-based aquaculture falls under the mandate of the Nova Scotia Department of the Environment (NSE). However, many statements made throughout the *Environment Act* could be strengthened in declaring that NSE has authority over the governance of marine-based aquaculture projects and development within Nova Scotia's coastal waters. For example, the potential adverse effects of open-net-pen salmon aquaculture on the lobster industry, and on other coastal resources is severe and unequivocal. Section 104 states that it is within the mandate of NSE to promote the health and integrity of "aquatic ecosystems", which should be clearly defined to promote collaboration on this issue with Department of Fisheries and Aquaculture.

Hydraulic Fracturing

Although hydraulic fracturing or "fracking" has been used in countless wells over the past few decades, new applications of this method include horizontal drilling and chemical additives. Small changes in the Act need to accommodate various aspects of the chemicals in the fracking fluid, large volumes of water withdrawn from water bodies, and also large volumes of waste water stored, treated and released into the environment.

Strategic Environmental Assessments and Environmental Assessments

The inclusion of strategic environmental assessments (SEAs) into the Environment Act is an excellent opportunity to improve this legislation. Recently, the SEA model has been used to evaluate the broad effects of tidal power on the Bay of Fundy, and most agree the process was generally successful. SEAs might be used to evaluate other activities, such as aquaculture practices, hydraulic fracturing, and even to evaluate municipal strategic plans. The Environment Act must be restructured to enable SEAs.

Additionally, the Activities Designation Regulations should be updated to ensure that quarries less than 3.9 hectares are required to complete environmental assessments. It is imperative that quarries of all sizes are accompanied by a responsible development and management plan that communities can access, review, make comments on, and if necessary, oppose.

Water

The Nova Scotia Water Resources Strategy, released in Dec. 2010, identifies a number of initiatives and objectives to protect and manage water resources. Implementing many of these will involve commitment, resources and in some



cases new regulations, in order to achieve the Strategy’s goals. A number of the initiatives, however, will need enabling provisions in the Environment Act to be implemented effectively.

Environmental Trust Fund

Section 28 of the Act establishes the Environmental Trust Fund (ETF), “for the purpose of funding programs for, or otherwise promoting, environmental research and management and conservation of the environment”. The EAC, as well as many other organizations, are concerned that this Fund is not being managed effectively. It is our understanding that the ETF does not meet these objectives, and we feel strongly that the Review seek to improve management of this fund. We suggest setting the incorporation of fees, or a portion of fees, acquired from proposed Administrative Penalties into the ETF, and creating a board which would better manage distribution of funds. The ETF Board would consist of volunteers from the environmental community who would meet regularly to assess applications for funding, and distribute appropriate funding on an annual basis. The ETF is an opportunity for Nova Scotia Environment to give back to the community groups who work hard to protect the environment, and who are constantly facing financial constraints on their work. The Act presently contains wording to accomplish these activities, but Nova Scotia Environment must work to enforce them.

Table 2. Additional comments on the Environment Act

Section	Existing wording	Comments
2 (b)(ii)	<i>...the precautionary principle will be used in decision-making so that where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation.</i>	The application of the precautionary principle is largely absent from current activities surrounding marine-based finfish aquaculture in the Province. We suggest that clarification of aquaculture within NSE’s mandate would facilitate the appropriate application of the precautionary principle on this issue.
2(h)	<i>...providing access to information and facilitating effective public participation in the formulation of decisions affecting the environment...</i>	Significant public opposition currently exists concerning the aquaculture industry. We suggest that clarifying the language in the Act to make explicit the jurisdiction over aquaculture would allow NSE to address this opposition and related conflicts, specifically by allowing the application of s.2(h)
3 (r)(i)	<i>"environment" means the components of the earth and includes (i) air, land and water, ...</i>	We suggest making this definition clearer to better define NSE’s jurisdiction over fresh and marine water as there is no definition of ‘water’ in the Act.
34 (1) and	<i>34 (1) The Minister... shall determine that... (a) through (f).</i>	We suggest that this section have a piece that would enable strategic environmental assessments (SEAs), such as <i>(g) The undertaking is rejected, and a strategic environmental assessment is required.</i>



