Letter to Senators Regarding Bill C-69

Brief by Mobilisation environnementale Ahunstic-Cartierville (MEAC) Citizens’ Committee

The Mobilisation environnementale Ahunstic-Cartierville (MEAC) committee is composed of dozens of volunteers, active members, and hundreds of supporters who contribute in their own way to the committee’s activities. Its mission is to bring the local community together on environmental issues, including energy transition, urban development, and active and public transit.

We are submitting this brief to express our support for the passage of 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. We very much hope that Bill C-69 will be passed as soon as possible, and that the proposed changes will be upheld in their current form, as they are a major improvement on the environmental assessment process currently in place at the federal level. We also support every amendment that would allow institutions in charge of environmental assessments to be more independent.

We are in favour of the 180-day planning phase. It would allow participants to be included in the assessment process sooner, which would give them a better chance at analyzing documentation submitted by the developer and other stakeholders. Often documentation is rather dense and highly technical and requires a more intensive analysis. We also applaud the idea of allowing a broader base of participants, moving away from the practice of limiting intervention to those directly affected by the proposed project. We are also in favour of strengthening the role of Indigenous peoples in environmental assessment and taking their knowledge of the land and their rights into account. What is more, we support the new standards that help enhance the independence of the federal energy regulator. However, we take issue with the standards being implemented by this bill whereby the Impact Assessment Act cannot guarantee such a high level of independence, for example by giving a level of permanency to panel members’ functions. Mostly we are pleased that climate change will be accounted for in every project assessment and that the same assessment standards will be applied to every project, regardless of their nature. We support the financial measures in the bill to help those who would otherwise not have the means to take part in the assessment process.

More specifically, we support clause 22 of this bill where it states that the impact assessment of a designated project must take into account changes to the environment or to health, social or economic conditions and the cumulative effect of carrying out of the designated project. In addition, the public registry will also make it easier for the public to follow projects better, including during the initial phase and implementation.
We also approve of the fact that the minister’s decision on the fate of the project must be based on the assessment report and on the benchmarks listed in clause 63 of the bill.\footnote{They are: project’s contribution to sustainability; extent to which these effects are adverse; measures to mitigate adverse effects as indicated by decision-makers; impacts on Indigenous groups (if applicable) and the impact on Canada’s ability to meet its environmental obligations and climate change commitments.} Finally, we also approve of the fact that this decision, issued as a written statement to the developer, has to be published on the Agency’s web site under the terms of clauses 65 and 66 of the bill. It is our view that this measure promotes transparency in the decision-making process and allows stakeholders, citizens and businesses to say that the assessment report factored into the minister’s decision. It lends the decision greater legitimacy since the participants are assured that the environmental assessment is not a superficial exercise that can be dropped at the minister’s whim. This enhances the public’s confidence in the institutions that govern them.

We also commend the expanded protections of all navigable waters when it comes to major projects; the creation of the public registry, which allows the public to follow the impact of projects on navigation; and the definition of navigable waters that is broader in scope than the one included in the 2012 legislation. We also approve of the fact that the minister must consider the cumulative effects of projects on navigation.

We believe that the bill represents a balanced compromise resulting from a significant contribution by Indigenous and environmental groups, the private sector, and the general public. It also takes into account the totality of the environmental, social, economic, and health repercussions of a project and provides for the publication of clear information on the matter.

MEAC is somewhat concerned that Bill C-69, with all its improvements to the current system, will not be passed before the upcoming election. We regret that situation considering that this bill has been subject to vast consultation with the entire population from the start (250 briefs received by the House of Commons), many experts have been consulted, and regional tours were conducted. We hope that all this collaborative work was not in vain, especially in the context of the climate emergency we are experiencing.

MEAC urges the Senate to pass Bill C-69 as soon as possible.

Thank you.