

Submission to the Standing Committee on the Environment and Sustainable Development re Bill C-69

This is in response to the House of Commons Standing Committee on Environment and Sustainable Development's invitation to submit written briefs for the Committee's upcoming study 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.

Having participated in the public consultations sponsored by the Expert Panel and offered comments at various stages of its development, we would like to offer the following comments on this Bill for the Committee's consideration.

First, we are pleased to see and strongly support the reinstatement of protections for fish habitat in the Fisheries Act.

However, we are disappointed to see that the Panel's recommendation to convert the Environmental Assessment Agency to a quasi-judicial board has been rejected. Leaving final decision making on issues of environmental assessment in the political realm does not inspire confidence in the results, which ought to be based on clear criteria and scientific evidence, subject to appeal.

Finally, we are greatly relieved that the protection of navigable waters has been restored almost to the full extent of the former Navigable Waters Protection Act. We strongly believe that the default position should be that all navigable waters are protected, with proponents required to make a case for development.

However, we are concerned that development applications in or around navigable waters will trigger what is called an impact assessment rather than a full environmental assessment. While not all of the details of the impact assessment process have been worked out, we are concerned that other considerations will crowd out environmental values and result in a land delivery system for development rather than an environmental protection system. We see this type of system operating at the municipal level and we would not want to see it imported into the federal environmental assessment process.

So we continue to be wary of the shift in emphasis from environmental assessment to impact assessment. Further to our submission of December 22, 2016, we would simply reiterate that our primary concern is in improving the environmental assessment processes, by taking greater account of ecological goods and services provided by natural features such as waterways and adjacent greenspace and in particular basing these assessments on much more complete environmental time series data, which are now sorely lacking in breadth and quality.

Paul Johanis

Chair, Greenspace Alliance of Canada's Capital

April 8, 2018