Section	Existing wording	Comments
35 (1)	<i>35 (3) The Minister... shall determine that ... (a) through (d).</i>	See above. <i>(e) The undertaking is rejected, and a strategic environmental assessment is required.</i> Triggers for SEAs have been researched in Canada and the EU, and should be incorporated into the Act ¹ .
40 (1)	<i>...the Minister may... (a) through (c)</i>	We suggest that further enabling of an SEA, after an EA has been completed, might be appropriate in some cases. For example, if an industry (or public concern) has changed significantly between the proponent's initiation and the completion of an EA, an SEA might be appropriate.
43	<i>The Board shall... (a) review... (b) consult... (c) recommend... and (d) perform other functions...</i>	If SEAs are enabled in the Act, a board should also be enabled that would support them. We are unclear as to whether the Board would also be responsible for creating the authoritative body that would administer each SEA.
44 (1)	<i>In reviewing an environmental-assessment report pursuant to Section 43, the Board shall consult with the public by inviting written submissions from the public, by conducting a public hearing or review or in such other manner as determined by the Board.</i>	Currently, consultation in many projects, and on many issues, is felt to be inadequate. We suggest that it might improve consultation if these options were all required.
67(1)	<i>No person shall knowingly release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause an adverse effect...</i>	This statement could be applied to current issues experienced with open-net pen aquaculture (e.g., use and expulsion of pesticides in the open marine environment). We suggest the clarification of marine-based aquaculture as an endeavour governed by this Act through various mechanisms, such as refinement of definitions.
67 and 68 (1) and (2)	<i>... unless authorized by an approval or the regulations.</i>	Why is this statement necessary in the Act? We hope that a release into the environment of a substance is never permissible beyond rates and concentrations which cause adverse effects.
69	<i>Duty to report release...</i>	We suggest there should be a statement similar to <i>"When a toxic substance is released into a public place, or to where the public may be affected, a sign of intent must be posted prior to release, and remain there for 10 days."</i> For example, before a lawn is sprayed with pesticide at a commercial site, or before application of interior pesticide to kill bugs in a public place like a store. The public has a right to know what chemicals they are exposed to, and have the choice to avoid them.



Section	Existing wording	Comments
69 (1)	<i>Any person responsible for the release of a substance into the environment that has caused, is causing or may cause an adverse effect, shall forthwith, as soon as that person knows or ought to know of the release, report it to...</i>	We suggest that a statement should be added here: <i>"if the effects are unknown or undetermined"</i> , which is a direct application of the precautionary principle.
73	<i>The Minister may (a) classify... (b) prescribe... (c) determine...</i>	We suggest that any re-classification in this section should be accompanied by public consultation and/or public announcement to make local residents aware of a change.
76	<i>Subject to the regulations, no person shall sell or distribute any crop, food, feed, animal, plant, water, produce, product or other matter that... (a) and (b)</i>	We suggest adding a section to bring attention to substances that do not fit under the listed Acts. For example: <i>(c) contains products not listed under this Act, the Food and Drug Act (Canada) or the Pest Control Products Act (Canada), but under consideration or research, under any jurisdiction, to be listed as dangerous, toxic, hazardous, or of other such similar concern.</i>
79(a)	<i>...use, apply, handle, store or transport a pesticide...</i>	If the definition of 'water' is made clearer, the application of this statement could be applicable to open net-pen aquaculture projects. As it may successfully hinder the use of pesticides in the marine environment, the application of this statement may further promote more viable technologies, such as land-based and/or closed containment aquaculture.
86	<i>The Minister may enter into agreements and establish programs and other measures the Minister considers necessary to pay for the costs of restoring and securing contaminated sites and the environment affected by contaminated sites where a person responsible for the contaminated site cannot be identified or is unable to pay for the costs.</i>	We suggest that the scale and size of the remediation must be considered here. A homeowner with a fuel oil spill that will cost \$500 000 to clean up should be given consideration that is distinct from a mining company where clean-up costs would be millions of dollars. The effect on the homeowner with annual income of 50k is different from the effect on a mining company. There should be categories or a scale to help small property owners in dire conditions, and to prompt companies with holdings or investments to submit remediation fees.
87(1)	<i>Where the Minister is of the opinion that a substance that may cause, is causing or has caused an adverse effect is present in an area of the environment, the Minister may designate that area of the environment as a contaminated site</i>	We suggest that the application of this statement, through refinement of definitions (e.g., 'water'), may help apply more effective remedial action regarding adverse effects of open net-pen aquaculture on the relevant sea bottom environments.



