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WEST COAST
Environmental Law

January 22, 2020

The Honourable Jonathan Wilkinson
Minister of Environment and Climate Change Canada
200 Sacré-Coeur Boulevard
Gatineau, Quebec
K1A 0H3
via email: ec.ministre-minister.ec@canada.ca

Minister Wilkinson:

Re: Achieving Canada's objectives through implementation of the *Impact Assessment Act*

Congratulations on your re-election to the House of Commons and on your appointment as Minister of Environment and Climate Change Canada.

The signatories represent key environmental and conservation groups that worked with Ministers, officials and Parliamentarians in developing and passing the new *Impact Assessment Act* and *Canadian Energy Regulator Act*, and strengthening the *Fisheries Act* and *Canadian Navigable Waters Act* in 2019. We thank you for your government's leadership in making enactment of these laws a priority; together they represent the most important reforms to federal environmental law in a generation.

We are writing to urge you to make the strong implementation of these laws a priority. Rigorous impact assessment and strong regulatory processes are key tools for addressing the climate and biodiversity crises and ensuring decisions are credible and grounded in sustainability. The lasting success of the new legislation requires that it be implemented in an effective, fair and participatory manner that builds the trust of the public, Indigenous people, industry and the provinces.

While we commend your government for passing the *Impact Assessment Act*, early decisions under it raise serious concerns about whether project, regional and strategic assessments will achieve the Act's objectives. The regional assessment of offshore petroleum exploration in Newfoundland and Labrador has ignored all best practices by failing to meaningfully address cumulative effects, identify no-go zones, assess climate or provide opportunities for meaningful public engagement. Similarly, designation decisions under the IAA to date do not provide adequate clarity on why projects will not be subject to the Act, despite obvious significant environmental, public and Indigenous concerns.

Effective implementation of the *Impact Assessment Act* requires:

- the *Impact Assessment Act* and *Canadian Energy Regulator Act* to be implemented in a manner that continues to restore public trust, credibility, and science and knowledge-based decision-making;
- regulations for strong, collaborative and participatory regional and strategic assessments that protect biodiversity and climate, including comprehensive accounting of all GHG emissions resulting from land use changes, and better address the cumulative impacts of human activities on our land, air and water;
- strengthening of the *Physical Activities* (“project list”) *Regulations*, including by introducing ecological, biodiversity and climate triggers;
- broadening the scope of the proposed Strategic Assessment of Climate Change to include more ambitious climate-related triggers and a decision-making framework for IA and energy regulatory decisions, and appointment of an independent expert body to conduct the strategic assessment in an open and participatory manner;
- developing regulations (or at the very least, policies) to guide designation decisions and Agency recommendations; and
- enacting a legal framework for considering projects’ climate effects in impact assessments and regulatory approval processes, including a requirement that projects show consistency with Canada’s legislated targets or budget.

In addition to these measures to ensure effective implementation of the Bill C-69 laws, we would like to state our support for climate legislation that commits to reducing emissions to net-zero before 2050 and requires the government to develop and implement a plan to meet five-year targets. We also support your government’s commitment to a *Just Transition Act* to support workers and communities through the phase-out of fossil fuel-dependent industries.

We note that the Prime Minister has asked ministers in mandate letters to engage substantively and proactively with a broad array of voices, including the public, organizations and Indigenous peoples. We agree that meaningful engagement is necessary in order to ensure that these important results are achieved in the first year of your new mandate. Our organizations are eager to work with you, your Cabinet colleagues, and with all Parliamentarians as you deliver on the mandate entrusted to you by Canadians. We will therefore follow up with your office in the upcoming weeks to request a meeting to discuss implementation of the *Impact Assessment Act*.

Sincerely,



Geneviève Paul,
Directrice Générale
Centre québécois du droit de l’environnement



Tony Maas,
Director of Legislative Affairs
Ecojustice



Tim Gray,
Executive Director
Environmental Defence



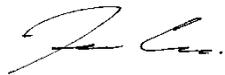
Lindsay Telfer,
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Jamie Kneen,
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Justina Ray,
President & Senior Scientist
Wildlife Conservation Society Canada

cc:

Deputy Prime Minister and Minister of Intergovernmental Affairs
Minister of Natural Resources Canada
Minister of Fisheries and Oceans Canada
Minister of Transport Canada
Minister of Crown-Indigenous Relations
Minister of Indigenous Services Canada