

March 9, 2018

Ms. Catherine McKenna,
Minister, Environment and Climate Change,
Government of Canada,
Ottawa, Ontario

Dear Ms. McKenna:

Re: Proposed Bill C69

The NWT Chapter of the Council of Canadians works for social and environmental justice and the health of our democracy. In the NWT and nationally, we were encouraged by the Liberal Party of Canada's election commitments to make environmental assessments and the country's energy regulator credible again. We were also heartened by the commitment to restore lost protections for freshwater lakes and rivers lost under the Harper government and incorporate modern safeguards in the Navigable Waters Protection Act. But in spite of extensive and costly public consultations that endorsed those election promises, Bill C-69 fails to reflect the public will and election promises. It makes a mockery of public input; shows disrespect for relationships with Indigenous nations; and abdicates public government's stewardship responsibilities for the environment and our water. We are astounded that Bill C-69 gives little attention to climate change and no priority to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

This letter offers general comments on the omnibus Bill C-69 with respect to changes to the Impact Assessment Act, Canadian Energy Regulator Act, and the Navigable Waters Protection Act. Our comments are issued in full recognition that some elements of Bill C-69 have limited application north of 60. However, the federal government should provide leadership in promoting a consistent standard of environmental and water protection throughout the country.

On the Impact Assessment Act, we have many concerns. Most of our concerns relate to an Act that is too open to interpretation, thus potentially allowing abuse of our environment. We are concerned about the vague language used; lack of definitions; lack of commitment to sustainability; the extent of discretion including ministerial discretion; lack of prescribed outcomes, for example, from the planning phase; lack of attention to tracking cumulative impacts including those resulting from smaller projects that might not be subject to a rigorous assessment; and lack of recognition of Indigenous government authority and provisions for meaningful public involvement. It is troubling that the total time for panel reviews is potentially significantly shorter than under CEAA 2012 given that the timeline for completing panel review processes has been shortened to 600 days which includes the proponent's response time to information requests. Highly complex project proposals presenting significant potential for environmental, social, and cultural harm cannot be evaluated according to a stop watch.

On the Canadian Energy Regulator Act, it is a major concern that this legislation lacks the context and response necessary for meaningful climate action and regulation in a decarbonized world.

The Council of Canadians has long advocated for water justice and believed that Justin Trudeau and the Liberal Party shared this goal. But amendments to the Navigable Waters Act fall short of what Indigenous nations, environmental groups, social justice organizations, and citizens called for during the Standing Committee on Transport, Infrastructure and Communities review. It is particularly disturbing that the proposed Navigable Waters Act amendments seem to maintain the Harper government's schedule of very few protected waterways within new and narrower definitions. It is also disturbing that waterways can even be removed from that limited schedule. This is chilling for folks in the NWT where only three water bodies are protected from industrial contamination. It is also disturbing that pipelines and power lines are still exempt from the Act. It is unclear how this Act protects our waterways from dam projects. We are also concerned that the Act gives the Minister the authority to approve an industrial activity after it has begun.

Water is life; without water there is no life. Canadians need legislation that rigorously safeguards our freshwater resources and enshrines the United Nations recognized 'obligation to protect' drinking water from being polluted. We need legislation that protects our fresh waters for the vital place these resources play in all aspects of our ecosystem and for the central role that water protection plays in reconciliation with Indigenous nations. We need legislation that commits to an ecosystem approach to watershed management and protection; anchors forward thinking national water policies and strategies; and safeguards our water from commodification and exploitation. The proposed Navigable Waters Act does none of this. We ask that you either revamp the Navigable Waters Act or develop a new Canada's Water Act that is ecosystem and human rights focused.

Finally, because the NWT was excluded from your review of the CEAA (2012) and no review of the Mackenzie Valley Resource Management Act (MVRMA) is imminent, we would appreciate clarification as to your intentions for addressing issues that impact on our environmental regulatory regime north of 60. These issues result from federal devolution of lands and resources to the GNWT, lack of adequate resources and capacity, and/or changing climate and environmental circumstances and priorities.

Thank you for your attention to these concerns.

Sincerely,



Lois Little,
Co-Chair, NWT Chapter

c.c. Michael McLeod, NWT MP