

Expert Panel on the Review of the Federal Environmental Assessment Processes.

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Dear Panel Members,

All Canadians, Indigenous and non-Indigenous, have the right to a healthy environment: clean air and water, safe food and a stable climate - all essential characteristics of a healthy population. When the Harper government passed Bill C-38 and C-45 in 2012, it ruthlessly destroyed the credibility of the *Canadian Environmental Assessment Act* (CEAA) and other water and environmental legislation, removing the assurance of a healthy environment for our children, grandchildren and many generations yet to come.

This is an unacceptable situation, at odds with many of the international norms and rights set out by the United Nations.

In response to your government's review of federal water legislation, we are writing to voice our deep concern at the risks we now face and to encourage the Trudeau government to fulfil its commitment to "review, modernize, and restore" previous environmental and regulatory processes. Societies and economies depend on clean water and other natural environmental resources to function but, the current federal EA process does not do a good job of assessing impact to, or of protecting, natural bodies of water. Protections previously found in the CEAA, as well as the *Navigable Waters Protection Act* (NWPA) and the *Fisheries Act*, were taken away to allow for faster development of industrial projects. This is a mistake, as now we do not have a full picture of potential impacts going into a project and cannot make an informed decision about risks to essential, life-supporting resources such as water.

We therefore request that the former *Canadian Environmental Assessment Act* (CEAA) be re-instated, along with improving water protection Acts which the Harper government stripped from legislation in 2012, ensuring that immediate and future environmental assessments fulfil the above-noted commitment as set out below:

Specifically, the federal government must:

- Restore and enhance the freshwater and environmental legislation so that all lakes, rivers and waterways are fully protected.
- Reinstate and strengthen federal scrutiny of present and proposed large pipelines and power lines under the NWPA and assessment of waterways under the *Canadian Environmental Assessment Act*. Include a clause in the NWPA and CEAA so that potential spills or discharge of harmful substances are assessed for their impact on all navigable waters.
- Hold public consultations and independent expert panels and incorporate feedback to strengthen the NWPA. The Standing Committee on Transport, Infrastructure and Communities began inviting written comments from the public. The Standing Committee and Transport Canada have met with select groups and experts but consultations must also be held with the public.
- Ensure that a consultation process is established in CEAA that fosters true collaboration between

communities and government so regulatory agencies implement community recommendations on an ongoing basis. Develop a mechanism that establishes a community's right to say "no" to projects that threaten waterways and empowers communities to create low-carbon, sustainable jobs that safeguard water.

– Consult with Indigenous peoples and incorporate the obligation to obtain free, prior and informed consent into the CEAA, NWPA and Fisheries Act so that Indigenous treaty and water rights are respected and a nation-to-nation relationship is truly established.

– Implement strict safeguards for waterways within the framework of the United Nations-recognized human right to water and sanitation.

Further, if reinstatement or revisions to the CEAA cannot achieve these outcomes, please develop new regulations which do, giving Canadians and Indigenous Peoples the environmental protection to which we are entitled.

Respectfully,

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