



**Steelhead Society, Northern Branch | Skeena Watershed Conservation Coalition  
Les Intendants du Madawaska | Douglas Channel Watch**

June 1, 2010

Honourable Senators  
Parliament Buildings  
Ottawa, Ontario  
K1A 0A6

**Re: Save Canada's environmental laws – do not accept the gutting of environmental assessment through the budget bill**

Honourable Senators:

We represent fourteen conservation and community organizations working at the national level and in regions across Canada, who are concerned about the future of environmental assessment. We are writing to request that, as members of Canada's Parliament soon to review Budget Bill C-9, the *Jobs and Economic Growth Act*, you stand firm to defend Parliamentary tradition by refusing to pass the Budget as it stands, with non-budgetary measures buried inside it. If the Bill is approved at third reading by the Commons in its current form – merely in order to avoid an election and in spite of the objections of all opposition parties representing a majority in that House – we ask that you use your unique position within our system to defend Parliament's prerogative and the public's right to a

full, proper, and separate legislative consideration of the provisions aimed at weakening environmental assessment contained in the Bill. We ask that the Senate sever these – parts 19 and 20 – from the Bill.

The provisions in parts 19 and 20 are clearly aimed at gutting the *Canadian Environmental Assessment Act* (“CEAA”), which requires environmental assessments for development projects such as tar sands mines, oil and gas pipelines and nuclear power plants. These provisions have nothing whatsoever to do with the Budget, and have no business being there. The changes include:

- Allowing the Minister of the Environment to avoid doing detailed environmental assessments on large projects by breaking the projects up into smaller pieces – in a major move that undoes the Supreme Court of Canada’s recent decision that this is illegal.
- Exempting a host of major projects from environmental assessment, paving the way for projects to go ahead that may cause significant environmental damage, without any thought at all given to the mitigation of those risks.
- Handing over public panel reviews for pipeline and nuclear energy projects – among the most environmentally problematic projects of all – from the Canadian Environmental Assessment Agency (which has specialized expertise in environmental assessment) to the National Energy Board and Canadian Nuclear Safety Commission (which have little experience in conducting environmental assessments),

CEAA and its regulations were developed only after years of public and stakeholder review, including review by the Environment Minister’s own multi-stakeholder Regulatory Advisory Committee. Any one of these changes, proposed to be made without any public or stakeholder consultation, would represent a significant setback for sustainability and environmental protection. Combined together, they set environmental assessment practice back many years at just the time when Canadians are more conscious than ever about the need for rigorous environmental protection.

By burying these significant changes to environmental assessment deep within a towering, 900-page budget bill, the government has deliberately sought to bypass the will of Parliament, which set out a legal requirement for a comprehensive seven-year review of CEAA that is slated to begin by June 2010. Hiding these significant changes from the serious Parliamentary and public scrutiny they require is harmful to the principles of good and transparent government, and every member of Parliament – whether in the Senate or in the other chamber – should be prepared to stop this end-run around democratic process. It happened in last year’s budget with amendments to CEAA and the *Navigable Waters Protection Act*, eliminating thousands of assessments aimed at ensuring development is sustainable. You should not permit it to happen again.

We strongly believe that it is undemocratic for the government to gut environmental assessment law through the budget process. We therefore urge the Senate to separate Parts 19 and 20 – the environmental assessment provisions – from Bill C-9 with the direction that these amendments be set aside for consideration in the upcoming comprehensive seven-year review of the *Canadian Environmental Assessment Act*, which is required by *CEAA* to begin by June. This review is the best forum to develop legislative proposals to reform *CEAA* to ensure that it is effective in addressing key priorities such as climate change and the protection of the environment.

We would be pleased to meet with you or your staff to discuss our request for you to help protect Canada's environment by stopping Canada's environmental assessment law from being undermined. The government's proposal, if passed by the Commons, is one that clearly requires the sober second thought that your chamber is constitutionally intended and entitled to carry out.

We look forward to hearing from you.

Sincerely

Josh Paterson, Staff Lawyer  
West Coast Environmental Law  
Vancouver, British Columbia

John Sinclair  
Resource Conservation Manitoba,  
Winnipeg, Manitoba

Jamie Kneen, Co-Manager  
MiningWatch Canada  
Ottawa, Ontario

Peter Karwacki, President  
Les amis de la rivière Kipawa  
Ottawa, Ontario

Brian Free, President  
Canadian Society of Environmental  
Biologists

J. Denys Bourque, R. P. F.  
Les Intendants du Madawaska  
Saint-Jacques, Nouveau-Brunswick

Carolyn Campbell, Conservation  
Specialist  
Alberta Wilderness Association  
Calgary, Alberta

Skeena Watershed Conservation  
Coalition  
Hazelton, British Columbia

Roberta Frampton Benefiel,  
Vice-President  
Grand Riverkeeper Labrador, Inc.  
Happy Valley-Goose Bay, Labrador

Jennifer Rice  
T. Buck Suzuki Environmental  
Foundation  
Prince Rupert, British Columbia

Northern Branch of the Steelhead  
Society of BC  
Terrace, British Columbia

Dieter Wagner  
Douglas Channel Watch  
Kitimat, British Columbia

Pat Moss  
Friends of Wild Salmon  
Smithers, British Columbia

Julia Hill  
North West Watch  
Terrace, British Columbia

Kindly direct responses care of:

Josh Paterson  
Staff Lawyer  
West Coast Environmental Law  
200-2006 W 10<sup>th</sup> Av  
Vancouver BC V6J 2B3  
tel: 604-684-7378  
fax: 604-684-1312  
Email: jpaterson@wcel.org

cc: Prime Minister  
Minister of Finance  
Minister of the Environment  
Minister of Natural Resources  
Parliamentary Secretary to the Minister of Finance  
Parliamentary Secretary to the Minister of the Environment  
Parliamentary Secretary to the Minister of Natural Resources  
Leader of the Official Opposition  
Leader of the New Democratic Party of Canada  
Leader of the Bloc Québécois  
Leader of the Green Party of Canada  
Clerk of the Standing Committee on Finance (House of Commons)  
Standing Committee on Environment and Sustainable Development (House of Commons)  
Clerk of the Standing Committee on Environment and Sustainable Development (House of Commons)  
Official Opposition Critics for Finance, Environment & Energy, Natural Resources and Aboriginal Affairs  
NDP Critics for Finance, Environment, Natural Resources & Energy, Fisheries & Oceans, and First Nations, Métis and Inuit Affairs  
Bloc Québécois Critics for Finance and Environment