February 7, 2019

Senate Committee on Energy, the Environment and Natural Resources
Senate of Canada
Ottawa (Ontario) K1A 0A4

Dear Sir or Madam:

Subject: Comments on Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts

On June 20, 2018, Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, was adopted by the House of Commons at third reading. The Union des municipalités would like to provide its comments, with an emphasis on the role of local municipal governments as regards environmental protection and the need to involve municipalities, particularly as part of the environmental impact assessment procedure.

Environmental Impact Assessment Act

Regarding the Environmental Impact Assessment Act, the Union des municipalités du Québec (UMQ) would like to reiterate its support for the bill’s “one project, one assessment” objective. However, we believe that this bill does not respect municipal leadership, as mentioned by the Prime Minister in the spring of 2018, because it denies the role of local municipal governments.

Together with their residents, municipalities—as the local governments—are guardians of environmental protection in their region, and they are the frontrunners in terms of preventing and managing environmental impact. As such, it is essential that they be involved in the impact assessment process right from the very beginning.

Without a clearer definition of “jurisdiction,” as the bill currently reads, municipalities are at the same level as the public. This overlooks their unique role and their responsibilities in their regions. Municipalities should be informed if a project is planned in their area as soon as possible, and it should be mandatory to consult them on these issues, which directly affect them.

It is important to note that consultations with municipalities would ensure that all relevant information is collected so that an informed decision can be made. It would also ensure that the projects are socially acceptable, thereby meeting one of the objectives of the bill. We believe it is difficult to establish the social acceptability of a project without input from the affected municipalities, which are responsible for land use management and coordinating emergency responses.

Navigation Protection Act
Similarly, the UMQ believes that municipalities should have special status under the *Navigation Protection Act*, given their role and responsibilities with regard to their residents. They should not simply be lumped into the category of “interested” persons when they provide comments, nor should they be considered in the same category as any private owner for the projects they initiate.

Extending the approval procedure to major works in navigable waters not listed in the schedule and to not minor or major works as an alternative to the notice procedure carries a risk that more municipal projects will be subject to an approval procedure, creating more red tape for municipal projects, and possibly resulting in increased costs and delays. This change is at odds with other efforts undertaken to recognize the independence of municipalities and ease their administrative burden.

It would be appropriate to clearly define what constitutes a small waterway and to put in place a procedure to request to have these waterways excluded, particularly at the request of municipalities.

Lastly, having consultations take place during the approval process and not when determining the risk of a serious impediment to navigation has the disadvantage of making it impossible for municipalities to share their comments on a work that they believe will impede navigation and which could be authorized without applying the approval procedure.

Rest assured that the UMQ will cooperate fully regarding this matter.

Yours sincerely,

[signed]
Jean-Philippe Boucher
Policy Director