May 1, 2019

Standing Senate Committee on Energy,
the Environment and Natural Resources
Senate of Canada
Ottawa, ON  K1A 0A4

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

First of all, on behalf of the Association francophone des municipalités du Nouveau-Brunswick (AFMNB) and its 50 member municipalities, I would like to thank you for this opportunity to share our comments about the proposed amendments to Bill C-69. Our association represents 50 francophone and bilingual municipalities, representing 300,000 people, which is one third of the population of New Brunswick.

You are of course aware that our country’s constitution officially recognizes only two levels of government: the federal and provincial levels. However, given how our society has evolved and the nature of services delivered to residents, a third level of government was established, one that has taken on more and more responsibilities over the decades. A number of provinces have legally and formally recognized municipalities as a level of government, including New Brunswick, which passed its new Local Governance Act last year. This new status is not just symbolic; it must lead to a new cooperative culture between the federal government, the provinces and municipalities to develop and implement laws and programs that serve the same people, at the end of the day.

New Brunswick’s Local Governance Act gives local governments the following purposes:

• to provide good government;
• to provide services, facilities or things the council considers necessary or desirable for all or part of the local government;
• to develop and maintain safe and viable communities; and
• to foster the economic, social and environmental well-being of its community
For municipalities to be able to play the roles they have been given, including providing a safe and viable environment, they need to be able to manage and plan land use to that end. Therefore, it is imperative that municipalities be consulted and given the opportunity to make recommendations about any project that could be implemented on their land or nearby. We include “nearby” because the local government context is unique in New Brunswick, with nearly 80% of the land and 30% of the population falling outside the limits of a municipality. However, projects outside a New Brunswick municipality’s limits can still have an effect on its services and activities. For example, the source of drinking water for many municipalities is located outside their limits.

Furthermore, municipalities are responsible for taking emergency management measures and they are the first ones to act when a disaster happens. While a project could mean economic benefits for municipalities, it could also mean extra costs, for example, in training and making emergency management plans. In the mitigation statement, financial compensation for municipalities to acquire equipment and train their staff to deal with new risks could be considered, if applicable.

For these reasons, the AFMNB recommends that municipalities be special stakeholders, or ex-officio members, when an environmental impact assessment process is launched for a project that will take place in their area or nearby. In our opinion, consulting municipalities affected by proposed projects must be formalized, given their government roles and responsibilities as regards public safety, emergency management and land use planning. We support Senator Forest’s proposed amendments to Bill C-69 (Appendix A) and we hope to see them integrated into the bill.

Municipal authorities serve both as a government body responsible for services and programs and, by virtue of their local expertise, as a source of knowledge on the local and regional environment that is an important asset when developing sustainable projects. It is essential for comments from municipalities to be heard and taken into account so that projects are developed in the best interests of all parties.

Thank you for the opportunity to share our comments with you.

[signed]
Luc Desjardins
President

cc: The Hon. Percy Mockler, Senator, Senate of Canada
    The Hon. Éric Forest, Senator, Senate of Canada
### PROPOSED AMENDMENTS TO BILL C-69

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<th>THAT Bill C-69 be amended in clause 1:</th>
<th>Purpose of the amendment</th>
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<td>(a) on page 10, by adding the following after line 11: “(h.1) to ensure that an impact assessment, regional assessment or strategic assessment takes into account information provided by municipalities that may be affected by the carrying out of a designated project, including any information provided with respect to the impacts of a designated project on land use plans and plans for emergency preparedness;”</td>
<td>This amendment seeks to clarify that consulting municipalities is one of the intended purposes of the legislation, particularly as regards their role in plans for emergency preparedness and land use plans.</td>
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<td>(b) on page 14, by replacing line 28 with the following: “nous group or municipality that may be affected by the carrying out of”;</td>
<td>This amendment seeks to ensure that the Impact Assessment Agency of Canada will offer to consult municipalities affected when it prepares for a possible impact assessment of a designated project. As it is written, Bill C-69 says the Agency must “offer to consult with any jurisdiction that has powers, duties or functions in relation to an assessment of the environmental effects”. However, in most cases, municipalities do not have these powers, duties or functions.</td>
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<td>(c) on page 15, by replacing lines 15 and 16 with the following: “that are raised by the public or by any jurisdiction, Indigenous group or municipality that is consulted under section 12, and”;</td>
<td>This amendment would extend the Agency’s obligation to provide the proponent of a designated project with a summary of issues with respect to that project that it considers relevant so that it includes issues that are raised by municipal governments. The proponent would have an obligation to indicate how it intends to address these issues (15(1)).</td>
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<td>(d) on page 16, by replacing line 18 with the following: “jurisdiction, Indigenous group or municipality that is consulted un-”;</td>
<td>This amendment would ensure that the Agency would have to take into account the comments received from an affected municipality when it determines that an impact assessment of the designated project is required.</td>
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(e) on page 21 by adding the following after line 3:

“(n.1) comments received from a municipality that may be affected by the carrying out of a designated project;”

This amendment would ensure that the impact assessment for a designated project, whether it is conducted by the Agency or by a review panel, takes into account the comments received from an affected municipality.

(f) on page 54 by replacing line 33 with the following:

“ate with any municipality that is affected by the carrying out of a designated project or any jurisdiction referred to in paragraphs (a) to”; and

This amendment seeks to ensure that municipalities affected by a strategic assessment would be consulted.

(g) on page 82,

(i) by replacing line 18 with the following:

“(h) to develop policy related to this Act;”

(ii) by replacing line 20 with the following:

“ples of Canada on policy issues related to this Act; and

(j) to engage in consultations with municipalities that may be affected by the carrying out of a designated project, particularly consultations with respect to the impacts of a designated project on land use plans and plans for emergency preparedness.”.

This amendment would ensure that consulting municipalities is one of the objects of the Impact Assessment Agency of Canada.

Note: Amendments drafted by the Senate’s Office of the Law Clerk and Parliamentary Counsel