Section	Existing wording	Comments
88	<i>The Minister shall (a) give notice, in writing, of a preliminary determination of a designation of an area of the environment, provide an opportunity for comment on the determination, make a final determination on whether or not the site is contaminated and give notice, in writing, together with reasons, of the final determination to (i) any person responsible for the contaminated site that the Minister considers appropriate, (ii) any registered owner of real property directly affected by the designation or forecasted plume of contamination...</i>	We suggest that, if appropriate, this section should identify any person or company responsible for a contaminated site. Also, the property owners directly above a plume, or suspected plume, or forecasted plume, of subsurface contamination should also be notified.
94 (1)	<i>The Minister shall conduct, support or promote research on waste-resource management including, but not limited to... (a) through (f)</i>	We suggest that this section also include “(g) large scale industrial waste storage, treatment and disposal.” This would accommodate better understanding of the effects of storing, treating and releasing waste water from shale gas developments into the environment (soil and/or water bodies). Also, we suggest that government enable research grants that enhance gaps in the issues surrounding environmental assessments. By providing grants to groups who wish to do research on local issues that could be impacted by a proposed development, the environment is better understood and protected, and development and management can be accommodated appropriately.
103	<i>Gives rights to pre-confederation water lots</i>	We suggest that the Province develop a program to phase out private ownership of water lots.
104(a)	<i>...promote sustainable management of water resources...</i>	The definition of water resources is clear. Therefore, this statement is explicit in its implication for NSE authority regarding the management of the potential adverse effect that open net-pen salmon aquaculture can have on other fisheries and coastal resources (e.g., lobster).
104 (a)	<i>The Department is designated as the lead agency of Government to ... promote sustainable management of water resources;</i>	NSE should be responsible for the <u>protection</u> of water resources, not just promoting their sustainable development.
104(b)	<i>...allocate water resources among competing users in a manner that will further sustainable development...</i>	See comments for 104 (a)



Section	Existing wording	Comments
105 (4)	<i>The Minister may identify any qualified persons, including water or watershed advisory boards, committees or authorities, and request those persons to promote informed public participation, provide advice to the Minister respecting watershed management and undertake such aspects of watershed management as may be assigned to those persons by the Minister.</i>	Make specific reference to the Water Advisory Group and provide the WAG with a legislated mandate.
104(d)	<i>...promote the health and integrity of aquatic ecosystems...</i>	We suggest that 'aquatic ecosystems' needs to be defined. This will allow a more useful application of this statement as it relates to aquaculture in the marine environment.
104	<i>The Department is designated as the lead agency of Government to...</i>	We suggest adding a statement such as "leading other departments in the informed decision-making on matters of water quality and sustainable management". This will better reflect the Water Strategy.
105 (2)	<i>The Minister shall establish a water-resource management strategy for the Province.</i>	We suggest that the Act state that implementation of the Water Strategy be mandatory.
105 (3) (h)	<i>The Minister may ... provide funding for water related research, investigation and monitoring;</i>	We suggest that this be changed to "Minister may <i>initiate</i> ... investigation and monitoring" ... (Minister may initiate research under Sec 27 (1) in the WRMS)
105 (3)(e), 105 (3) (j), & 105 (3) (l)	<i>The Minister may ... (e) develop sensitivity indices for the water resources of the Province; (j) approve watershed-protection strategies; (l) classify water resources according to their sensitivity or uses;</i>	We suggest that this section also include <u>identifying</u> sensitive areas to be protected, and the mechanism by which they could be protected.
105 (3) (b) & (k)	<i>The Minister may ... (b) establish or adopt water-management goals;... (k) adopt strategies to protect watersheds for specific uses;</i>	We suggest that the Act incorporate the Water Charter principles.
106 (3) and (6)	<i>(3) The operator of a water works or proposed water works is responsible for taking all measures to protect the area designated, and the enforcement of any regulations made pursuant to subsection (6). (6) At the request of the operator of the water works or proposed water works, the Minister may make regulations to prohibit, regulate or require the doing of any act or acts in a protected water area that may impair or prevent the impairment, as the case may be, of the quality of the water in the protected water area.</i>	We suggest that the wording strengthen source water protection.



Section	Existing wording	Comments
105 (3) (a)	<i>The Minister may...</i> <i>(a) authorize, restrict or prohibit the alteration of watercourses and wetlands;</i>	The WRMS states there should be an assessment of the current and future use of riparian setbacks. We suggest that the wording in the Act include provision for creating these setbacks.
	Water efficiency and conservation	We suggest including a section in the Act similar to the Ontario Water Opportunities Act which promotes innovative technology. The Environment Act should mandate efficiency targets.

¹ Strategic Environmental Assessment Resources:

- (a) Benevides et al. Law and Policy Options for Strategic Environmental Assessment in Canada. Submitted to the Canadian Environmental Assessment Agency in partial satisfaction of a Contribution Agreement dated July 2008 between the Canadian Environmental Assessment Agency and the University of Waterloo.
<http://www.cen-rce.org/eng/caucuses/assessment/docs/SEA%20Options%20for%20Canada%20fnl%20copy.pdf>
- (b) A Practical Guide to the Strategic Environmental Assessment Directive. Practical guidance on applying European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”. <http://www.scotland.gov.uk/Resource/Doc/921/0018361.pdf>